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PART I

(Part II begins on page 18837)

HIGHLIGHTS OF THIS ISSUE

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

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FEDERAL REGISTER

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

Rules and Regulations

Title 7—AGRICULTURE

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

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

Subpart—U.S. Standards for Grades of Frozen Cranberries [1]

On August 6, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 14474) regarding a proposed issuance of U.S. Standards for Grades of Frozen Cranberries. This new grade standard would be issued under authority of the Agricultural Marketing Act of 1946 (sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624) which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon request, and upon payment of a fee to cover the cost of such service.

Interested persons were allowed until September 7, 1971, to submit written comments in connection with the proposal. No comments were received and the proposed standards are hereby adopted. Some editorial and format changes were made for improved presentation only.

It is hereby found that good cause exists for not postponing the effective date of this standard beyond the date of publication hereof in the FEDERAL REGISTER, in that: (1) The 1971 packing season for frozen cranberries will begin in September and it is in the interest of the public and the industry that this standard be placed in effect at the earliest possible date; and (2) the cranberry industry and other interested persons are already aware of the requirements of the standards, through the aforesaid notice. Additional time is not needed to adapt to them.

Accordingly, these standards shall become effective upon publication in the FEDERAL REGISTER.

The standards are as follows:

PRODUCT DESCRIPTION AND GRADES

SAMPLE UNIT SIZE

FACTORS OF QUALITY

LOT COMPLIANCE

SCORESHEET

AUTHORITY: The provisions of this subpart issued under sec. 205, 60 Stat. 1090, as amend, 7 U.S.C. 1624.

PRODUCT DESCRIPTION AND GRADES

§ 52.6281 Product description.

Frozen cranberries is the product prepared from the sound, mature berries of the commonly cultivated cranberry plant. The product is prepared by sorting and cleaning to assure a wholesome product. The prepared product is frozen and stored at temperatures necessary for preservation.

§ 52.6282 Grades of frozen cranberries.

(a) "U.S. Grade A" or "U.S. Fancy" is the quality of frozen cranberries that:

(1) Possess a good color;

(2) Are practically free from defects;

(3) Possess a good character;

(4) Possess a normal flavor and odor;

(5) Are of similar varietal characteristics;

(6) Have no grit or silt present that affects the appearance or edibility of the product; and

(7) Score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

Frozen cranberries of this grade may contain not more than 5 percent, by count, of berries that are less than thirteen thirty-seconds of an inch in diameter.

(b) "U.S. Grade B" or "U.S. Choice" is the quality of frozen cranberries that:

(1) Possess a reasonably good color;

(2) Are reasonably free from defects;

(3) Possess a reasonably good character;

(4) Possess a normal flavor and odor;

(5) Are of similar varietal characteristics;

(6) Have no grit or silt present that affects the appearance or edibility of the product; and

(7) Score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

Frozen cranberries of this grade may contain not more than 5 percent, by count, of berries that are less than nine thirty-seconds of an inch in diameter.

(c) "U.S. Grade C" or "U.S. Standard" is the quality of frozen cranberries that:

(1) Possess a fairly good color;

(2) Are fairly free from defects;

(3) Possess a fairly good character;

(4) Possess a normal flavor and odor;

(5) Have not more than a trace of grit or silt present that slightly affects the appearance or edibility of the product; and

(6) Score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "Substandard" is the quality of frozen cranberries that fail to meet the requirements of "U.S. Grade C".

SAMPLE UNIT SIZE

§ 52.6283 Sample unit size.

For purposes of evaluating quality factors, the sample unit size is 12 ounces of cranberries.

FACTORS OF QUALITY

§ 52.6284 Ascertaining the grade of a sample unit.

(a) *General.* The factors of size, color, defects, and character shall be evaluated immediately after the product is thawed.

(b) *Factors not rated by score points.* (1) Flavor and odor.

(2) Size.

(3) Varietal characteristics.

(c) *Definitions.* (1) "Normal flavor and odor" means that the product is free from objectionable flavors and objectionable odors of any kind.

(2) "Diameter" means the greatest dimension measured at right angles to a line from the stem end to blossom end of the berry.

(d) *Factors rated by score points.* The relative importance of each scoreable factor is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Points
Color	50
Defects	30
Character	20
Total score	100

§ 52.6285 Ascertaining the rating for the factors which are scored.

The essential variations, within each scoreable factor, are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "45 to 50 points" means, 45, 46, 47, 48, 49, or 50 points).

§ 52.6286 Color.

(a) *General.* The color of frozen cranberries refers to:

(1) The characteristic color, the varying degrees of dark red, red, pink, light pink, tan, yellowish green, and green

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

areas of the outer surface of the individual cranberry; and

(2) The uniformity of the individual sample unit when viewed as a mass.

(b) *Definitions.* (1) "Well colored" means that 90 percent or more of the surface of the individual cranberry is a pink or red color characteristic of the variety.

(2) "Fairly well colored" means that 75 percent or more of the surface of the individual cranberry is a pink or red color characteristic of the variety.

(3) "Poorly colored" means that less than 75 percent of the surface of the individual cranberry is a pink or red color characteristic of the variety, provided it has some pink or red color.

(4) "Uncolored" means the surface of the individual cranberry is light yellow to light green and possesses no area of pink or red color.

(c) (*A*) *classification.* Frozen cranberries that possess a good color may be given a score of 45 to 50 points. "Good color" means that the color falls within the limits specified in table I.

(d) (*B*) *classification.* Frozen cranberries that possess a reasonably good color may be given a score of 40 to 44 points. "Reasonably good color" means that the color falls within the limits specified in table I. Frozen cranberries that fall into this classification shall not be graded above U.S. Grade B regardless of the total score for the product (this is a limiting rule).

(e) (*C*) *classification.* Frozen cranberries that possess a fairly good color may be given a score of 35 to 39 points. "Fairly good color" means that the color falls within the limits specified in Table I. Frozen cranberries that fall into this classification shall not be graded above U.S. Grade C regardless of the total score for the product (this is a limiting rule).

(f) (*SStd*) *classification.* Frozen cranberries that fail to meet the requirements of the (C) classification may be given a score of 0 to 34 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE I—COLOR ALLOWANCES FOR FROZEN CRANBERRIES

	Grade A, good color	Grade B, reasonably good color	Grade C, fairly good color
Any condition affecting the overall color appearance of the sample unit.	Not more than slightly affected.	Not materially affected.	Not seriously affected.
	Maximum number of cranberries within each sample unit		
Fairly well-colored and/or poorly colored	15		
Fairly well-colored and/or poorly colored and/or uncolored.		30	
Poorly colored and/or uncolored			60.
Poorly colored	3	10	
Uncolored	None	5	
Well colored	Remainder	Remainder	
Well colored and/or fairly well colored			Remainder.

§ 52.6287 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from harmless extraneous plant material, fine stems, minor blemishes, and major blemishes, and from any other defects which affect the appearance or edibility of the product.

(b) *Definitions.* (1) "Harmless extraneous plant material" means material, such as vines and leaves, that is part of the cranberry plant or its immediate environment and that may be reasonably expected to become incorporated in the finished product.

(2) "Minor blemish" means discoloration or damage caused by sunscald, pathological, mechanical, or other means which exceeds in the aggregate the area of a circle one-eighth of an inch in diameter or which slightly affects the appearance or edibility of the individual cranberry, regardless of area.

(3) "Major blemish" means discoloration or damage caused by sunscald, pathological, mechanical, or other means which exceeds in the aggregate the area of a circle one-fourth of an inch in diameter or which materially affects the appearance or edibility of the individual cranberry, regardless of area.

(4) "Fine stem" means a stem that attaches the cranberry to the vine, whether connected or loose, that is three-fourths of an inch or more in length.

(c) (*A*) *classification.* Frozen cranberries that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that the defects present fall within the limits specified in table II.

(d) (*B*) *classification.* Frozen cranberries that are reasonably free from defects may be given a score of 24 to 26 points. "Reasonably free from defects" means that the defects present fall within the limits specified in table II. Frozen cranberries that fall into this classification shall not be graded above U.S. Grade B regardless of the total score for the product (this is a limiting rule).

(e) (*C*) *classification.* Frozen cranberries that are fairly free from defects may be given a score of 21 to 23 points. "Fairly free from defects" means that the defects present fall within the limits specified in table II. Frozen cranberries that fall into this classification shall not be graded above U.S. Grade C regardless of the total score for the product (this is a limiting rule).

(f) (*SStd*) *classification.* Frozen cranberries that fail to meet the requirements of the (C) classification may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE II—DEFECT ALLOWANCES FOR FROZEN CRANBERRIES

	Grade A	Grade B	Grade C
Defects affecting the overall appearance of the sample unit.	Not more than slightly affected.	Not materially affected.	Not seriously affected.
	Maximum in each sample unit		
Harmless extraneous plant material	¼ sq. in.	¼ sq. in.	½ sq. in.
Total—major and minor blemished cranberries	15, but—	25, but—	35, but—
Major blemished cranberries	No more than 7	No more than 10	No more than 15.
Fine stems	4	4	No limit.

§ 52.6288 Character.

(a) (*A*) *classification.* Frozen cranberries that possess good character may be given a score of 18 to 20 points. "Good character" means that the cranberries may be slightly soft to moderately firm but not more than 10 cranberries in the sample unit may be mushy or hard.

(b) (*B*) *classification.* Frozen cranberries that possess reasonably good character may be given a score of 16 or 17 points. "Reasonably good character" means that the cranberries may be slightly soft to moderately firm but not more than 20 cranberries in the sample unit may be mushy or hard. Frozen cranberries that fall into this classification shall not be graded above U.S. Grade B regardless of the total score for the product (this is a limiting rule).

(c) (*C*) *classification.* Frozen cranberries that possess fairly good character may be given a score of 14 or 15 points. "Fairly good character" means that the cranberries may be very soft to very firm but not more than 60 cranberries in the sample unit may be mushy or hard. Frozen cranberries that fall into this classification shall not be graded above U.S. Grade C regardless of the total score for the product (this is a limiting rule).

(d) (*SStd*) *classification.* Frozen cranberries that fail to meet the requirements of the (C) classification may be given a score of 0 to 13 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

LOT COMPLIANCE

§ 52.6289 Ascertaining the grade of a lot.

The grade of a lot of frozen cranberries covered by these standards is determined by the procedures set forth in the

Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87).

SCORESHEET

§ 52.6290 Scoresheet for frozen cranberries.

Size and kind of container.....
Container mark or identification.....
Label.....
Net weight (ounces).....
Size (percent under.....inch).....

Factors		Score points	
Color	50	(A)	45–50
		(B)	[1] 40–44
		(C)	[1] 35–39
		(SStd)	[1] 0–34
Defects	30	(A)	27–30
		(B)	[1] 24–26
		(C)	[1] 21–23
		(SStd)	[1] 0–20
Character	20	(A)	18–20
		(B)	[1] 16–17
		(C)	[1] 14–15
		(SStd)	[1] 0–13
Total score	100		

Flavor and odor.....
Grade.....

[1] Indicates limiting rule.

Effective date. These grade standards, which are the first issue by the Department for frozen cranberries, shall become effective upon date of publication (9–22–71).

Dated: September 15, 1971.

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

[FR Doc.71–13871 Filed 9–21–71;8:45 am]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Cereal Leaf Beetle

MISCELLANEOUS AMENDMENTS

Pursuant to sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), § 301.84(b) of Notice of Quarantine No. 84 (7 CFR 301.84(b)) relating to the cereal leaf beetle is hereby revised to read as follows:

§ 301.84 Quarantine; restrictions on interstate movement of specified regulated articles.

* * * * *

(b) *Quarantine restrictions on interstate movement of specified regulated articles.* No common carrier or other person shall move interstate from any quarantined State any of the following articles (defined in § 301.84–1(m) as regulated articles), except in accordance with the conditions prescribed in this subpart:

(1) Small grains, such as barley, oats, and wheat, except grain sorghum.

(2) Soybeans.

(3) Ear corn (shelled corn is not regulated).

(4) Straw and hay, including marsh hay, except pelletized hay.

(5) Grass sod.

(6) Grass and forage seed.

(7) Fodder and plant litter.

(8) Used harvesting machinery.

(9) Scotch pine (*Pinus sylvestris*), red pine (*Pinus resinosa*), and Austrian pine (*Pinus nigra*) Christmas trees, including any subspecies thereof.

(10) Any other products, articles, or means of conveyance, of any character whatsoever, not covered by subparagraphs (1) through (9) of this paragraph, when it is determined by an inspector that they present a hazard of spread of the cereal leaf beetle, and the person in possession thereof has been so notified.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended)

This amendment shall become effective upon publication in the FEDERAL REGISTER (9–22–71).

This amendment adds Scotch, red and Austrian pine Christmas trees to the list of regulated articles. The Department has determined that Scotch, red, and Austrian pine Christmas trees are hazardous articles from the standpoint of artificially spreading the cereal leaf beetle. Therefore this amendment imposes restrictions that are necessary to prevent the dissemination of the cereal leaf beetle and this amendment should be made effective promptly to accomplish its purpose in the public interest. Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553 that notice and other public procedure with respect to this amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

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

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

[FR Doc.71–13957 Filed 9–21–71;8:53 am]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Cereal Leaf Beetle

EXEMPTIONS

Under the authority of § 301.84–2 of the Cereal Leaf Beetle Quarantine regulations (7 CFR 301.84–2, as amended), a supplemental regulation exempting certain articles from specified requirements of the regulations is hereby issued to appear in 7 CFR 301.84–2b as set forth below. The Director of the Plant Protection Division has found that facts exist as to the pest risk involved in the movement of such articles which make it safe to relieve the requirements as provided therein.

§ 301.84–2b Exempted articles.[1]

(a) The following articles are exempt from the certification and permit requirements of this subpart if they meet the applicable conditions prescribed in subparagraphs (1) through (3) of this paragraph and have not been exposed to infestation after cleaning or other handling as prescribed in said subparagraphs:

(1) Small grains, except oats and barley, if cleaned to meet State seed sales requirements of the State of origin.

(2) Grass and forage seed, if cleaned to meet State seed sales requirements of the State of origin.

(3) Soybeans, if transported in covered vehicles and moved to designated plants;[2] or, if cleaned to meet State seed sales requirements of the State of origin.

(b) The following articles are exempt from the certification, permit, and other requirements of this subpart, under the applicable conditions prescribed in subparagraphs (1) through (6) of this paragraph:

(1) Small grains, such as barley, oats, and wheat, from December 1 of any year through the following May 31.

(2) Soybeans from March 16 of any year through the following August 31.

(3) Ear corn, other than sweet or fresh market corn, from April 1 of any year through the following July 31.

(4) Hay, except marsh hay, from January 16 of any year through the following April 30.

(5) Straw and marsh hay from March 1 of any year through the following May 31.

(6) Scotch, red, and Austrian pine Christmas trees, if moved to destinations east of and including Indiana, Mississippi, Michigan (other than the Upper Peninsula), and portions of Kentucky and Tennessee east of Kentucky Lake and the Tennessee River, except to Florida, Vermont, and Puerto Rico: *Provided,* That the Christmas trees are not diverted or reshipped to points west of this area or into Florida, Vermont, or Puerto Rico.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended)

This revision shall become effective upon publication in the FEDERAL REGISTER (9–22–71), when it shall supersede the list of exempted articles in 7 CFR 301.84–2b which became effective April 14, 1970.

The purpose of this revision is to exempt straw and marsh hay from March 1 of any year through May 31 rather than through June 30 due to earlier harvesting dates in portions of the regulated area. It also exempts Scotch, red, and

[1] The articles hereby exempted remain subject to applicable restrictions under other quarantines.

[2] Any plant is eligible for designation under this subpart if the operator applies approved pesticides as outlined by the inspector and enters into a compliance agreement (as defined in § 301.84–1(c)). Information as to designated plants may be obtained from the inspector.

Austrian pine Christmas trees if moving to certain destinations.

Inasmuch as this document imposes certain restrictions which are deemed necessary to prevent the interstate spread of the cereal leaf beetle, it should be made effective promptly to accomplish its purpose in the public interest. Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this revision are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 17th day of September 1971.

D. R. SHEPHERD,
Director,
Plant Protection Division.

[FR Doc.71-13958 Filed 9-21-71;8:53 am]

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

[Export Reg. 19]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Export Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905) regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of exports of oranges, except Navel, Temple, and Murcott Honey oranges, grapefruit, and tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The regulation hereinafter set forth prescribes the minimum grade and size requirements applicable to shipments in export of oranges, other than Navel, Temple, and Murcott Honey oranges, grapefruit, and tangelos. Such regulation is consistent with the recommendations of the Growers Administrative Committee and Shippers Advisory Committee functioning under the amended marketing agreement and order, and is necessary to assure the exportation of good quality fruit consistent with (1) the available supply of and demand for such fruits in the export markets, and (2) improving returns to producers pursuant to the declared policy of the act.

(3) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments, including those in export other than to Canada or Mexico, of oranges, except Navel, Temple, and Murcott Honey oranges, grapefruit, and tangelos, grown in the production area, are in progress or will begin in the near future and, insofar as possible, all such export shipments should be subject to regulation in order to prevent the shipment of undesirable fruit; the recommendation and supporting information for the grade and size limitation hereinafter prescribed for exports of oranges, except Navel, Temple, and Murcott Honey oranges, grapefruit, and tangelos, other than to Canada or Mexico, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 9, 1971; such meeting was held to consider recommendations for regulation of exports, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee and information concerning such provisions and effective time has been disseminated among handlers of such fruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

§ 905.534 Export Regulation 19.

(a) *Order.* During the period September 23, 1971, through October 17, 1971, no handler shall ship to any destination outside the continental United States, other than to Canada or Mexico:

(1) Any oranges, other than Navel, Temple, and Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 1;

(2) Any grapefruit, grown in the production area, which do not grade at least Improved No. 2;

(3) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1;

(4) Any oranges, except Navel, Temple, and Murcott Honey oranges, grown in the production area, which are of a size smaller than $2\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the amended U.S. Standards for Florida Oranges and Tangelos;

(5) Any grapefruit, grown in the production area, which are of a size smaller than $3\frac{5}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of grapefruit smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised U.S. Standards for Florida Grapefruit; or

(6) Any tangelos, grown in the production area, which are of a size smaller than $2\frac{5}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said amended U.S. Standards for Florida Oranges and Tangelos.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter as used herein, shall have the same meaning as is given to the respective terms in the revised U.S. Standards for Florida Grapefruit (7 CFR 51.750–51.783), or the U.S. Standards for Florida Oranges and Tangelos (7 CFR 51.1140–51.1178).

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

Dated: September 17, 1971.

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

[FR Doc.71-13945 Filed 9-21-71;8:51 am]

PART 931—FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Expenses and Rate of Assessment and Carryover of Unexpended Funds

On August 26, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 16933) regarding proposed expenses and the related rate of assessment for the fiscal period July 1, 1971, through June 30, 1972, and approval of carryover of unexpended funds from the fiscal period ended June 30, 1971, pursuant to the marketing agreement and Order No. 931 (7 CFR Part 931) regulating the handling of fresh Bartlett pears grown in Oregon and Washington. This notice allowed interested persons 10 days during which they could submit written data, views, or arguments pertaining to these proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by

the Northwest Fresh Bartlett Pear Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 931.206 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Northwest Fresh Bartlett Pear Marketing Committee during the fiscal period July 1, 1971, through June 30, 1972, will amount to $17,300.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 931.41, is fixed at $0.01 per standard western pear box of pears, or an equivalent quantity of pears in other containers or in bulk.

(c) *Reserve.* Unexpended assessment funds, in excess of expenses incurred during the fiscal period ended June 30, 1971, be carried over as a reserve in accordance with the applicable provisions of § 931.42 of said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of Bartlett pears grown in Oregon and Washington are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable pears handled during the aforesaid period; and (3) such period began on July 1, 1971, and said rate of assessment will automatically apply to all such pears beginning with such date.

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

Dated: September 16, 1971.

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

[FR Doc.71-13905 Filed 9-21-71;8:48 am]

PART 981—ALMONDS GROWN IN CALIFORNIA

Expenses of the Almond Control Board and Rate of Assessment for the 1971–72 Crop Year

Notice was published in the August 26, 1971, issue of the FEDERAL REGISTER (36 F.R. 16933) regarding proposed expenses of the Almond Control Board for the 1971–72 crop year and rate of assessment for that crop year, pursuant to §§ 981.80 and 981.81 of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), regulating the handling of almonds grown in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Control Board, and other available information, it is found that the expenses of the Control Board and rate of assessment for the crop year beginning July 1, 1971 shall be as follows:

§ 981.321 Expenses of the Control Board and rate of assessment for the 1971–72 crop year.

(a) *Expenses.* Expenses in the amount of $115,000 are reasonable and likely to be incurred by the Control Board during the crop year beginning July 1, 1971, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said crop year, payable by each handler in accordance with § 981.81, is fixed at 0.09 cent per pound of almonds (kernel weight basis).

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The revelant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular crop year shall be applicable to all almonds received by handlers for their own accounts during such crop year; and (2) the current crop year began July 1, 1971, and the rate of assessment herein fixed will automatically apply to all such almonds beginning with that date.

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

Dated: September 16, 1971.

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

[FR Doc.71-13906 Filed 9-21-71;8:48 am]

PART 991—HOPS OF DOMESTIC PRODUCTION

Expenses of the Hop Administrative Committee and Rate of Assessment for the 1971–72 Marketing Year

Notice was published in the August 26, 1971, issue of the FEDERAL REGISTER (36 F.R. 16933) regarding proposed expenses of the Hop Administrative Committee for the 1971–72 marketing year and rate of assessment for that marketing year, pursuant to §§ 991.55 and 991.56 of Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production. The amended order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Hop Administrative Committee, and other available information, it is found that the expenses of the Hop Administrative Committee and rate of assessment for the marketing year beginning August 1, 1971, shall be as follows:

§ 991.306 Expenses of the Hop Administrative Committee and rate of assessment for the 1971–72 marketing year.

(a) *Expenses.* Expenses in the amount of $152,745 are reasonable and likely to be incurred by the Hop Administrative Committee during the marketing year beginning August 1, 1971, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said marketing year, payable by each handler in accordance with § 991.56, is fixed at 0.325 cent per pound of salable hops.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of the amended marketing order require that the rate of assessment fixed for a particular marketing year shall be applicable to all salable hops handled during such year; and (2) the current marketing year began on August 1, 1971, and the rate of assessment herein fixed will automatically apply to all such hops beginning with that date.

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

Dated: September 16, 1971.

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

[FR Doc.71-13907 Filed 9-21-71;8:48 am]

PART 999—SPECIALTY CROPS; IMPORT REGULATIONS

Regulation Governing the Importation of Prunes

Notice was published in the June 15, 1971, issue of the FEDERAL REGISTER (36 F.R. 11519) regarding a proposal by the Department as to grade, size, and other requirements, governing the importation of prunes, pursuant to section 8e (7 U.S.C. 608e–1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act."

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal, and two such comments were received.

Section 8e of the act provides, in part, that whenever a marketing order issued by the Secretary of Agriculture pursuant to section 8c of the act (7 U.S.C. 608c)

contains any terms or conditions regulating the grade, size, quality, or maturity of prunes produced in the United States, the importation of prunes into the United States during the period of time such order is in effect shall be prohibited unless such commodity complies with the grade, size, quality, and maturity provisions of such order or comparable restrictions promulgated under said section 8e. Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California (hereinafter referred to as the "marketing order"), prescribes grade and size provisions for such prunes.

Under the marketing order, prunes meeting the effective grade and size requirements pursuant thereto are designated standard prunes and may be used for any purpose. Prunes which fail to meet these requirements are designated substandard prunes and are permitted for use in human consumption outlets as prune products in which the prunes lose their form and character as prunes by conversion prior to consumption, or for use in nonhuman consumption outlets. However, substandard prunes for disposition in the human consumption outlets must be within the maximum tolerances specified for certain defects (i.e., mold, imbedded dirt, insect infestation, and decay).

The size restrictions pursuant to the marketing order are for varieties of prunes defined therein as French prunes and for varieties of prunes defined as non-French prunes. Imported prunes generally have been small in size; and it is expected that prunes to be imported would continue to be of small sizes. The size of prunes to be imported would be more characteristic of those varieties defined in the marketing order as French prunes, rather than of those varieties defined as non-French prunes. Consequently, the application of the respective size restrictions under the marketing order to prunes to be imported would not be practicable because of such variation. Therefore, a comparable size restriction should be established for imported prunes. The size restriction under the marketing order with respect to French prunes should be established for all imported prunes as a comparable size restriction. As to a grade restriction for imported prunes, that in effect pursuant to the marketing order should apply to imported prunes.

For administration and compliance purposes, provisions pertaining to the importation of prunes should be included and cover inspection and certification, exemptions, specified entry declarations, certification forms, filing and retention of certifications, and books and records.

After consideration of all relevant matter presented, including that in the notice, the written comments received pursuant to the notice, and other available information, it is hereby found that the grade restriction in effect pursuant to the marketing order shall apply to prunes to be imported, and that the application of the size restrictions under the marketing order to such prunes is not practicable because of variations in size characteristics between domestic prunes and prunes to be imported and that a comparable size restriction is established for prunes to be imported.

It is, therefore, ordered, That, on and after the effective time hereof the importation of prunes into the United States shall be subject to, and in accordance with, the provisions of § 999.200 which reads as follows:

§ 999.200 Regulation governing the importation of prunes.

(a) *Definitions.* (1) "Prunes" means and includes all sun-dried or artificially dehydrated plums, of any type or variety, produced from plums, except: (i) Sulfur-bleached prunes which are produced from yellow varieties of plums and are commonly known as silver plums; and (ii) plums which have not been dried or dehydrated to a point where they are capable of being stored prior to packaging, without material deterioration or spoilage unless refrigeration or other artificial means of preservation are used, and so long as they are treated by a process which is in conformity with, or generally similar to, the processes for treatment of plums of that type which have been developed or recommended by the Food Technology Division, College of Agriculture, University of California, for the specialty pack known as "high moisture content prunes", but this exception shall not apply if and when such plums are dried to the point where they are capable of being stored without material deterioration or spoilage, refrigeration or other artificial means of preservation.

(2) "Standard prunes" means any lot of prunes meeting the grade and size requirements prescribed in paragraph (b)(1) of this section.

(3) "Manufacturing grade substandard prunes" means any lot of prunes which meets the grade requirements prescribed in paragraph (b)(2) of this section but fails to meet the requirements for standard prunes.

(4) "Size" means the number of prunes contained in a pound.

(5) "Person" means any individual, partnership, corporation, association, or other business unit.

(6) "Fruit and Vegetable Division" means the Fruit and Vegetable Division of the Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(7) "USDA inspector" means an inspector of the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, or any other duly authorized employee of the USDA.

(8) "Importation" means release from custody of the U.S. Bureau of Customs.

(b) *Grade and size requirements.* (1) Except as provided in subparagraph (2) of this paragraph or paragraph (d) of this section, no person may import any lot of prunes into the United States unless the prunes are inspected and an inspection certificate issued with respect thereto, and the lot meets the applicable grade requirements specified in exhibit A of this section and the average count (i.e., number) of the prunes in such lot is 100 or less per pound. Such grade requirements are the same as those in effect pursuant to Order No. 993, as amended (Part 993 of this chapter), regulating the handling of dried prunes produced in California, and the size requirement is determined to be comparable to that established under said Order No. 993, as amended. In determining whether any lot conforms to the size requirement, the following tolerance shall apply: In a sample of 100 ounces, the count per pound of 10 ounces of smallest prunes may not vary from the count per pound of 10 ounces of the largest prunes by more than 45 points.

(2) Any person may import any lot of prunes into the United States for use in human consumption outlets as prune products in which the prunes lose their form and character as prunes by conversion prior to consumption if the prunes are inspected and an inspection certificate issued with respect thereto, and the lot meets the grade requirements set forth in paragraph C. (1), (2), and (3) of exhibit A of this section, and the importer first files as a condition of such importation an executed "Prune Form No. 1 Prunes—Section 8e Entry Declaration."

(c) *Inspection and certification requirements*—(1) *Inspection.* Inspection shall be performed by a USDA inspector in accordance with the regulations governing inspection and certification of processed fruits and vegetables, processed products thereof, and certain other processed food products (Part 52 of this title). The cost of each such inspection and related certification shall be borne by the applicant.

(2) *Certification.* Each lot of prunes inspected in accordance with subparagraph (1) of this paragraph shall be covered by an inspection certificate. Each such certificate shall set forth, among other things, the following:

(i) The date and place of inspection.

(ii) The name of the applicant.

(iii) The quantity and identifying marks of the lot inspected.

(iv) The statement, as applicable: "Meets U.S. import requirements for standard prunes under section 8e of the AMA Act of 1937"; "Meets U.S. import requirements for manufacturing grade substandard prunes under section 8e of the AMA Act of 1937"; or "Fails to meet U.S. import requirements for prunes under section 8e of the AMA Act of 1937".

(v) If the lot fails to meet the import requirements, a statement of the reason therefor.

(d) *Exemptions.* Notwithstanding any other provisions of this section, the importation of any lot of prunes which in the aggregate does not exceed 150 pounds, net weight, and any prunes that are so denatured as to render them unfit for human consumption shall be exempt from the requirements of this section.

(e) *Additional requirements*—(1) *General.* Prior to importation of any prunes, the person importing such prunes shall file an inspection certificate with the Collector of Customs at the port at which the customs entry is filed. In addition, if such prunes are manufacturing grade substandard prunes, such person shall also file with the Collector of Customs an executed "Prunes—Section

8e Entry Declaration," prescribed in subparagraph (2) of this paragraph as Prune Form No. 1. Promptly after such filing, such person shall transmit a copy of this form to the Fruit and Vegetable Division. No person may import, sell, or use any manufacturing grade substandard prunes other than for use as set forth in paragraph (b)(2) of this section. Each person importing manufacturing grade substandard prunes shall obtain from each purchaser, no later than the time of delivery to such purchaser, and file with the Fruit and Vegetable Division not later than the 5th day of the month following the month in which the prunes were delivered, an executed "Prunes—Section 8e Certification of Processor or Reseller," prescribed in subparagraph (3) of this paragraph as Prune Form No. 2. One copy of this executed form shall be retained by the importer and one copy shall be retained by the purchaser.

(2) *Prune Form No. 1.* The following is prescribed as Prune Form No. 1:

PRUNE FORM NO. 1

PRUNES—SECTION 8e ENTRY DECLARATION

I certify to the U.S. Department of Agriculture and the Bureau of Customs that none of the manufacturing grade substandard prunes being imported and which are identified below will be used other than in manufacturing in which the prunes lose their form and identity as prunes.

1. Name of vessel: .....
2. Country of origin of prunes: .....
3. Date of arrival: .....
4. City of arrival: .....
5. Unloading pier: .....
6. Substandard Prunes Entered: .....

Lot or chop mark	*Number of containers*	*Total net weight (lbs.)*
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

I agree to obtain from each person to whom any of the manufacturing grade substandard prunes listed under item 6 are delivered, an executed Prune Form No. 2 (Prunes—Section 8e Certification of Processor or Reseller) and to file the same with the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 5th day of the month following the month in which the prunes were delivered.

Dated: .....
Name of firm: .....
Address: .....
Signature: .....
Title: .....

(3) *Prune Form No. 2.* The following is prescribed as Prune Form No. 2:

PRUNE FORM NO. 2

PRUNES—SECTION 8e CERTIFICATION OF PROCESSOR OR RESELLER

I hereby certify to the U.S. Department of Agriculture that I have acquired the manufacturing grade substandard prunes covered by this certification; that I will use or sell them for use only in manufacturing in which the prunes lose their form and identity as prunes as permitted by the Regulation Governing the Importation of Prunes (7 CFR 999.200); and that I am: (check one or both if applicable)

.....processor (user of prunes for manufacturing).

.....reseller (dealer in prunes for manufacturing).

1. Date of purchase: .....
2. Place of purchase: .....
3. Name and address of importer or seller: .....
4. Prunes acquired:

Number of containers	*Total net weight (lbs.)*
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

Dated: .....
Name of firm: .....
Address: .....
Signature: .....
Title: .....

(4) *Manufacturing Grade Substandard Prune—sale by other than importer.* Each wholesaler or other reseller of manufacturing grade substandard prunes should, for his protection, obtain from each purchaser and hold in his files an executed Prune Form No. 2 covering each sale during the calendar year.

(f) *Reconditioning.* Nothing contained in this section shall preclude the reconditioning of failing lots of prunes, prior to importation, so that such prunes may be made eligible to meet the grade requirements prescribed pursuant to paragraph (b) (1) or (2) of this section.

(g) *Books and records.* Each person subject to this section shall maintain true and complete records of his transactions with respect to imported prunes. Such records and copies of executed forms shall be retained for not less than 2 years subsequent to the calendar year of acquisition. The Secretary, through his duly authorized representatives, shall have access to any such person's premises during regular business hours and shall be permitted at any such times to inspect such records and any prunes held by such person.

(h) *Other restrictions.* The provisions of this section do not supersede any restrictions or prohibitions on the importation of prunes under the Plant Quarantine Act of 1912, the Federal Food, Drug and Cosmetic Act, or any other applicable laws or regulations or the need to comply with applicable food and sanitary regulations of city, county, State, or Federal agencies.

(i) *Compliance.* Any person who violates any provision of this section shall be subject to a forfeiture in the amount prescribed in section 8a(5) of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), or, upon conviction, a penalty in the amount prescribed in section 8c(14) of said act, or to both such forfeiture and penalty. False representations to an agency of the United States on any matter within its jurisdiction, knowing it to be false, is a violation of 18 U.S.C. 1001 which provides for a fine or imprisonment or both.

EXHIBIT A

GRADE REQUIREMENTS

A. *Defects.* Defects are: (1) Off-color; (2) inferior meat condition; (3) end cracks; (4) fermentation; (5) skin or flesh damage; (6) scab; (7) burned; (8) mold; (9) imbedded dirt; (10) insect infestation; (11) decay.

B. *Explanation of terms.* (1) "Off-color" means a dull color or skin differing noticeably in appearance from that which is characteristic of mature, properly handled fruit of a given variety or type.

(2) "Inferior meat condition" means flesh which is fibrous, woody, or otherwise inferior due to immaturity to the extent that the characteristic texture of the meat is substantially affected.

(3) "End cracks" means callous growth cracks, at the blossom end of prunes, aggregating more than three-eighths of one inch (⅜") but not more than one-half of one inch (½") in length.

(4) "Fermentation" means damage to the flesh by fermentation to the extent that the characteristic appearance or flavor is substantially affected.

(5) "Skin or flesh damage" means growth cracks, splits, breaks in skin or flesh of the following descriptions:

(a) Callous growth cracks, except end cracks as defined in this section, aggregating more than three-eighths of one inch (⅜") in length;

(b) Splits or skin breaks exposing flesh and materially affecting the normal appearance of the prunes;

(c) Any cracks, splits, or breaks open to the pit;

(d) Healed or unhealed surface or flesh blemishes caused by insect injury and which materially affect appearance, edibility or keeping quality.

(6) "Scab" means tough or thick scab exceeding in the aggregate the area of a circle three-eighths of one inch (⅜") in diameter or by unsightly scab of another character exceeding in the aggregate the area of a circle three-fourths of one inch (¾") in diameter.

(7) "Burned" means injury by sunburn or excessive heat in dehydration to the extent that the characteristic appearance, flavor or edibility of the fruit is noticeably affected.

(8) "Mold" means a characteristic fungus growth and is self-explanatory.

(9) "Imbedded dirt" means the presence of dirt or other extraneous material so imbedded in, or adhering to, the prune that it cannot readily be removed in washing the fruit.

(10) "Insect infestation" means the presence of insects, insect fragments or insect remains.

C. *Maximum tolerances.* Tolerance allowances shall be on a weight basis and shall not exceed the following:

(1) There shall be no tolerance allowance for live insect infestation.

(2) The tolerance allowance for decay shall not exceed one percent (1%).

(3) The combined tolerance allowance for mold, imbedded dirt, insect infestation, and decay shall not exceed five percent (5%).

(4) The combined tolerance allowance for fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed eight percent (8%).

(5) The combined tolerance allowance for end cracks, fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed ten percent (10%), except that the first eight percent (8%) of end cracks shall be given one-half value and any additional percentage of end cracks shall be given full value.

(6) The combined tolerance allowance for off-color, inferior meat condition, end cracks, fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed fifteen percent (15%), except that the first eight percent (8%) of end cracks shall be given one-half value and any additional percentage of end cracks shall be given full value.

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

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Dated September 16, 1971, to become effective 30 days after publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division.

[FR Doc.71-13962 Filed 9-21-71;8:52 am]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 238—CONTRACTS WITH TRANSPORTATION LINES

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

Miscellaneous Amendments

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

The listing of transportation lines under "At Winnipeg" in § 238.4 *Preinspection outside the United States* is amended by adding the following transportation line in alphabetical sequence: "Holiday Air of America."

1. Paragraph (g) of § 245.1 is amended to read as follows:

§ 245.1 Eligibility.

* * * * *

(g) *Availability of immigrant visas under section 245 and priority dates*—(1) *Availability of immigrant visas under section 245.* If the applicant for adjustment of status under section 245 of the Act is a preference or nonpreference alien, the current Department of State Visa Office Bulletin on Availability of Immigrant Visa Numbers will be consulted to determine whether an immigrant visa is immediately available. An immigrant visa is considered available for accepting and processing the application Form I-485 if the applicant has a priority date on the waiting list which is not more than 90 days later than the date shown in the Bulletin or the Bulletin shows that numbers for visa applicants in this category are current. Information as to the immediate availability of an immigrant visa may be obtained at the nearest Service office.

(2) *Priority dates.* The priority date of an applicant who is seeking the allotment of an immigrant visa number under one of the first six preference classes specified in section 203(a) of the Act by virtue of a valid visa petition approved in his behalf shall be fixed by the date on which such approved petition was filed. The priority date of an applicant who is seeking the allotment of a nonpreference immigrant visa number shall be fixed by the following factors, whichever is the earliest: (i) The priority date accorded the applicant by the consular officer as a nonpreference immigrant; (ii) the date on which Form I-485 is filed if the applicant establishes that he is a member of a profession or a person with exceptional ability in the sciences or arts not included in Schedule A (29 CFR Part 60) provided a certification is issued on that basis, or that he is within the Department of Labor's Schedule A (29 CFR Part 60), or that the provisions of section 212(a)(14) of the Act do not apply to him; or (iii) the date on which an approved valid third or sixth preference visa petition in his behalf was filed; or (iv) the date an application for certification based on a job offer was accepted for processing by any office within the employment service system of the Department of Labor, provided the certification applied for was issued. A nonpreference priority date, once established, is retained by the alien even though at the time a visa number becomes available and he is allotted a nonpreference visa number he meets the provisions of section 212(a)(14) of the Act by some means other than that by which he originally established entitlement to the nonpreference priority date.

2. Subparagraph (2) *Filing application* of paragraph (a) *General* of § 245.2 *Application* is amended by adding the following two sentences between the existing fourth and fifth sentences thereof: "An application for adjustment of status under section 245 of the Act as a nonpreference alien shall not be considered properly filed unless the applicant establishes that he is entitled to a priority date for allotment of a nonpreference visa number in accordance with § 245.1(g)(2) and that a visa is immediately available within the contemplation of § 245.1(g)(1). A nonpreference alien for whom a visa is not immediately available may not file an application for adjustment of status, but may seek to establish a nonpreference priority date through an application for an immigrant visa at a United States consular office."

3. Subparagraph (4) *Decision* of paragraph (a) *General* of § 245.2 *Application* is amended by adding the following sentence at the end thereof: "An application for adjustment of status under section 245 of the Act as a preference or nonpreference alien shall not be approved until an immigrant visa number has been allocated by the Department of State."

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

This order shall be effective on the date of its publication in the FEDERAL REGISTER (9-22-71). Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the amendment to § 238.4 adds a transportation line to the listing; the amendments to §§ 245.1(g) and 245.2(a)(4) are editorial in nature; and the amendment to § 245.2(a)(2) is clarifying in nature.

Dated: September 16, 1971.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.71-13924 Filed 9-21-71;8:50 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards, and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111-113, 114a-1, 120, 121, 125), § 78.13 of said regulations designating Modified Certified Brucellosis Areas is hereby amended to read as follows:

§ 78.13 Modified Certified Brucellosis Areas.

The following States, or specified portions thereof, are hereby designated as Modified Certified Brucellosis Areas:

Alabama. The entire State;
Alaska. The entire State;
Arizona. The entire State;
Arkansas. The entire State.
California. The entire State;
Colorado. The entire State;
Connecticut. The entire State;
Delaware. The entire State;
Florida. The entire State;
Georgia. The entire State;
Hawaii. The entire State;
Idaho. The entire State;
Illinois. The entire State;
Indiana. The entire State;
Iowa. The entire State;
Kansas. The entire State;
Kentucky. The entire State;
Louisiana. The entire State;
Maine. The entire State;
Maryland. The entire State;
Massachusetts. The entire State;
Michigan. The entire State;
Minnesota. The entire State;
Mississippi. Adams, Alcorn, Amite, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, De Soto, Forrest, Franklin, George, Greene, Grenada, Hancock, Harrison, Hinds, Holmes, Humphreys, Issaquena, Itawamba, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette,

Lamar, Lauderdale, Lawrence, Leake, Lee, Lowndes, Madison, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pearl River, Perry, Pike, Pontotoc, Prentiss, Quitman, Rankin, Scott, Sharkey, Simpson, Smith, Stone, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Walthall, Warren, Washington, Wayne, Webster, Wilkinson, Winston, Yalobusha, and Yazoo Counties;

Missouri. The entire State;
Montana. The entire State;
Nebraska. The entire State;
Nevada. The entire State;
New Hampshire. The entire State;
New Jersey. The entire State;
New Mexico. The entire State;
New York. The entire State;
North Carolina. The entire State;
North Dakota. The entire State;
Ohio. The entire State;
Oklahoma. The entire State;
Oregon. The entire State;
Pennsylvania. The entire State;
Rhode Island. The entire State;
South Carolina. The entire State;
South Dakota. The entire State;
Tennessee. The entire State.
Texas. Anderson, Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazos, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Case, Castro, Chambers, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comal, Comanche, Comcho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, De Witt, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Franklin, Freestone, Frio, Gaines, Galveston, Garza, Gillespie, Glasscock, Goliad, Gray, Grayson, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harrison, Hartley, Haskell, Hays, Hemphill, Henderson, Hidalgo, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Hutchinson, Irion, Jack, Jackson, Jasper, Jeff Davis, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendell, Kent, Kerr, Kimble, King, Kinney, Knox, La Salle, Lamar, Lamb, Lampasas, Lavaca, Lee, Leon, Liberty, Limestone, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, McCulloch, McLennan, McMullen, Madison, Marion, Martin, Mason, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Polk, Potter, Presidio, Rains, Randall, Reagan, Real, Red River, Reeves, Refugio, Roberts, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Val Verde, Van Zandt, Walker, Ward, Washington, Webb, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, and Zavala Counties;

Utah. The entire State;
Vermont. The entire State;
Virginia. The entire State;
Washington. The entire State;
West Virginia. The entire State;
Wisconsin. The entire State;
Wyoming. The entire State;
Puerto Rico. The entire area; and
Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended; secs. 1, 2, 32, Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 21 FR. 16210, as amended, 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER (9–22–71).

The amendment adds the following additional area to the list of areas designated as Modified Certified Brucellosis Areas because it has been determined that such an area comes within the definition of § 78.1(i): La Salle County in Texas.

The amendment deletes the following areas from the list of areas designated as Modified Certified Brucellosis Areas because it has been determined that such areas no longer come within the definition of § 78.1(i): Leflore and Lincoln Counties in Mississippi.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedures provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less that 30 days after publication in the FEDERAL REGISTER.

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

R. S. SHARMAN,
Director, Animal Health Division, Agricultural Research Service.

[FR Doc.71–13956 Filed 9–21–71;8:52 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Y]

PART 222—BANK HOLDING COMPANIES

Simplification of Procedures; Correction

By document appearing in the August 28, 1971, issue of the FEDERAL REGISTER (36 F.R. 17329) the Board amended § 222.3(b) of Regulation Y to indicate that an application for the Board's approval of the formation of a company that controls only one bank "may be consummated" 45 days after the company has been informed by its Reserve Bank that its application has been accepted with certain exceptions.

The second sentence of § 222.3(b) is corrected to read: "Any application for the Board's approval of the formation of a company that controls only one bank shall be deemed to be approved 45 days after the company has been informed by its Reserve Bank that said application has been accepted, unless the company is notified to the contrary within that time or is granted approval at an earlier date."

This correction is designed to clarify that, under section 11(b) of the Bank Holding Company Act, the Attorney General in most circumstances has until the 30th day after the 45-day period referred to above in which to initiate any action under the antitrust laws with respect to the holding company's acquisition of the bank involved.

Board of Governors of the Federal Reserve System, September 14, 1971.

[SEAL] TYNAN SMITH,
Secretary.

[FR Doc.71–13884 Filed 9–21–71;8:46 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 11418; Amdt. 39–1297]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corporation Model Viscount 810 Airplanes

Pursuant to the authority delegated to me by the Administrator, an airworthiness directive was adopted on August 13, 1971, and made effective immediately upon receipt as to all known U.S. operators of British Aircraft Corp. Model Viscount 810 airplanes. The directive requires inspection of the rear pressure bulkhead boundary member for cracks, using an X-ray radiographic method because the design of the Model 810 boundary member precludes discovery of cracks by visual or eddy current method inspection; repair of boundary members found to be cracked; and installation of operating limitation placards limiting cabin pressure differentials during flight pending inspection.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of British Aircraft Corp. Model Viscount 810 airplanes by individual airmail letters dated August 13, 1971. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective to all persons.

BRITISH AIRCRAFT CORP. Applies to Model Viscount 810 airplanes.

Compliance is required as indicated.

(a) For airplanes that have accumulated 25,000 or more landings on the effective date of this AD—

(1) Before further flight install an operating limitation placard in the pilot's compartment in clear view of the pilot prohibiting further flight at a cabin pressure differential exceeding 3.5 p.s.i.; and

(2) Within the next 50 landings after the effective date of this AD, comply with paragraph (d).

(b) For airplanes that have accumulated 20,000 or more landings, but less than 25,000 landings on the effective date of this AD—

(1) Before further flight install an operating limitation placard in the pilot's compartment in clear view of the pilot prohibiting further flight at a cabin pressure differential exceeding 4.5 p.s.i.; and

(2) Within the next 100 landings after the effective date of this AD, comply with paragraph (d).

(c) For airplanes that have accumulated less than 20,000 landings on the effective date of this AD, before the accumulation of 20,000 landings or before the accumulation of 100 landings after the effective date of this AD, whichever occurs later, comply with paragraph (d).

(d) Inspect the rear pressure bulkhead boundary member around the complete circumference of the boundary member for cracks, by an X-ray radiographic method which uses approximately 80 kv. perpendicular to the forward inside bend radius of the boundary member.

(e) If any cracks in the boundary member are found during the inspection required by paragraph (d), before further flight repair the cracked boundary member—

(1) By reinforcing the cracked portion of the boundary member with a length of serviceable boundary member section which extends at least 3 inches beyond the extremities of any crack; or

(2) By replacing the cracked portion with a length of serviceable boundary member section; connecting the replacement section by typical type joint plates.

(f) The placard required by paragraph (a) or (b) may be removed after paragraph (d) and paragraph (e), if applicable, have been accomplished.

(g) For purposes of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours' time in service by the operator's fleet average time from takeoff to landing for the airplane type.

(BAC campaign wire SS 1093V refers to this subject.)

This amendment is effective upon publication in the FEDERAL REGISTER (9-23-71) as to all persons except those persons to whom it was made effective immediately upon receipt of the airmail letter dated August 13, 1971, which contained this amendment.

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

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

WILLIAM G. SHREVE, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.71-13922 Filed 9-21-71;8:49 am]

[Docket No. 11089; Amdt. 39-1298]

PART 39—AIRWORTHINESS DIRECTIVES

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

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring installation of a new microswitch in the landing gear selector lever assembly on British Aircraft Corp. Model BAC 1-11 200 and 400 series airplanes was published in the FEDERAL REGISTER, 36 F.R. 9785.

Interested persons have been afforded an opportunity to participate in the making of the amendment. The only comment received objected to the issuance of the AD on the grounds that the addition of the switch would reduce circuit reliability and that an ungated landing gear selector lever could be detected by the flightcrew checking the landing gear selector lever. As noted in the preamble to the proposed AD, ungated landing gear selector levers have not been detected by flightcrews and the nose landing gears collapsed. The FAA has determined that the installation of the microswitch is necessary in order to provide a positive indication of the unsafe condition to the flightcrew and that it will not reduce circuit reliability.

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

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

Compliance is required within the next 2,000 hours' time in service after the effective date of this AD, unless already accomplished.

To insure that the pilot is warned when the landing gear selector lever is not fully engaged in a gated position, modify the selector lever assembly by incorporating a microswitch wired into the existing landing gear indication circuit in accordance with British Aircraft Corporation Model BAC 1-11 Service Bulletin No. 32-PM 4538, dated July 6, 1970, or an FAA-approved equivalent.

This amendment becomes effective October 22, 1971.

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

Issued in Washington, D.C., on September 14, 1971.

WILLIAM G. SHREVE, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.71-13923 Filed 9-21-71;8:50 am]

[Airspace Docket No. 71-GL-2]

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

Alteration of Federal Airways

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to make minor renumbering alterations to VOR Federal airway Nos. 67, 77, 120 and 161.

The actions taken herein would redesignate V-67 segment from Waterloo, Iowa to Rochester, Minn.; extend V-77 airway from Des Moines, Iowa, via Newton, Iowa, to Waterloo, Iowa; and redesignate V-161 segment from Des Moines via Mason City to Rochester, with a west alternate segment from Mason City to Rochester via the intersection of Mason City 023°T (017°M) and Rochester 243°T (238°M) radials.

These actions are being taken to facilitate flight planning and the automated processing of flight data. The extent of controlled airspace will not be altered by these actions.

Since these airspace actions are taken to provide for the safe movement of air traffic, and are minor in nature, and will not alter the extent of controlled airspace, notice and public procedure thereon are unnecessary.

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.

Section 71.123 (36 F.R. 2010, 3892, 9618) is amended as follows:

a. In V-67 all after "Waterloo, Iowa;" is deleted and "Rochester, Minn." is substituted therefor.

b. In V-77 "to Des Moines, Iowa." is deleted and "Des Moines, Iowa; Newton, Iowa; to Waterloo, Iowa." is substituted therefor.

c. In V-120 "Mason City, Iowa." is deleted and "Mason City, Iowa; to Waterloo, Iowa." is substituted therefor.

d. In V-161 all between "Des Moines, Iowa;" and "INT Rochester 365°" is deleted and "Mason City, Iowa; Rochester, Minn., including a W alternate via INT Mason City 023° and Rochester 243° radials;" is substituted therefor.

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

Issued in Washington, D.C., on September 15, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-13903 Filed 9-21-71;8:48 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-696; Amdt. 2]

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Reports of Emergency Commercial Charters for Other Direct Carriers

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

By ER-684 effective May 8, 1971 and published at 36 F.R. 7432, the Board reissued Part 207 so as to incorporate therein all amendments which had been adopted on or before April 13, 1971. In § 207.10 entitled "Reports of emergency commercial charters for other direct carriers" the reference to certain charter flight authority incorrectly cites § 207.1, whereas the correct citation is § 207.11. This amendment corrects the citation.[1]

This regulation is issued by the undersigned pursuant to a delegation of authority from the Board to the General Counsel in 14 CFR § 385.19, and shall become effective on October 14, 1971. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385 (14 CFR §§ 385.50 and 385.54).

Accordingly, the Board hereby amends Part 207 of the Economic Regulations (14 CFR Part 207) effective October 14, 1971, as follows:

1. Amend § 207.10 to read in part as follows:

§ 207.10 Reports of emergency commercial charters for other direct carriers.

It shall be an express condition upon authority conferred by subparagraph (1) of paragraph (b) of § 207.11 that each air carrier which performs an emergency charter transporting commercial traffic for another direct carrier shall file a report with the Bureau of Operating Rights, within 30 days following each charter trip, containing the following information:

* * * * *

(Sec. 204(a) Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] R. TENNEY JOHNSON, *General Counsel.*

[FR Doc. 71-13940 Filed 9-21-71;8:51 am]

[Reg. ER-697; Amdt. 2]

PART 208—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Reports of Emergency Commercial Charters for Other Direct Carriers

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

In ER-696, issued contemporaneously herewith, the Board corrected a citation in § 207.10, entitled "Reports of emergency commercial charters for other direct carriers." This amendment corrects a similar error in § 208.5. Whereas present § 208.5 refers to § 208.3(s)(2)(i)(a) and (ii)(a), the correct citation is § 208.6 (b)(1) and (c)(1).

This regulation is issued by the undersigned pursuant to a delegation of authority from the Board to the General Counsel in 14 CFR § 385.19, and shall become effective on October 14, 1971. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385 (14 CFR §§ 385.50 and 385.54).

Accordingly, the Board hereby amends Part 208 of the Economic Regulations (14 CFR Part 208) effective October 14, 1971, as follows:

1. Amend § 208.5 to read in part as follows:

§ 208.5 Reports of emergency commercial charters for other direct carriers.

It shall be an express condition upon authority conferred by § 208.6 (b)(1) and (c)(1) that each supplemental air carrier which performs an emergency charter transporting commercial traffic for another direct carrier shall file a report with the Bureau of Operating Rights, within 30 days following each charter flight, containing the following information:

* * * * *

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] R. TENNEY JOHNSON, *General Counsel.*

[FR Doc.71-13941 Filed 9-21-71;8:51 am]

[Reg. ER-698; Amdt. 2]

PART 214—TERMS, CONDITIONS AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

Reports of Emergency Commercial Charters for Other Direct Carriers

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

In ER-696, issued contemporaneously herewith, the Board corrected a citation in § 207.10 entitled "Reports of emergency commercial charters for other direct carriers." This amendment corrects a similar error in § 214.5. Whereas present § 214.5 refers to § 214.2(b)(1)(i) and (2)(i), the correct citation is § 214.7 (a)(1) and (b)(1).

This regulation is issued by the undersigned pursuant to a delegation of authority from the Board to the General Counsel in 14 CFR § 385.19, and shall become effective on October 14, 1971. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385 (14 CFR §§ 385.50 and 385.54).

Accordingly, the Board hereby amends Part 214 of the Economic Regulations (14 CFR Part 214), effective October 14, 1971, as follows:

1. Amend § 214.5 to read in part as follows:

§ 214.5 Reports of emergency commercial charters for other direct carriers.

It shall be an express condition upon authority conferred in § 214.7 (a)(1) and (b)(1) that each foreign charter air carrier which performs an emergency charter transporting commercial passenger traffic for another direct carrier shall file a report with the Bureau of Operating Rights, within 30 days following each charter flight, containing the following information:

* * * * *

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] R. TENNEY JOHNSON, *General Counsel.*

[FR Doc.71-13942 Filed 9-21-71;8:51 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Ampicillin Trihydrate Capsules

The Commissioner of Food and Drugs has evaluated a new animal drug application (55-038V) filed by E. R. Squibb & Sons, Inc., proposing the safe and effective use of ampicillin trihydrate capsules for the treatment of cats. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended in § 135c.47 by revising paragraph (c), as follows:

§ 135c.47 Ampicillin trihydrate capsules, veterinary.

* * * * *

(c) *Conditions of use.* (1) It is used in dogs as follows:

(i) It is administered as a treatment against strains of gram-negative and gram-positive organisms sensitive to ampicillin and associated with respiratory tract infections (tracheobronchitis and tonsillitis); urinary tract infections (cystitis); bacterial gastroenteritis; generalized infections (septicemia) associated with abscesses, lacerations, and wounds; and bacterial dermatitis.

(ii) Administer 5 to 10 milligrams per pound of body weight two or three times daily. In severe or acute conditions, 10 milligrams per pound of body weight should be given three times daily. Dosage

[1] Similar errors were made in Parts 208 and 214 and are being corrected by ER-697 and ER-698 issued simultaneously herewith.

should be administered 1 to 2 hours prior to feeding.

(2) It is used in cats as follows:

(i) It is administered as a treatment against strains of gram-negative and gram-positive organisms sensitive to ampicillin and associated with respiratory tract infections (bacterial pneumonia); urinary tract infections (cystitis); and generalized infections (septicemia) associated with abscesses, lacerations, and wounds.

(ii) Administer 10 to 30 milligrams per pound of body weight two or three times daily. Dosage should be administered 1 to 2 hours prior to feeding.

(3) The drug may be given as an emergency measure; however, in vitro sensitivity tests on samples collected prior to treatment should be made. Ampicillin is contraindicated for use in infections caused by penicillinase-producing organisms and for use in dogs and cats known to be allergic to any of the penicillins. It is also not to be used in animals raised for food production.

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

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (9-22-71).

Dated: September 14, 1971.

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

[FR Doc.71-13935 Filed 9-21-71;8:51 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

[Docket No. R-71-123]

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Financing of Mobile Homes

On June 30, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 12308), stating that the Department of Housing and Urban Development was considering amending Part 201 of Title 24 of the Code of Federal Regulations, Subpart B, "Mobile Home Loans," to allow borrowers purchasing sites under real estate contracts to be eligible for mobile home loans and to increase the allowable transportation and setup costs for mobile homes consisting of two or more modules.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments; with one exception, all comments received were favorable. A city objected to the provision that would allow loans to borrowers purchasing sites under real estate contracts. The city felt that mobile homes should only be allowed in rented sites in mobile home parks.

In view of the safeguards in the other regulations in this subpart, it was determined that it would be arbitrary to deny a borrower the right to place a mobile home on land that he is purchasing when he is otherwise permitted by law to do so.

Effective date. These regulations shall be effective 30 days after their publication in the FEDERAL REGISTER (9-22-71).

Accordingly Part 201 is amended as follows:

1. Section 201.501(l) is amended to read:

§ 201.501 Definitions.

* * * * *

(l) "Owner" means a borrower who has at least a one-half interest in the real property upon which the mobile home is placed, which interest is a fee simple title and such title may be subject to a mortgage, deed of trust or other lien securing a debt or where the borrower is a purchaser under a mutually binding recorded contract for the purchase of the real property, is rightfully in possession, and the purchase price is payable in equal installments.

* * * * *

2. Section 201.530(b) (5) and (6) are amended to read:

§ 201.530 Maximum loan amount.

* * * * *

(b) *Permissible charges and fees.* * * *

(5) Costs of transportation or freight as shown on the invoice, not to exceed $400 for a mobile home or where the mobile home consists of two or more modules, $600.

(6) Itemized setup charges by the dealer for installing the mobile home on site, not to exceed $200 or where a mobile home consists of two or more modules, $400.

(Sec. 7(d), 79 Stat. 670, 42 U.S.C. 3535(d); sec. 2, 48 Stat. 1246, 12 U.S.C. 1703)

EUGENE A. GULLEDGE,
Federal Housing Commissioner.

[FR Doc.71-13943 Filed 9-21-71;8:53 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 1—GENERAL PROCEDURES

Subpart H—Administration of the Fair Credit Reporting Act

CHANGE IN TITLE OF DIVISION

The Commission announces the following amendments in Part 1 of Chapter I of Title 16 of the Code of Federal Regulations. These amendments shall become effective on the date of their publication in the FEDERAL REGISTER (9-22-71).

Sections 1.71 and 1.72 are amended by changing the title of the Division of Special Projects to the Division of Consumer Credit and Special Programs.

(84 Stat. 1128, 15 U.S.C. 1681 et seq.)

By direction of the Commission dated September 14, 1971.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-13959 Filed 9-21-71;8:53 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7140]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

PART 13—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1969

Amortization of Railroad Grading and Tunnel Bores

On June 29, 1971, there was published in the FEDERAL REGISTER (36 F.R. 12227) a notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) to conform such regulations to section 185 of the Internal Revenue Code of 1954, relating to the amortization of certain railroad grading and tunnel bores, as added by section 705(a) of the Tax Reform Act of 1969 (Public Law 91-172, 83 Stat. 672). Section 1.185-1 of the regulations hereby adopted supersedes those provisions of § 13.0 (temporary regulations concerning certain elections) of this chapter relating to section 185(c) of the Code, which was prescribed by T.D. 7032, approved March 9, 1970 (35 F.R. 4330). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below.

PARAGRAPH 1. Section 1.185-1, as set forth in paragraph 1 of the appendix to the notice of proposed rule making is changed by redesignating subdivisions (i), (ii), and (iii) of paragraph (b)(2) as subparagraphs (ii), (iii), and (iv) respectively, by adding a new subdivision (i) to such paragraph (b)(2) and by revising redesignated subdivision (i) of such paragraph (b)(2). These redesignated, revised and added provisions read as follows:

PAR. 2. Section 1.185-3, as set forth in paragraph 1 of the appendix to the notice of proposed rule making is changed by revising paragraph (b) thereof to read as follows:

PARAGRAPH 1. The following sections are added before § 1.211:

§ 1.185 Statutory provisions; amortization of railroad grading and tunnel bores.

SEC. 185. *Amortization of railroad grading and tunnel bores*—(a) *General rate.* In the case of a domestic common carrier by railroad, the taxpayer shall, at his election, be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of his qualified railroad grading tunnel bores. The amortization deduction provided by this section with respect to such property shall be in lieu of any depreciation deduction, or other amortization deduction, with respect to such property for any taxable year to which the election applies.

(b) *Amount of deduction*—(1) *In general.* The deduction allowable under subsection (a) for any taxable year shall be an amount determined by amortizing ratably over a period of 50 years the adjusted basis (for determining gain) of the qualified railroad grading and tunnel bores of the taxpayer. Such 50-year period shall commence with the first taxable year for which an election under this section is effective.

(2) *Special rule.* In the case of qualified railroad grading and tunnel bores placed in service after the beginning of the first taxable year for which an election under this section is effective, the 50-year period with respect to such property shall begin with the year following the year the property is placed in service.

(c) *Election of amortization.* The election of the taxpayer to take the amortization deduction provided in subsection (a) may be made for any taxable year beginning after December 31, 1969. Such election shall be made by filing with the Secretary or his delegate, in such manner, in such form, and within such time, as the Secretary or his delegate may by regulations prescribe, a statement of such election. The election shall remain in effect for all taxable years subsequent to the first year for which it is effective and shall apply to all qualified railroad grading and tunnel bores of the taxpayer, unless, on application by the taxpayer, the Secretary or his delegate permits him, subject to such conditions as the Secretary or his delegate deems necessary, to revoke such election.

(d) *Definitions.* For purposes of this section—

(1) *Railroad grading and tunnel bores.* The term "railroad grading and tunnel bores" means all improvements resulting from excavations (including tunneling), construction of embankments, clearings, diversions of roads and streams, sodding of slopes, and from similar work necessary to provide, construct, reconstruct, alter, protect, improve, replace, or restore a roadbed or right-of-way for railroad track. If expenditures for improvements described in the preceding sentence are incurred with respect to an existing roadbed or right-of-way for railroad track, such expenditures shall be considered, in applying this section, as costs for railroad grading or tunnel bores placed in service in the year in which such costs are incurred.

(2) *Qualified railroad grading and tunnel bores.* The term "qualified railroad grading and tunnel bores" means railroad grading and tunnel bores the original use of which commences after December 31, 1968.

(e) *Treatment upon retirement.* If any qualified railroad grading or tunnel bore is retired or abandoned during a taxable year for which an election under this section is in effect, no deduction shall be allowed on account of such retirement or abandonment and the amortization deduction under this section shall continue with respect to such property. This subsection shall not apply if the retirement or abandonment is attributable primarily to fire, storm, or other casualty.

(f) *Investment credit not to be allowed.* Property eligible to be amortized under this section shall not be treated as section 38 property within the meaning of section 48(a).

(g) *Regulations.* The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section.

(h) *Cross reference.* For special rule with respect to certain gain derived from the disposition of property the adjusted basis of which is determined with regard to this section, see section 1245.

[Sec. 185 as added by sec. 705, Tax Reform Act 1969 (83 Stat. 672)]

§ 1.185–1 Amortization of railroad grading and tunnel bores.

(a) *Allowance of deduction*—(1) *In general.* Under section 185(a) a domestic common carrier by railroad (as defined in paragraph (e) of § 1.185–2) shall, at its election, be entitled to a deduction with respect to the amortization of the adjusted basis for determining gain (see part II (section 1011 and following), subchapter O, chapter 1 of the Code) of its qualified railroad grading and tunnel bores (as defined in paragraph (b) of § 1.185–2) based on a period of 50 years. Such amortization deduction with respect to such property shall be in lieu of any depreciation deduction, or other amortization deduction, with respect to such property for any taxable year to which the election applies.

(2) *Election to amortize.* (i) Under section 185(c) the taxpayer may elect to take the amortization deduction provided by section 185(a) beginning with any taxable year beginning after December 31, 1969, in which such taxpayer has qualified railroad grading and tunnel bores on the first day of such taxable year. Thus, for example, if, during 1969, a domestic common carrier by railroad, which is a calendar year taxpayer, places in service (within the meaning of paragraph (d) of § 1.185–2) qualified railroad grading, it may make such election on its income tax return filed for its taxable year beginning January 1, 1970, or on its income tax return filed for any subsequent taxable year. For rules with respect to the time and manner of making the election see paragraph (a) of § 1.185–3.

(ii) An election made under section 185(c) shall remain in effect for all taxable years subsequent to the first year for which it is effective. Such election shall apply to all qualified railroad grading and tunnel bores of the taxpayer, unless, on application filed by the taxpayer in the manner prescribed in paragraph (b)(1) of § 1.185–3, the Commissioner of Internal Revenue permits him, subject to such conditions as the Commissioner deems necessary in the individual case, to revoke such election. Such revocation shall be effective only as of the beginning of a taxable year. In addition, if before September 22, 1971, an election under section 185 has been made, consent is hereby given to revoke such election without the consent of the Commissioner in the manner prescribed in paragraph (b)(2) of § 1.185–3.

(iii) In the case of qualified railroad grading and tunnel bores placed in service (as defined in paragraph (d) of § 1.185–2) after the beginning of the first taxable year for which an election under section 185 is effective, the 50-year period with respect to such property shall begin with the taxable year following the taxable year in which the property is placed in service. See paragraph (a)(2) of § 1.185–3 for the statement required relating to such qualified railroad grading and tunnel bores.

(3) *Amount of deduction.* (i) With respect to each taxable year of each 50-year period the deduction for amortization for the taxable year is determined by dividing the adjusted basis (for determining gain) of the property at the beginning of the taxable year by the number of years (including the year for which the deduction is computed) remaining in the 50-year period. The adjusted basis (for determining gain) for any taxable year shall be computed without regard to the amortization deduction under section 185 for such taxable year.

(ii) If qualified railroad grading or a qualified tunnel bore is sold or exchanged or otherwise disposed of during a particular taxable year, the amortization deduction (if any) allowable to the transferor in respect of that year shall be that portion of the amount to which such person would be entitled for a full year which the number of days in such year during which such property was held by such person bears to the total number of days in such year. For treatment upon retirement see subparagraph (5) of this paragraph.

(4) *Treatment of assets amortized under section 185 subsequent to revocation with consent or in the case of revocation of an election made prior to September 22, 1971.* A taxpayer whose application to revoke an election under section 185(c), made in the manner prescribed in paragraph (b)(1) of § 1.185–3, is approved or who elects under subparagraph (2)(ii) of this paragraph and paragraph (b)(2) of § 1.185–3 to revoke an election under section 185(c) with respect to its qualified railroad grading and tunnel bores shall use the method of accounting it would have used for such assets but for the application of this section. If the taxpayer so revokes the amortization deduction under section 185 such taxpayer shall not be entitled to any further amortization deduction under section 185 with respect to such qualified railroad grading and tunnel bores. However, such amortization deduction shall be available with respect to qualified railroad grading and tunnel bores placed in service subsequent to the effective date of such revocation provided a proper election is made (see paragraph (a)(2) of this section).

(5) *Treatment upon retirement.* If any qualified railroad grading or tunnel bore is retired (within the meaning of paragraph (a) of § 1.167(a)–8) or abandoned

during a taxable year for which an election under section 185 is in effect, no deduction shall be allowed on account of such retirement or abandonment and the amortization deduction under this section shall continue with respect to such property. However, this subparagraph shall not apply if the retirement or abandonment is attributable primarily to fire, storm, or other casualty. For purposes of this subparagraph the term "casualty" shall have the meaning assigned to such term by § 1.165–7.

(b) *Special rules*—(1) *Investment credit not to be allowed.* Property which is eligible to be amortized under section 185 shall not be treated as section 38 property within the meaning of section 48. See section 185(f).

(2) *Certain corporate acquisitions.* (i) If the assets of a domestic common carrier by railroad are acquired by another such railroad in a transfer to whicl. section 374 (relating to nonrecognition of gain or loss in certain railroad reorganizations) applies, or in a transaction to which section 381 (relating to carryovers in certain corporate acquisitions) applies, the rules in subdivision (ii), (iii), and (iv) of this subparagraph apply. If property is transferred in a transaction to which section 374 applies, the basis of such property in the hands of the transferee shall be determined in accordance with the rules of section 374(b) (relating to basis of property acquired in a section 374(a) reorganization) and § 1.374–2.

(ii) If both the acquiring corporation and the distributor or transferor corporation have elected to take the amortization deduction under section 185, the acquiring corporation is to be treated as if it were the transferor or distributor corporation for purposes of this section.

(iii) If the acquiring corporation has elected to take the amortization deduction provided for by section 185 and the transferor or distributor corporation has not so elected, then any qualified railroad grading or tunnel bores of the distributor or transferor railroad shall be deemed for purposes of section 185(b)(2) to have been placed in service by the acquiring corporation on the date of distribution or transfer. Thus, for example, if A corporation, a domestic common carrier by railroad which has elected to take the amortization deduction provided for by section 185, acquires the assets (which include qualified railroad grading and tunnel bores) of B corporation, which has not so elected, during a taxable year subsequent to the first taxable year for which A's election under section 185 is effective, A must begin taking the amortization deduction provided for by section 185 with respect to the qualified railroad grading and tunnel bores of B corporation with the taxable year succeeding the taxable year during which the transfer of assets from B to A occurred. The statement required by paragraph (a)(2) of § 1.185–3 must be attached to A's income tax return for such succeeding taxable year.

(iv) If the acquiring corporation has not elected to take the amortization deduction provided for by section 185 and the distributor or transferor corporation has so elected, then the acquiring corporation shall be deemed to have elected the amortization deduction under section 185 beginning with the taxable year following the taxable year during which the distribution or transfer occurred, unless the acquiring corporation files an application for permission to revoke an election made under section 185 in the time and manner provided for in paragraph (b)(1) of § 1.185–3. For purposes of this subdivision the qualified railroad grading and tunnel bores of the distributor or transferor corporation will be deemed placed in service by the acquiring corporation in the year in which the distribution or transfer occurred. Thus, for example, if A corporation, a domestic common carrier by railroad which has not elected to take the amortization deduction provided for by section 185 acquires, in a transaction to which section 381 applies, the assets (which include qualified railroad grading and tunnel bores) of B corporation, which has so elected, during a taxable year for which B's election under section 185 is effective, A shall be deemed to have elected to take the amortization deduction provided by section 185 with respect to its own qualified railroad grading and tunnel bores and to those acquired from B corporation beginning with the taxable year succeeding the taxable year during which the transfer of assets from B to A occurred. The statement required by paragraph (a)(2) of § 1.185–3 must be attached to A's income tax return for such succeeding taxable year.

(3) *Cross reference.* For special rules with respect to certain gain derived from the disposition of property the adjusted basis of which is determined with regard to section 185 see section 1245 and the regulations thereunder.

(c) *Examples.* This section may be illustrated by the following examples:

Example (1). In July 1969 X Corporation, a domestic common carrier by railroad, which uses the calendar year as its taxable year, completes qualified railroad grading A (as defined in paragraph (b) of § 1.185–2) which is immediately placed in service. The cost of the grading is $100,000. On its income tax return filed for 1970 (the first year for which the grading was eligible for amortization under section 185) the corporation elects to take the amortization deduction provided by section 185 with respect to its qualified railroad grading and tunnel bores. As of January 1, 1970 (the first day of the taxable year succeeding the year in which the grading was placed in service) the adjusted basis (for determining gain) of grading A (its only qualified railroad grading or tunnel bores) is $100,000 (determined without regard to the amortization deduction under section 185(b) for that year). The allowable amortization deduction with respect to such grading for the taxable years 1970 and 1971 is $2,000 each year, computed as follows:

1970: $100,000 divided by 50	$2,000
1971: $98,000 ($100,000 minus $2,000) divided by 49	2,000

Example (2). Assume the same facts as in example (1). Assume further that during January, 1971 X completes and places in service qualified railroad grading B at a cost of $50,000. X would not be entitled to an amortization deduction for 1971 for the new grading. However, it would be required to take the amortization deduction on its income tax return filed for 1972. X's total amortization deduction for 1972 would therefore be $3,000, computed as follows:

1972 amortization deduction for railroad grading A is $96,000 ($98,000 minus $2,000) divided by 48	$2,000
1972 amortization deduction for railroad grading B is $50,000 divided by 50	1,000
Total amortization deduction for 1972	3,000

Example (3). Assume the same facts as in examples (1) and (2). Assume further that on September 10, 1972, X files an application for permission to revoke an election in accordance with paragraph (b)(1) of § 1.185–3, which application is duly approved. The adjusted bases of railroad grading A and B as of January 1, 1973, the first day as of which the revocation is deemed effective, are $94,000 and $49,000, respectively, computed as follows:

Grading A:	
Adjusted basis at beginning of amortization period	$100,000
Less: Amortization deductions ($2,000 each year for 1970, 1971, and 1972)	6,000
Adjusted basis upon revocation of amortization	94,000
Grading B:	
Adjusted basis at beginning of amortization period	$50,000
Less: Amortization deduction	1,000
Adjusted basis upon revocation of amortization	49,000

Example (4). During 1970 and 1971 Y Corporation, a domestic common carrier by railroad, which uses the calendar year as its taxable year, places in service qualified railroad grading and tunnel bores. Y does not elect to take the amortization deduction under section 185. During 1974 the corporation places in service additional railroad grading and tunnel bores. On its income tax return filed for 1976 the corporation elects in the manner provided for in paragraph (a) of § 1.185–3 to take the amortization deduction under section 185. Y would be required to amortize the qualified railroad grading and tunnel bores placed in service during 1970, 1971, and 1974 over a 50-year period commencing with 1976.

§ 1.185–2 Definitions.

(a) *Railroad gradings and tunnel bores.* The term "railroad grading and tunnel bores" means all improvements resulting from excavations (including tunneling), construction of embankments, clearings, diversions of roads and streams, sodding of slopes, and from similar work necessary to provide, construct, reconstruct, alter, protect, improve, replace, or restore a roadbed or right-of-way for railroad track. If expenditures for improvements described in the preceding sentence are incurred with respect to an existing roadbed or right-of-way for railroad track, such expenditures shall be considered, in applying this section, as costs for railroad grading or tunnel bores placed in service

in the year in which such costs are incurred.

(b) *Qualified railroad grading and tunnel bores.* The term "qualified railroad grading and tunnel bores" means railroad grading and tunnel bores the original use of which commences after December 31, 1968.

(c) *Original use.* For purposes of paragraph (b) of this section, the term "original use" means the first use to which the property is put, whether or not such use corresponds to the use of such property by the taxpayer.

(d) *Placed in service.* For purposes of section 185, the principles set forth in paragraph (d) of § 1.46–3 are applicable in determining when property is placed in service.

(e) *Domestic common carrier by railroad.* For purposes of section 185 the term "domestic common carrier by railroad" means a railroad subject to regulations under part I of the Interstate Commerce Act (49 U.S.C. 1 et seq.) or a railroad which would be subject to regulations under part I of the Interstate Commerce Act if it were engaged in interstate commerce.

§ 1.185–3 Time and manner of making and terminating elections.

(a) *Election of amortization*—(1) *Initial election.* Under section 185(c), an election by the taxpayer to take the amortization deduction provided in section 185(a) shall be made on a statement attached to its income tax return filed for any taxable year beginning after December 31, 1969 during which year the taxpayer has qualified railroad grading or tunnel bores which are eligible for such deduction (see paragraph (a)(2)(i) of § 1.185–1). If the taxpayer does not file a timely return (taking into account extension of the time for filing) for the taxable year for which the election is first to be made, the election shall be filed at the time the taxpayer files his first return for that year. The election may be made with an amended return only if such amended return is filed no later than the time prescribed by law (including extensions thereof) for filing the return for the taxable year of election. If an election is not made within the time and in the manner prescribed in this paragraph, no election may be made (by the filing of an amended return or in any other manner) with respect to such taxable year. The statement required by this subparagraph shall include the following information:

(i) A description clearly identifying each qualified railroad grading or tunnel bore of the taxpayer (see paragraphs (a) and (b) of § 1.185–2);

(ii) The date on which the original use of the property commenced (see paragraph (c) of § 1.185–2);

(iii) The adjusted basis (for determining gain) of each qualified railroad grading and tunnel bore of the taxpayer; and

(iv) The annual amortization deduction allowable with respect to each railroad grading and tunnel bore of the taxpayer.

(2) *Special rule.* In the case of qualified railroad grading and tunnel bores placed in service (as defined in paragraph (d) of § 1.185–2) after the beginning of the first taxable year for which the election made under subparagraph (1) of this paragraph is effective, the statement required by such subparagraph (1) with respect to such additional railroad grading and tunnel bores must be attached to the taxpayer's income tax return filed for the taxable year succeeding the taxable year in which such additional qualified railroad grading and tunnel bores are placed in service. Thus, for example, if a domestic common carrier by railroad attaches the statement required by subparagraph (1) of this paragraph to its income tax return filed for 1972 and during 1975 places in service additional qualified railroad grading and tunnel bores, the statement required by this subparagraph must be attached to its income tax return filed for 1976.

(b) *Revocation of election*—(1) *Revocation with consent.* An application for consent to revoke an election under section 185 shall be in writing and shall be addressed to the Commissioner of Internal Revenue, Washington, D.C. 20224. The application for consent to revoke the election shall set forth the name and address of the taxpayer, state the taxable years for which the election was in effect, and state the reason for revoking the election. The application shall be signed by the taxpayer or a duly authorized officer of the taxpayer and shall be filed at least 90 days prior to the time, but not including extensions thereof, prescribed by law for filing the income tax return for the first taxable year for which the election is to terminate. In the case of a transaction to which paragraph (b)(2)(iii) of § 1.185–1 applies the application required by this paragraph shall be filed at the time provided for in the preceding sentence or 90 days from the date of the distribution or transfer, whichever is later.

(2) *Revocation of elections prior to September 22, 1971.* If before September 22, 1971, an election under section 185 has been made, such election may be revoked (see paragraph (a)(2)(ii) of § 1.185–1) by filing on or before December 21, 1971, a statement of revocation of an election under section 185(a) in accordance with the requirements in subparagraph (1) of this paragraph for filing an application to revoke an election. If such election to revoke is for a period which falls within one or more taxable years for which an income tax return has been filed on or before December 21, 1971, amended income tax returns shall be filed for any such taxable years in which deductions were taken under section 185.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: September 14, 1971.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

[FR Doc.71-13885 Filed 9-21-71;8:46 am]

(T.D. 7141)

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Treatment of Livestock

On January 23, 1971, notice of proposed rule making with respect to the amendments of the Income Tax Regulations (26 CFR Part 1) under sections 1031, 1231, and 1245 of the Internal Revenue Code of 1954 to conform the regulations to the changes made by sections 212 and 704(b)(4) of the Tax Reform Act of 1969 (83 Stat. 571, 670) was published in the FEDERAL REGISTER (36 F.R. 1151). On July 28, 1971, a second notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 1231 of the Internal Revenue Code of 1954 to conform the regulation to the change made by section 212(b) of the Tax Reform Act of 1969 (83 Stat. 571) was published in the FEDERAL REGISTER (36 F.R. 13928). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations, as set forth in paragraphs 1, 2, and 4 through 7 of the notice published on January 23, 1971, and in paragraph 1 of the notice published on July 28, 1971, are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Paragraph (a)(2) of § 1.1245–1, as set forth in paragraph 5 of the appendix of the January 23 notice of proposed rule making, is revised.

PARAGRAPH 2. Paragraph (a) of § 1.1245–2, as set forth in paragraph 6 of the appendix of the January 23 notice of proposed rule making, is amended by revising subparagraphs (2), (6), and (7).

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: September 16, 1971.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) to certain amendments made by sections 212 and 704 of the Tax Reform Act of 1969 (83 Stat. 487), relating to livestock, such regulations are amended as follows:

PARAGRAPH 1. The following new sections are added immediately after § 1.1031(d)–2:

§ 1.1031(e) Statutory provisions; exchange of property held for productive use or investment; exchanges of livestock of different sexes.

SEC. 1031. *Exchange of property held for productive use or investment.* * * *

(e) *Exchange of livestock of different sexes.* For purposes of this section, livestock of different sexes are not property of a like kind.

[Sec. 1031(e) as added by sec. 212(c), Tax Reform Act 1969 (83 Stat. 571)]

§ 1.1031(e)–1 Exchanges of livestock of different sexes.

Section 1031(e) provides that livestock of different sexes are not property of like kind. Section 1031(e) and this section are applicable to taxable years to which the Internal Revenue Code of 1954 applies.

PAR. 2. Paragraph (c)(1) of § 1.1231–1 is amended by revising subdivision (iii) to read as follows:

§ 1.1231–1 Gains and losses from the sale or exchange of certain property used in the trade or business.

* * * * *

(c) *Transactions to which section applies.* * * *

(1) * * *

(ii) Livestock held for draft, breeding, dairy, or sporting purposes, except to the extent included under paragraph (4) of this paragraph, or poultry.

* * * * *

PARAGRAPH 2. Section 1.1231–2 is amended by revising paragraphs (a) and (b), by redesignating paragraph (c) as paragraph (b)(2), and by adding a new paragraph (c) immediately following revised paragraph (b). These amended and added provisions read as follows:

§ 1.1231–2 Livestock held for draft, breeding, dairy, or sporting purposes.

(a) (1) In the case of cattle, horses, or other livestock acquired by the taxpayer after December 31, 1969, section 1231 applies to the sale, exchange, or involuntary conversion of such cattle, horses, or other livestock, regardless of age, held by the taxpayer for draft, breeding, dairy, or sporting purposes, and held by him—

(i) For 24 months or more from the date of acquisition in the case of cattle or horses, or

(ii) For 12 months or more from the date of acquisition in the case of such other livestock.

(2) In the case of livestock (including cattle or horses) acquired by the taxpayer on or before December 31, 1969, section 1231 applies to the sale, exchange, or involuntary conversion of such livestock, regardless of age, held by the taxpayer for draft, breeding, or dairy purposes, and held by him for 12 months or more from the date of acquisition.

(3) For the purposes of section 1231, the term "livestock" is given a broad, rather than a narrow, interpretation and includes cattle, hogs, horses, mules, donkeys, sheep, goats, fur-bearing animals, and other mammals. However, it does not include poultry, chickens, turkeys, pigeons, geese, other birds, fish, frogs, reptiles, etc.

(b) (1) Whether or not livestock is held by the taxpayer for draft, breeding, dairy, or sporting purposes depends upon all of the facts and circumstances in each case. The purpose for which the animal is held is ordinarily shown by the taxpayer's actual use of the animal. However, a draft, breeding, dairy, or sporting purpose may be present if an animal is disposed of within a reasonable time after its intended use for such purpose is prevented or made undesirable by reason of accident, disease, drought, unfitness of the animal for such purpose, or a similar factual circumstance. Under certain circumstances, an animal held for ultimate sale to customers in the ordinary course of the taxpayer's trade or business may be considered as held for draft, breeding, dairy, or sporting purposes. However, an animal is not held by the taxpayer for draft, breeding, dairy, or sporting purposes merely because it is suitable for such purposes or merely because it is held by the taxpayer for sale to other persons for use by them for such purposes. Furthermore, an animal held by the taxpayer for other purposes is not considered as held for draft, breeding, dairy, or sporting purposes merely because of a negligible use of the animal for such purposes or merely because of the use of the animal for such purposes as an ordinary or necessary incident to the other purposes for which the animal is held. See paragraph (c) of this section for the rules to be used in determining when horses are held for racing purposes and, therefore, are considered as held for sporting purposes.

(2) The application of this paragraph is illustrated by the following examples:

Example (1). An animal intended by the taxpayer for use by him for breeding purposes is discovered to be sterile or unfit for the breeding purposes for which it was held, and is disposed of within a reasonable time thereafter. This animal is considered as held for breeding purposes.

Example (2). The taxpayer retires from the breeding or dairy business and sells his entire herd, including young animals which would have been used by him for breeding or dairy purposes if he had remained in business. These young animals are considered as held for breeding or dairy purposes. The same would be true with respect to young animals which would have been used by the taxpayer for breeding or dairy purposes but which are sold by him in reduction of his breeding or dairy herd, because of, for example, drought.

Example (3). A taxpayer in the business of raising hogs for slaughter customarily breeds sows to obtain a single litter to be raised by him for sale, and sells these brood sows after obtaining the litter. Even though these brood sows are held for ultimate sale to customers in the ordinary course of the taxpayer's trade or business, they are considered as held for breeding purposes.

Example (4). A taxpayer in the business of raising horses for sale to others for use by them as draft horses uses them for draft purposes on his own farm in order to train them. This use is an ordinary or necessary incident to the purpose of selling the animals, and, accordingly, these horses are not considered as held for draft purposes.

Example (5). The taxpayer is in the business of raising registered cattle for sale to others for use by them as breeding cattle. It is the business practice of this particular taxpayer to breed the offspring of his herd which he is holding for sale to others prior to sale in order to establish their fitness for sale as registered breeding cattle. In such case, the taxpayer's breeding of such offspring is an ordinary and necessary incident to his holding them for the purpose of selling them as bred heifers or proven bulls and does not demonstrate that the taxpayer is holding them for breeding purposes. However, those cattle held by the taxpayer as additions or replacements to his own breeding herd to produce calves are considered to be held for breeding purposes, even though they may not actually have produced calves.

Example (6). A taxpayer, engaged in the business of buying cattle and fattening them for slaughter, purchased cows with calf. The calves were born while the cows were held by the taxpayer. These cows are not considered as held for breeding purposes.

(c) (1) For purposes of paragraph (b) of this section, a horse held for racing purposes shall be considered as held for sporting purposes. Whether a horse is held for racing purposes shall be determined in accordance with the following rules:

(i) A horse which has actually been raced at a public race track shall, except in rare and unusual circumstances, be considered as held for racing purposes.

(ii) A horse which has not been raced at a public track shall be considered as held for racing purposes if it has been trained to race and other facts and circumstances in the particular case also indicate that the horse was held for this purpose. For example, assume that the taxpayer maintains a written training record on all horses he keeps in training status, which shows that a particular horse does not meet objective standards (including, but not limited to, such considerations as failure to achieve predetermined standards of performance during training, or the existence of a physical or other defect) established by the taxpayer for determining the fitness and quality of horses to be retained in his racing stable. Under such circumstances, if the taxpayer disposes of the horse within a reasonable time after he determined that it did not meet his objective standards for retention, the horse shall be considered as held for racing purposes.

(iii) A horse which has neither been raced at a public track nor trained for racing shall not, except in rare and unusual circumstances, be considered as held for racing purposes.

(2) This paragraph may be illustrated by the following examples:

Example (1). The taxpayer breeds, raises, and trains horses for the purpose of racing. Every year he culls some horses from his racing stable. In 1971, the taxpayer decided that in order to prevent his racing stable from getting too large to be effectively operated he must cull six horses from it. All six of the horses culled by the taxpayer had been raced at public tracks in 1970. Under subparagraph (1)(i) of this paragraph, all these horses are considered as held for racing purposes.

Example (2). Assume the same facts as in example (1). Assume further that the taxpayer decided to cull four more horses from his racing stable in 1971. All these horses had been trained to race but had not been raced at public tracks. The taxpayer culled these four horses because the training log which the taxpayer maintains on all the horses he trains showed these horses to be unfit to remain in his racing stable. Horse A was culled because it developed shin splints during training. Horses B and C were culled because of poor temperament. B bolted every time a rider tried to mount it, and C became extremely nervous when it was placed in the starting gate. Horse D was culled because it did not qualify for retention under one of the objective standards the taxpayer had established for determining which horses to retain since it was unable to run a specified

distance in a minimum time. These four horses were disposed of within a reasonable time after the taxpayer determined that they were unfit to remain in his stable. Under subparagraph (1)(ii) of this paragraph, all these horses are considered as held for racing purposes.

PAR. 3. Section 1.1245 is amended by revising subsection (a)(2), by adding subparagraphs (C) and (D) to section 1245(a)(2), by revising subsection (a)(3), by adding a subparagraph (D) to section 1245(a)(3), and by amending the historical note. This amended provision reads as follows:

§ 1.1245 Statutory provisions; gain from dispositions of certain depreciable property; recomputed basis.

SEC. 1245. *Gain from dispositions of certain depreciable property*—(a) *General rule.* * * *

(2) *Recomputed basis.* For purposes of this section, the term "recomputed basis" means—

(A) With respect to any property referred to in paragraph (3) (A) or (B), its adjusted basis recomputed by adding thereto all adjustments, attributable to periods after December 31, 1961,

(B) With respect to any property referred to in paragraph (3)(C), its adjusted basis recomputed by adding thereto all adjustments, attributable to periods after June 30, 1963,

(C) With respect to livestock, its adjusted basis recomputed by adding thereto all adjustments attributable to periods after December 31, 1969, or

(D) With respect to any property referred to in paragraph (3)(D), its adjusted basis recomputed by adding thereto all adjustments attributable to periods beginning with the first month for which a deduction for amortization is allowed under section 169 or 185,

reflected in such adjusted basis on account of deductions (whether in respect of the same or other property) allowed or allowable to the taxpayer or to any other person for depreciation, or for amortization under section 168, 169, 184, 185, or 187. For purposes of the preceding sentence, if the taxpayer can establish by adequate records or other sufficient evidence that the amount allowed for depreciation, or for amortization under section 168, 169, 184, 185, or 187, for any period was less than the amount allowable, the amount added for such period shall be the amount allowed.

(3) *Section 1245 property.* For purposes of this section, the term "section 1245 property" means any property which is or has been property of a character subject to the allowance for depreciation provided in section 167 (or subject to the allowance of amortization provided in section 185) and is either—

(A) Personal property,

(B) Other property (not including a building or its structural components) but only if such other property is tangible and has an adjusted basis in which there are reflected adjustments described in paragraph (2) for a period in which such property (or other property)—

(i) Was used as an integral part of manufacturing, production, or extraction or of furnishing transportation, communications, electrical energy, gas, water, or sewage disposal services, or

(ii) Constituted research or storage facilities used in connection with any of the activities referred to in clause (i),

(C) An elevator or an escalator, or

(D) So much of any real property (other than any property described in subparagraph (B)) which has an adjusted basis in which there are reflected adjustments for amortization under section 169 or 185.

* * * * *

[Sec. 1245 as added by sec. 13(a), Rev. Act 1962 (76 Stat. 1032); amended by sec. 203(d), Rev. Act 1964 (78 Stat. 35); amended by secs. 212(a) and 704(b)(4), Tax Reform Act 1969 (83 Stat. 571, 670)]

PAR. 4. Paragraph (a)(2) of § 1.1245–1 is amended to read as follows:

§ 1.1245–1 General rule for treatment of gain from dispositions of certain depreciable property.

(a) *General.* * * *

(2) Section 1245(a)(1) applies to dispositions of section 1245 property in taxable years beginning after December 31, 1962, except that—

(i) In respect of section 1245 property which is an elevator or escalator, section 1245(a)(1) applies to dispositions after December 31, 1963, and

(ii) In respect of section 1245 property which is livestock (described in subparagraph (4) of § 1.1245–3(a)), section 1245(a)(1) applies to dispositions made in taxable years beginning after December 31, 1969, and (iii) [reserved].

* * * * *

PAR. 6. Paragraph (a) of § 1.1245–2 is amended by revising subparagraphs (2), (6), and (7) to read as follows:

§ 1.1245–2 Definition of recomputed basis.

(a) *General rule.* * * *

(2) *Definition of adjustments reflected in adjusted basis.* The term "adjustments reflected in the adjusted basis" means—

(i) With respect to any property other than property described in subdivision (ii), (iii), or (iv) of this subparagraph, the amount of the adjustments attributable to periods after December 31, 1961,

(ii) With respect to an elevator or escalator, the amount of the adjustments attributable to periods after June 30, 1963,

(iii) With respect to livestock (described in subparagraph (4) of §1.1245–3(a)), the amount of the adjustments attributable to periods after December 31, 1969, or (iv) [reserved]

which are reflected in the adjusted basis of such property on account of deductions allowed or allowable for depreciation or amortization (within the meaning of subparagraph (3) of this paragraph). For cases where the taxpayer can establish that the amount allowed for any period was less than the amount allowable, see subparagraph (7) of this paragraph. For determination of adjusted basis of property in a multiple asset account, see paragraph (c)(3) of § 1.167(a)–8.

* * * * *

(6) *Allocation of adjustments attributable to periods after certain dates.* (i) For purposes of determining recomputed basis, the amount of adjustments reflected in the adjusted basis of property other than property described in subparagraph (2) (ii), (iii), or (iv) of this paragraph are limited to adjustments attributable to periods after December 31, 1961. Accordingly, if depreciation deducted with respect to such property of a calendar year taxpayer is $1,000 a year (the amount allowable) for each of 10 years beginning with 1956, only the depreciation deducted in 1962 and succeeding years shall be treated as reflected in the adjusted basis for purposes of determining recomputed basis. With respect to a taxable year beginning in 1961 and ending in 1962, the deduction for depreciation or amortization shall be ascertained by applying the principles stated in paragraph (c)(3) of § 1.167(a)–8 (relating to determination of adjusted basis of retired asset). The amount of the deduction, determined in such manner, shall be allocated on a daily basis in order to determine the portion thereof which is attributable to a period after December 31, 1961. Thus, for example, if a taxpayer, whose fiscal year ends on May 31, 1962, acquires section 1245 property on November 12, 1961, and the deduction for depreciation attributable to the property for such fiscal year is ascertained (under the principles of paragraph (c)(3) of § 1.167(a)–8) to be $400, then the portion thereof attributable to a period after December 31, 1961, is $302 (151/200 of $400). If, however, the property were acquired by such taxpayer after December 31, 1961, the entire deduction for depreciation attributable to the property for such fiscal year would be allocable to a period after December 31, 1961. For treatment of certain normal retirements described in paragraph (e)(2) of § 1.167(a)–8, see paragraph (c) of § 1.1245–6. For principles of determining the amount of adjustments for depreciation or amortization reflected in the adjusted basis of property upon an abnormal retirement of property in a multiple asset account, see paragraph (c)(3) of § 1.167(a)–8.

* * * * *

(iii) For purposes of determining recomputed basis, the amount of adjustments reflected in the adjusted basis of livestock (described in subparagraph (2)(iii) of this paragraph) are limited to adjustments attributable to periods after December 31, 1969.

(7) *Depreciation or amortization allowed or allowable.* For purposes of determining recomputed basis, generally all adjustments (for periods after Dec. 31, 1961, or, in the case of property described in subparagraph (2) (ii), (iii), or (iv) of this paragraph, for periods after the applicable date) 1969, as the case may be) attributable to allowed or allowable depreciation or amortization must be taken into account. See section 1016(a)(2) and the regulations thereunder for the meaning of "allowed" and "allowable". However, if a taxpayer can establish by adequate records or other sufficient evidence that the amount allowed for depreciation or amortization for any period was less than the amount allowable for such period, the amount to be taken into account for such period shall be the amount allowed. See paragraph (b) of this section (relating to records to be kept and information to be filed). For example, assume that in the year 1967 it becomes necessary to determine the recomputed basis

of property, the $500 adjusted basis of which reflects adjustments of $1,000 with respect to depreciation deductions allowable for periods after December 31, 1961. If the taxpayer can establish by adequate records or other sufficient evidence that he had been allowed deductions amounting to only $800 for the period, then in determining recomputed basis the amount added to adjusted basis with respect to the $1,000 adjustments to basis for the period will be only $800.

* * * * *

PAR. 5. Paragraph (a) of § 1.1245–3 is amended by revising so much of subparagraph (1) as precedes subdivision (i) and by revising subparagraph (4). The revised provisions read as follows:

§ 1.1245–3 Definition of section 1245 property.

(a) *In general.* (1) The term "section 1245 property" means any property (other than livestock excluded by the effective date limitation in subparagraph (4) of this paragraph) which is or has been property of a character subject to the allowance for depreciation provided in section 167 and which is either—

* * * * *

(4) Section 1245 property includes livestock, but only with respect to taxable years beginning after December 31, 1969. For purposes of section 1245, the term "livestock" includes horses, cattle, hogs, sheep, goats, and mink and other fur-bearing animals, irrespective of the use to which they are put or the purpose for which they are held.

[FR Doc.71–13886 Filed 9–21–71;8:46 am]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 211—ADMINISTRATION

Subpart C—Rules of Procedure of the Board of Forest Appeals

MISCELLANEOUS TECHNICAL AMENDMENTS

The Rules of Procedure of the Board of Forest Appeals in Subpart C of Part 211 (§§ 211.101 to 211.119, 31 F.R. 16357, 34 F.R. 12341, 36 CFR 211.101 to 211.119) are amended pursuant to the authority of 30 Stat. 35, as amended, 16 U.S.C. 551, 50 Stat. 526, 7 U.S.C. 1011(f), R.S. 161 as amended, 5 U.S.C. 22.

The purpose of this amendment is to make technical changes relating to internal management to effect a transfer to the Board of Forest Appeals of certain clerical functions in connection with the filing of appeals, service of documents and maintenance of official files under the Appeal Regulation (36 CFR 211.20 to 211.37). Such functions were previously assigned to the Hearing Clerk. In addition, two cross-references are corrected.

Since these technical amendments relate to internal management, it is hereby found that voluntary compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is unnecessary and contrary to the public interest. Accordingly, this amendment shall be effective upon publication in the FEDERAL REGISTER.

The Rules of Procedure of the Board of Forest Appeals are amended as follows:

§ 211.101 [Amended]

1. Section 211.101 is amended to change the reference "7 CFR 1.101 et seq." in item (a) of the third sentence to read "41 CFR 4–50.201 et seq.".

§ 211.105 [Amended]

2. Section 211.105(b) is amended to change the reference to "§ 211.119" in the second sentence to read "§ 211.109".

3. Section 211.106(a) is revised to read as follows:

§ 211.106 Notice of appeal and written statement.

(a) *Filing of notice and written statement.* Any decision in either Class 1 or Class 2 which is appealable to the Board under the provisions of §§ 211.20 and 211.21 shall be final unless the person adversely affected by the decision files a written notice of appeal to the Board within 30 days from the date of receipt by him of the decision of the forest officer. Such filing shall be made with the Board of Forest Appeals, U.S. Department of Agriculture, Washington, D.C. 20250. In the case of an appeal from the classification of a case as one within Class 3, the notice of appeal shall be filed as provided in this paragraph within 90 days from the date of receipt by the appellant of the decision of the forest officer. The time for filing such notices of appeal may not be enlarged by the Board. In addition, the party prosecuting the appeal shall file a written statement of reasons why the decision appealed from is contrary to, or in conflict with, the facts, the law, or the regulations of the Secretary of Agriculture, or is otherwise in error. The written statement of reasons shall be filed with the Board within the 30-day or 90-day period, as the case may be, specified as the period in which notice of appeal shall be filed or within such additional time for filing the statement as may be granted by the Chairman.

§§ 211.107, 211.108, 211.110, 211.111, 211.112, 211.116, 211.118, 211.119 [Amended]

4. All references to the "Hearing Clerk" in §§ 211.107(a), 211.108(b), 211.110, 211.111 (a) and (d), 211.112, 211.116 (f), 211.118 (a) and (g), and 211.119 (a), (b), and (d) are hereby deleted and the term "Board" substituted therefor.

Effective date: Upon publication in the FEDERAL REGISTER (9–22–71).

Dated: September 15, 1971.

JOHN A. HARRIS,
Chairman,
Board of Forest Appeals.

Dated: September 17, 1971.

ALFRED L. EDWARDS,
Deputy Assistant Secretary.

[FR Doc.71–13946 Filed 9–21–71;8:51 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 17—MEDICAL

Charges for Care or Services

In § 17.62, paragraph (c) is amended to read as follows:

§ 17.62 Charges for care or services.

* * * * *

(c) *Furnished beneficiaries of the Department of Defense or other Federal agencies.* Except as provided for in paragraph (f) of this section and the second sentence of this paragraph, charges at rates prescribed by the Office of Management and Budget shall be made for any inpatient or outpatient care or services authorized for a member of the Armed Forces on active duty or for any beneficiary or designee of any other Federal agency. Charges for services provided a member or former member of a uniformed service who is entitled to retired or retainer pay, or equivalent pay, will be at rates prescribed by the Administrator (E.O. 11609, dated July 22, 1971, 36 F.R. 13747), or

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective the date of approval.

Approved: September 15, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71–13919 Filed 9–21–71;8:49 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9–7—CONTRACT CLAUSES

Subpart 9–7.50—Use of Standard Clauses

EXAMINATION OF RECORDS

The revision to AECPR Part 9–7 is made in order to conform with Amendment No. 90 of the Federal Procurement Regulations.

1. In Subpart 9–7.50, Use of Standard Clauses, § 9–7.5004–10, *Examination of records,* is revised to read as follows:

* * * * *

§ 9–7.5004–10 Examination of records.

See FPR 1–7.101–10. See Notes A and B below for required addition and modification of the clause set forth in FPR 1–7.101–10.

NOTE A: The following paragraph (e) should be added, whenever possible in prime contracts, both for the protection of the Government and the Contractor. It may be omitted only with the approval of the Director, Division of Contracts, Headquarters,

upon a specific determination, based on consultation with the Office of the Controller and the Office of the General Counsel, that nothing in the contract purports to preclude an audit by the General Accounting Office of any transaction thereunder.

(e) Nothing in this contract shall be deemed to preclude an audit by the General Accounting Office of any transaction under this contract.

NOTE B: In cost-type prime and cost-type subcontracts substitute the words "unless the Commission authorizes their prior disposition" for the words "for such lesser time specified in either Appendix M of the Armed Services Procurement Regulation or the Federal Procurement Regulations Part 120 as appropriate."

NOTE C: Contracts exempt from audit rider. The examination of records clause is not required in contracts with any foreign government or agency thereof or in contracts with foreign producers.

* * * * *

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER (9-22-71).

For the U.S. Atomic Energy Commission.

Dated at Germantown, Md. this 15th day of September 1971.

JOSEPH L. SMITH,
Director, Division of Contracts.

[FR Doc.71-13874 Filed 9-21-71;8:45 am]

Title 42—PUBLIC HEALTH

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

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 73—BIOLOGICAL PRODUCTS

STERILITY TESTS AND USE OF SPORE-BEARING ORGANISMS

On February 17, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 3070) proposing to amend Part 73 of the Public Health Service regulations by revising § 73.501(e)(2) *Spore-bearing organisms for supplemental sterilization procedure control test* and § 73.730 *Sterility.*

Views and arguments respecting the proposed standards were invited to be submitted within 30 days after publication of the notice in the FEDERAL REGISTER and notice was given of intention to make any amendments that were adopted effective 30 days after publication in the FEDERAL REGISTER.

After consideration of all comments submitted, the following amendments to Part 73 of the Public Health Service regulations are hereby adopted to become effective 30 days after publication in the FEDERAL REGISTER.

1. Section 73.501(e)(2) is revised to read as follows:

§ 73.501 Physical establishment, equipment, animals and care.

* * * * *

(e) * * *

(2) *Spore-bearing organisms for supplemental sterilization procedure control test.* Spore-bearing organisms used as an additional control in sterilization procedures may be introduced into areas used for the manufacture of products, only for the purposes of the test and only immediately before use for such purposes: *Provided,* That (i) the organism is not pathogenic for man or animals and does not produce pyrogens or toxins, (ii) the culture is demonstrated to be pure, (iii) transfer of test cultures to culture media shall be limited to the sterility test area or areas designated for work with spore-bearing organisms, (iv) each culture be labeled with the name of the microorganism and the statement "Caution: microbial spores. See directions for storage, use and disposition.", and (v) the container of each culture is designed to withstand handling without breaking.

* * * * *

2. Section 73.730 is revised to read as follows:

§ 73.730 Sterility.

Except as provided in paragraphs (f) and (g) of this section, the sterility of each lot of each product shall be demonstrated by the performance of the tests prescribed in paragraphs (a) and (b) of this section for both bulk and final container material.

(a) *The test.* Bulk material shall be tested separately from final container material and material from each final container shall be tested in individual test vessels as follows:

(1) *Using Fluid Thioglycollate Medium*—(i) *Bulk and final container material.* The volume of product, as required by paragraph (d) of this section (hereinafter referred to also as the "inoculum"), from samples of both bulk and final container material, shall be inoculated into test vessels of Fluid Thioglycollate Medium. The inoculum and medium shall be mixed thoroughly and incubated at a temperature of 30° to 32° C. for a test period of no less than 14 days and examined visually for evidence of growth on the third, fourth, or fifth day and on the seventh or eighth day and on the last day of the test period. Results of each examination shall be recorded. If the inoculum renders the medium turbid so that the absence of growth cannot be determined reliably by visual examination, portions of this turbid medium in amounts of no less than 1.0 ml. shall be transferred on the third, fourth, or fifth day of incubation, from each of the test vessels and inoculated into additional vessels of medium. The material in the additional vessels shall be incubated at a temperature of 30° to 32° C. for no less than 14 days. Notwithstanding such transfer of material, examination of the original vessels shall be continued as prescribed above. The additional test vessels shall be examined visually for evidence of growth on the third, fourth, or fifth day of incubation and on the seventh or eighth day and on the last day of the incubation period. If growth appears, repeat tests may be performed as prescribed in paragraph (b) of this section and interpreted as specified in paragraph (c) of this section.

(ii) *Final container material containing a mercurial preservative.* In addition to the test prescribed in subparagraph (1)(i) of this paragraph, final container material containing a mercurial preservative shall be tested using Fluid Thioglycollate Medium following the procedures prescribed in such subparagraph, except that the incubation shall be at a temperature of 20° to 25° C.

(2) *Using Soybean-Casein Digest Medium.* Except for products containing a mercurial preservative, a test shall be made on final container material, following the procedures prescribed in subparagraph (1)(i) of this paragraph, except that the medium shall be Soybean-Casein Digest Medium and the incubation shall be at a temperature of 20° to 25° C.

(b) *Repeat tests*—(1) *Repeat bulk test.* If growth appears in the test of the bulk material, the test may be repeated to rule out faulty test procedures by testing at least the same volume of material.

(2) *First repeat final container test.* If growth appears in any test (Fluid Thioglycollate Medium or Soybean-Casein Digest Medium) of final container material, the test may be repeated to rule out faulty test procedures by testing material from a sample of at least the same number of final containers.

(3) *Second repeat final container test.* If growth appears in any first repeat final container test (Fluid Thioglycollate Medium or Soybean-Casein Digest Medium), that test may be repeated provided there was no evidence of growth in any test of the bulk material and material from a sample of twice the number of final containers used in the first test ir tested by the same method used in the first test.

(c) *Interpretation of test results.* The results of all tests performed on a lot shall be considered in determining whether or not the lot meets the requirements for sterility, except that tests may be excluded when demonstrated by adequate controls to be invalid. The lot meets the test requirements if no growth appears in the tests prescribed in paragraph (a) of this section. If repeat tests are performed, the lot meets the test requirements if no growth appears in the tests prescribed in paragraph (b) (2) or (3) of this section, whichever is applicable.

(d) *Test samples and volumes*—(1) *Bulk.* Each sample for the bulk sterility test shall be representative of the bulk material and the volume tested shall be no less than 10 ml. (Note exceptions in paragraph (g) of this section.)

(2) *Final containers.* The sample for the final container and first repeat final container test shall be no less than 20

final containers from each filling of each lot, selected to represent all stages of filling from the bulk vessel. If the amount of material in the final container is 1.0 ml. or less, the entire contents shall be tested. If the amount of material in the final container is more than 1.0 ml., the volume tested shall be the largest single dose recommended by the manufacturer or 1.0 ml., whichever is larger, but no more than 10 ml. of material or the entire contents from a single final container need be tested. If more than two filling machines, each with either single or multiple filling stations, are used for filling one lot, no less than 10 filled containers shall be tested from each filling machine, but no more than 100 containers of each lot need be tested. The items tested shall be representative of each filling assembly and shall be selected to represent all stages of the filling operation. (Note exceptions in paragraph (g) of this section.)

(e) *Culture medium*—(1) *Formulae.* (i) The formula for Fluid Thioglycollate Medium is as follows:

FLUID THIOGLYCOLLATE MEDIUM

1-cystine	0.5 Gm.
Sodium chloride	2.5 Gm.
Dextrose ($C_6H_{12}O_6 \cdot H_2O$)	5.5 Gm.
Granular agar (less than 15% moisture by weight).	0.75 Gm.
Yeast extract (water-soluble)	5.0 Gm.
Pancreatic digest of casein	15.0 Gm.
Purified water	1,000.0 ml.
Sodium thioglycollate (or thioglycolic acid—0.3 ml.).	0.5 Gm.
Resazurin (0.10% solution, freshly prepared).	1.0 ml.
pH after sterilization 7.1±0.2	

(ii) The formula for Soybean-Casein Digest Medium is as follows:

SOYBEAN-CASEIN DIGEST MEDIUM

Pancreatic Digest of Casein	17.0 Gm.
Papaic Digest of Soybean Meal.	3.0 Gm.
Sodium Chloride	5.0 Gm.
Dibasic Potassium Phosphate	2.5 Gm.
Dextrose ($C_6H_{12}O_6 \cdot H_2O$)	2.5 Gm.
Purified water	1,000.0 ml.
pH after sterilization 7.3±0.2	

(2) *Culture media requirements*—(i) *Growth promoting qualities.* Each lot of dehaydrated medium bearing the manufacturer's identifying number, or each lot of medium prepared from basic ingredients, shall be tested for its growth-promoting qualities using not more than 100 organisms of two or more strains of microorganisms that are exacting in their nutritive and aerobic-anaerobic requirements.

(ii) *Conditions of medium and design of test vessels.* A medium shall not be used if the extent of evaporation affects its fluidity, nor shall it be reused in a sterility test. Fluid Thioglycollate Medium shall not be used if more than the upper one-third has acquired a pink color. The medium may be restored once by heating on a steam bath or in free-flowing steam until the pink color disappears. The design of the test vessel for Fluid Thioglycollate Medium shall be such as is shown to provide favorable aerobic and anaerobic growth of microorganisms throughout the test period.

(iii) *Ratio of the inoculum to culture medium.* The ratio of the inoculum to the volume of the culture medium resulting in a dilution of the product that is not bacteriostatic or fungistatic shall be determined for each product, except for those tested by membrane filtration. Vessels of the product-medium mixture(s) and control vessels of the medium shall be inoculated with dilutions of cultures of bacteria or fungi which are sensitive to the product being tested, and incubated at the appropriate temperature for no less than 7 days. Inhibitors or neutralizers of preservatives may be considered in determining the proper ratio.

(f) *Membrane filtration.* Bulk and final container material of products containing oil or products in water insoluble ointments shall be tested for sterility using the membrane filtration procedure set forth in The United States Pharmacopeia [1] (18th Revision, 1970), section entitled "Membrane Filtration," pages 853–854, except that (1) the test samples shall conform with paragraph (d) of this section, (2) the temperature of incubation for the test using Fluid Thioglycollate Medium shall be 30° to 32° C. and (3) in addition, for products containing a mercurial preservative, the product shall be tested in a second test using Fluid Thioglycollate Medium incubated at 20° to 25° C. in lieu of the test in Soybean-Casein Digest Medium. Such Membrane Filtration section is hereby incorporated by reference and deemed published herein. The United States Pharmacopeia is available at most medical and public libraries and copies of the pertinent section will be provided to any manufacturer affected by the provisions of this part upon request to the Director, Division of Biologics Standards or the appropriate Information Center Offices listed in 45 CFR Part 5. In addition, an official historic file of the material incorporated by reference is maintained in the Office of the Director, Division of Biologics Standards.

(g) *Exceptions.* Bulk and final container material shall be tested for sterility as described above in this section, except as follows:

(1) *Different sterility tests prescribed.* When different sterility tests are prescribed for a product in this part.

(2) *Alternate incubation temperatures.* Two tests may be performed, in all respects as prescribed in paragraph (a) (1) (i) of this section, one test using an incubation temperature of 18° to 22° C., the other test using an incubation temperature of 35° to 37° C., in lieu of performing one test using an incubation temperature of 30° to 32° C.

[1] Published by the United States Pharmacopeial Convention, Inc., 12601 Twinbrook Parkway, Rockville, MD 20852.

(3) *Different tests equal or superior.* A different test (such as membrane filtration as set forth in paragraph (f) of this section) may be performed provided that prior to the performance of such test a manufacturer submits data which the Director, National Institutes of Health, finds adequate to establish that the different test is equal or superior to the tests described in paragraphs (a) and (b) of this section in detecting contamination and makes the finding a matter of official record.

(4) *Test precluded or not required.* The tests prescribed in this section need not be performed for Whole Blood (Human), Cryoprecipitated Antihemophilic Factor (Human), Red Blood Cells (Human), Single Donor Plasma (Human), Smallpox Vaccine and other similar products concerning which the Director, National Institutes of Health, finds that the mode of administration, the method of preparation or the special nature of the product precludes or does not require a sterility test.

(5) *Viscid or turbid products.* Alternative Thioglycollate Medium may be used in place of Fluid Thioglycollate Medium for the testing of products that are viscid or turbid or otherwise do not lend themselves to culturing in Fluid Thioglycollate Medium, provided it has been freshly prepared or has been heated on a steam bath or in free-flowing steam and cooled just prior to use and is used in a suitable vessel that will maintain aerobic and anerobic conditions throughout the incubation period. The formula for the Alternative Thioglycollate Medium follows:

ALTERNATIVE THIOGLYCOLLATE MEDIUM

1-cystine	0.5 Gm.
Sodium chloride	2.5 Gm.
Dextrose ($C_6H_{12}O_6H_2O$)	5.5 Gm.
Yeast extract (water soluble)	5.0 Gm.
Pancreatic digest of casein	15.0 Gm.
Purified water	1,000.0 ml.
Sodium thioglycollate (or thioglycollic acid—0.3 ml.)	0.5 Gm.
pH after sterilization 7.1±0.2.	

(6) *Number of final containers more than 20, less than 200.* If the number of final containers in the filling is more than 20 or less than 200, the sample shall be no less than 10 percent of the containers.

(7) *Number of final containers—20 or less.* If the number of final containers in a filling is 20 or less, the sample shall be two final containers, or the sample need be no more than one final container, provided (i) the bulk material met the sterility test requirements and (ii) after filling, it is demonstrated by testing a simulated sample that all surfaces to which the product was exposed were free of contaminating microorganisms. The simulated sample shall be prepared by rinsing the filling equipment with sterile 1.0 percent peptone solution, pH 7.1±0.1, which shall be discharged into a final container by the same method used for filling the final containers with the product.

(8) *Samples—large volume of product in final containers.* For Normal Serum Albumin (Human), Normal Human Plasma, Antihemophilic Plasma (Human), Plasma Protein Fraction (Human) and Fibrinogen (Human), when the volume of product in the final container is 50 ml. or more, the final containers selected as the test sample may contain less than the full volume of product in the final containers of the filling from which the sample is taken: *Provided*, That the containers and closures of the sample are identical with those used for the filling to which the test applies and the sample represents all stages of that filling.

(9) *Diagnostic products not intended for injection.* For diagnostic products not intended for injection, (i) only the Thioglycollate Medium test incubated at 30° to 32° C. is required, (ii) the volume of material for the bulk test shall be no less than 2.0 ml., and (iii) the sample for the final container test shall be no less than three final containers if the total number filled is 100 or less, and, if greater, one additional container for each additional 50 containers or fraction thereof, but the sample need be no more than 10 containers.

(10) *Immune globulin preparations.* For immune globulin preparations, the test samples from the bulk material and from each final container need be no more than 2.0 ml.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216; sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262)

Dated: September 16, 1971.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

NOTE: Incorporation by reference provision in § 73.730(f) approved by the Director of the Federal Register on September 21, 1971.

[FR Doc.71-13891 Filed 9-21-71;8:46 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

Horicon National Wildlife Refuge, Wis.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (9-23-71).

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

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

The public hunting of deer and foxes on the Horicon National Wildlife Refuge, Wis., is permitted only on the area designated by signs as open to hunting, during the period November 20 through November 28, 1971, with designated firearms, and during the period December 4 through December 31, 1971, with bow and arrow. The open area, comprising 20,700 acres, is delineated on maps available at refuge headquarters, Mayville, 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 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 January 1, 1972.

ROBERT G. PERSONIUS,
Refuge Manager, Horicon National Wildlife Refuge, Mayville, Wis.

SEPTEMBER 14, 1971.

[FR Doc.71-13892 Filed 9-21-71;8:47 am]

PART 32—HUNTING

J. Clark Salyer National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (9-22-71).

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

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Public hunting of geese on the J. Clark Salyer National Wildlife Refuge, N. Dak., is permitted from October 1 through December 14, 1971, and the hunting of ducks and coots is permitted from October 1 through December 9, 1971, and the hunting of common snipe (Wilson's) is permitted from October 1 through November 14, 1971, but only on the area designated by signs as open to migratory waterfowl hunting. This open area comprising 2,850 acres is delineated on a map available at the refuge headquarters, Upham, N. Dak., 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 subject to the following special conditions:

(1) Blinds—Temporary blinds of approved material may be constructed.

(2) Retrieving Zones—Retrieving zones will be designated by signs. Possession of firearms in retrieving zones is prohibited.

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

S. E. JORGENSEN,
Acting Regional Director.

SEPTEMBER 10, 1971.

[FR Doc.71-13876 Filed 9-21-71;8:45 am]

Proposed Rule Making

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

[33 CFR Part 209]

ADVERSARY PUBLIC HEARINGS REQUIRED BEFORE ISSUANCE, MODIFICATION, SUSPENSION OR REVOCATION OF PERMITS

Proposed Practice and Procedure

Notice is hereby given that the regulation set forth in tentative form below is proposed by the Secretary of the Army (acting through the Corps of Engineers). The proposed regulation prescribes the practice and procedure for Adversary Public Hearings required before issuance, modification, suspension or revocation of a Department of the Army permit. The proposed regulation also prescribes the practice and procedure for any public hearing required by subsections 21 (b)(2) and (b)(4) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1171 (b)(2) and (b)(4).

Prior to the adoption of the proposed regulation, consideration will be given to any comment, suggestions, or objections thereto which are submitted in writing to the Office of the Chief of Engineers, Washington, D.C. 20314, Attention: ENGCW-ON, within a period of 45 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated September 16, 1971.

K. B. COOPER,
Brigadier General, USA,
Acting Director of Civil Works.

§ 209.132 Adversary public hearings required before issuance, modification, suspension or revocation of permits.

(a) *Purpose.* (1)(i) This section prescribes the practice and procedure for any public hearing required before a Department of the Army permit can be modified, suspended or revoked. It also prescribes the practice and procedure for any public hearing required by subsections 21 (b)(2) and (b)(4) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1171(b)(2) and (b)(4)). Subsection 21(b)(2) of the Federal Water Pollution Control Act, as amended (hereinafter subsection 21(b)(2)), requires that a public hearing be held at the request of a State, other than the State in which a discharge originates, which objects to the issuance of a Department of the Army permit because such discharge will affect the quality of its waters so as to violate its water quality standards. Subsection 21(b)(4) of the Federal Water Pollution Control Act, as amended (hereinafter subsection 21 (b)(4)), requires that, prior to the initial operation of a facility or activity not subject to a Federal operating license or permit, a public hearing be held if the Secretary of the Army proposes to suspend a Department of the Army permit for that facility or activity because of notification by the certifying authority that applicable water quality standards will be violated.

(ii) In addition, the regulation prescribes the practice and procedure for reaching a final decision after a public hearing conducted pursuant to this section.

(2) When such a hearing is required, the matter shall be reported to the Chief of Engineers, Attention: ENGGC-K.

(b) *Conduct of a Public Hearing.* (1) Any public hearing held pursuant to this section shall be conducted in accordance with the Administrative Procedure Act, 5 U.S.C. 551 et seq.

(2) A hearing examiner appointed pursuant to 5 U.S.C. 3105 shall preside at the public hearing. The hearing examiner shall have authority to (i) administer oaths and affirmations; (ii) issue subpoenas authorized by law; (iii) rule upon offers of proof and receive relevant evidence; (iv) take or cause depositions to be taken; (v) regulate the course of the hearing; (vi) hold conferences for the settlement or simplification of the issues by consent of the parties; (vii) dispose of procedural requests or similar matters; (viii) examine witnesses; (ix) consider facts in the record and arguments or contentions made or questions involved; (x) set the dates for the submission of transcript corrections, proposed findings and conclusions and supporting reasons for the proposed findings and conclusions; (xi) in his discretion or on the motion of the Chief of Engineers or his designee, certify questions to the Chief of Engineers or his designee for consideration and disposition; (xii) recommend decisions which shall include a statement of (a) findings and conclusions, and the reasons or basis therefor, on all the material issues of fact, law, or discretion presented on the record, and (b) the appropriate rule, order, sanction, relief, or denial thereof; (xiii) certify and file with the Chief of Engineers or his designee a copy of the record of the hearings, recommended decision, and statement of the appropriate rule, order, sanction, relief, or deniel thereof; (xiv) take any other action consistent with the regulations of the Chief of Engineers and subchapter II, chapter 5, title 5 of the United States Code, entitled "Administrative Procedure," and chapter 7, title 5 of the United States Code, entitled "Judicial Review."

(3) The scope of any hearing conducted pursuant to this regulation shall be limited as follows. A hearing concerning the proposed modification, suspension or revocation of a Department of the Army permit, other than a hearing involving the suspension of a permit pursuant to subsection 21(b)(4), shall be limited to consideration or whether or not there has been a violation of any of the terms or conditions of the permit. With respect to a hearing pursuant to subsection 21(b)(4), the hearing shall be limited to consideration of whether or not operation of the permitted facility or activity will violate applicable water quality standards. With respect to a hearing pursuant to subsection 21(b)(2) concerning the proposed issuance of a permit, the hearing shall be limited to consideration of the objections of the objecting State to issuance of the requested Department of the Army permit.

(c) *Burden of proof.* In a hearing involving the proposed modification, suspension or revocation of a Department of the Army permit, other than a proposed suspension pursuant to subsection 21 (b)(4), the burden of proof shall be on the party or parties to the hearing (see paragraph (f) of this section) asserting that a term or condition of the permit has been violated. With respect to a hearing pursuant to subsection 21(b)(4), the certifying authority has the burden of proving that operation of the permitted facility or activity will violate applicable water quality standards. With respect to a hearing pursuant to subsection 21(b)(2), the applicant for the permit has the burden of proving that the permit can be conditioned in a manner that will insure compliance with the objecting State's water quality standards.

(d) *Decision after a public hearing.* (1) In each case, the entire record including the findings and recommended decision of the hearing examiner, shall be certified to the Chief of Engineers or his designee for decision. The decision of the Chief of Engineers or his designee shall be final 30 days after the decision and a certified copy of the record of the public hearing are filed with the Secretary of the Army or his designee unless, within that 30-day period, there is a review ordered on the motion of the Secretary of the Army or his designee. In a case reviewed by the Secretary of the Army or his designee, his decision shall be final. All decisions, including the decision of the Chief of Engineers or his designee and the decision of the Secretary of the Army or his designee, if there is one, shall be based on the hearing record and shall include a statement of (i) findings and conclusions, and the reasons or basis thereof, on all the material issues of fact, law, or discretion presented on the record, and (ii) the appropriate rule, order, sanction, relief, or denial thereof.

(2) The scope of any decision made pursuant to this regulation, including any finding, conclusion, rule, order, sanction, relief, or denial stated in the decision, shall be as follows. The decision as to whether or not to modify, suspend

or revoke a Department of the Army permit, other than suspension pursuant to subsection 21(b)(4), shall be based on an evaluation of whether or not there has been a violation of any of the terms or conditions of the permit. The decision as to whether or not to suspend a Department of the Army permit pursuant to subsection 21(b)(4) shall be based on an evaluation of whether or not operation of the permitted facility or activity will violate applicable water quality standards. With respect to a permit application requiring a hearing pursuant to subsection 21(b)(2), the decision shall be limited to whether or not the permit can be conditioned in a manner which will satisfy the objection of the objecting State that its water quality standards will be violated. If it is determined that the permit cannot be so conditioned, it shall be denied.

(3) In every case involving a Department of the Army permit under 33 U.S.C. 407, the Refuse Act (see § 209.131), the Chief of Engineers or his designee, and the Secretary of the Army or his designee, if he reviews the case, shall consult with the Administrator of the Environmental Protection Agency or his designee before making a final decision. All findings, determinations, and interpretations respecting water quality standards and related water quality considerations and other recommendations and the reasons therefor provided by the Administrator or his designee during such consultation shall be placed in the record upon which the final decision is based.

(i) With respect to the proposed modification, suspension, or revocation of a Refuse Act permit, including a proposed suspension pursuant to subsection 21(b)(4), the Chief of Engineers or his designee, and the Secretary of the Army or his designee, if he reviews the case, shall accept and make his determinations and final decision consistent with the findings, determinations, and interpretations of the Administrator of the Environmental Protection Agency or his designee respecting water quality standards and related water quality considerations.

(ii) (a) With respect to the issues concerning an application for a Refuse Act permit which are raised during a hearing pursuant to subsection 21(b)(2), the Chief of Engineers or his designee, and the Secretary of the Army or his designee, if he reviews the case, shall give careful consideration to the findings, determinations, and interpretations of the Administrator of the Environmental Protection Agency or his designee respecting water quality standards and related water quality considerations.

(b) All other aspects of the permit application process shall be handled pursuant to § 209.131. Accordingly, the Chief of Engineers or his designee, and the Secretary of the Army or his designee, if he reviews the case, shall accept the findings, determinations, and interpretations of the Administrator of the Environmental Protection Agency or his designee respecting water quality standards, other than those standards on which the objection of the objecting State is based, and related water quality considerations and shall direct that the permit be denied if the Administrator finds or determines that the proposed discharge or deposit would violate applicable water quality standards, other than those on which the objection of the objecting State is based. Moreover, there may be cases in which the District Engineer will decide to conduct informational public hearings pursuant to paragraphs (k) (1) and (4) of § 209.131 in addition to the adversary public hearings conducted pursuant to this section.

(e) *Notice concerning a public hearing.* (1) At least 30 days in advance of a hearing, the hearing examiner shall designate a time and place for the hearing. All persons designated as parties to the hearing (see paragraph (f) of this section) and the public shall be informed by means of a public notice of:

(i) The time, place, and nature of the hearing;

(ii) The legal authority and jurisdiction under which the hearing is to be held; and

(iii) The matters of fact and law asserted.

The public notice shall be prepared in a clear, concise, and objective style.

(*a*) All public notices concerning hearings required before a Department of the Army permit can be modified, suspended or revoked, other than hearings involving the suspension of a permit pursuant to subsection 21(b)(4), shall contain the following:

The decision as to whether or not the Department of the Army permit which is the subject of this hearing will be (modified) (suspended) (revoked) will be based on an evaluation of whether or not there has been a violation of any of the terms or conditions of the permit.

(*b*) All public notices concerning hearings pursuant to subsection 21(b)(4) shall contain the following:

The decision as to whether or not the Department of the Army permit which is the subject of this hearing will be suspended will be based on an evaluation of whether or not operation of the permitted facility or activity will violate applicable water quality standards.

(*c*) All public notices concerning hearings pursuant to subsection 21(b)(2) shall contain the following:

This hearing will be limited to consideration of the objections of the State of (name of objecting State) to issuance of the requested Department of the Army permit. The decision after the hearing will be based on an evaluation of whether or not the permit can be conditioned in a manner which will satisfy the objection of the State of (name of objecting State) that its water quality standards will be violated. If it is determined that the permit cannot be so conditioned, it will be denied.

(2) In addition to the parties to a hearing, copies of the public notice shall be sent to all other persons who would normally receive a public notice for an informational public hearing under applicable regulations of the Chief of Engineers (see § 209.120 (f) and (g) and § 209.131(k)).

(f) *Designation of parties to a public hearing.* The hearing examiner shall designate as parties to the hearing as many of the following persons, agencies, firms, or other entities as are appropriate: The applicant for the permit or the permittee, as the case may be; the District Engineer of the Corps of Engineers with whom the application was filed or who issued the permit, as the case may be; the appropriate Regional Representative of the Environmental Protection Agency; the appropriate Regional Coordinator or Field Representative of the Department of the Interior; the appropriate Regional Director of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce; the certifying State; the objecting State; the interstate agency; and any other persons, agencies, firms or other entities whose participation in the hearing is deemed necessary to develop the issues which will be presented at the hearing.

(g) *Delegation of authority by the Secretary of the Army or the Chief of Engineers.* The Secretary of the Army or the Chief of Engineers may delegate his authority under these regulations, including but not limited to, his authority to review the record and make a decision. Such delegation may be made to a designee who is not a hearing examiner appointed pursuant to 5 U.S.C. 3105. Only a hearing examiner authorized to act pursuant to 5 U.S.C. 3105 shall have the authority to preside at hearings held pursuant to this section.

[FR Doc.71-14008 Filed 9-21-71;8:53 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 3000, 3045, 3104, 3200]

GEOTHERMAL RESOURCES LEASING AND OPERATIONS ON PUBLIC, ACQUIRED, AND WITHDRAWN LANDS

Notice of Time Extension for Comments on Proposed Rule Making

The time within which written comments on the proposed rule making to implement the Geothermal Steam Act of December 24, 1970 (84 Stat. 1566), published in the FEDERAL REGISTER, Volume 32, No. 142, Part II, on July 23, 1971, is hereby extended from September 21, 1971, to November 12, 1971.

At the request of interested parties, the time period for submission of comments on these proposed regulations has been extended to give the general public an opportunity to review the draft environmental statement prepared in accordance with provisions of section 102 (2)(C) of the National Environmental Policy Act of 1969 prior to the closing of the comment period on the proposed regulations. Accordingly, interested parties

may submit written comments, suggestions, or objections with respect to the proposed regulations to the Geothermal Coordinator, Department of the Interior, Washington, D.C. 20240, at any time prior to the close of business, November 12, 1971.

W. T. PECORA,
Under Secretary.

SEPTEMBER 17, 1971.

[FR Doc.71-13944 Filed 9-21-71;8:51 am]

Geological Survey

[30 CFR Part 270]

GEOTHERMAL RESOURCES LEASING AND OPERATIONS ON PUBLIC, ACQUIRED, AND WITHDRAWN LANDS

Extension of Time for Comments

CROSS REFERENCE: For a document relating to geothermal resources leasing and operations see F.R. Doc. 71-13944, Bureau of Land Management, *supra*.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

CREAMED COTTAGE CHEESE STANDARD; PROPOSAL TO LIST SORBIC ACID, SODIUM SORBATE, AND POTASSIUM SORBATE AS OPTIONAL INGREDIENTS

Notice is given that a petition has been filed by Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006, proposing that the standard of identity for creamed cottage cheese (21 CFR 19.530) be amended to permit listing as optional ingredients the following substances complying with § 121.101 of the food additive regulations (21 CFR 121.101): Sorbic acid, sodium sorbate, and potassium sorbate. The petition proposes that the added sorbic acid or sorbates in the finished food shall be limited to not more that 0.10 percent, by weight, calculated as sorbic acid. Appropriate label declaration of the addition of the preservatives is proposed.

Grounds given in support of the proposal are: (1) It is in the consumer's interest to extend the shelf life of creamed cottage cheese by retarding the growth of microflora which produce off-flavors and odors at ordinary refrigeration temperatures; (2) the proposed sorbic acid and its sodium and potassium salts are GRAS substances and are effective as inhibitors to the growth of molds, yeasts, and a variety of psychrophilic spoilage bacteria; and (3) changes in manufacturing practices, distribution, and home consumption patterns have placed a heavy burden on the maintenance of the shelf life of creamed cottage cheese.

In consideration of the fact that the supporting background to the petition contains data showing that a level of more than 0.10 percent sorbic acid may impart a detectable off-flavor to the creamed cottage cheese and that a level of sorbic acid 0.075 percent was effective in extending the shelf life of creamed cottage cheese without flavor defects, the Commissioner proposes, in the event that sorbic acid and sorbates are designated as optional ingredients in § 19.530, that the limit be set at not more than 0.075 percent, calculated as sorbic acid.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days after its date of publication in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, and may be accompanied by a memorandum or brief in support thereof. Received comments may be seen at the above office during regular business hours, Monday through Friday.

Dated: September 13, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-13934 Filed 9-21-71;8:50 am]

Office of the Secretary

[45 CFR Part 15]

FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Relocation Assistance and Real Property Acquisition Policies

The regulations of the Department of Health, Education, and Welfare dealing with relocation assistance and real property acquisition policies are published as a regulation in Part II of this issue of the FEDERAL REGISTER as Part 15 of Title 45 of the Code of Federal Regulations. It is contemplated that by approximately December 31, 1971, those regulations will be revised in the light of the definitive guidelines being developed by the Office of Manpower and Budget and in the light of such comments on those regulations as may be received by this Department, in order to comply as fully as practicable with the provisions of subsection (b)(1) of section 213 of Public Law 91-646 (42 U.S.C. 4633) with respect to fairness, reasonability and uniformity.

Accordingly, notice is hereby given that comments of interested parties with respect to those regulations should be forwarded to the Facilities Engineering and Construction Agency, Office of the Secretary of Health, Education, and Welfare prior to December 31, 1971, for appropriate consideration and possible inclusion in such a revision. Any comments that may be received in response to this notice will be available for public inspection in Room 3025, 330 Independence Avenue SW., Washington, DC, during regular business hours.

Dated: September 15, 1971.

RODNEY H. BRADY,
Assistant Secretary for Management and Administration.

[FR Doc.71-13890 Filed 9-21-71;8:49 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 11417]

SIAI-MARCHETTI MODELS S.205 AND S.208 AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to SIAI-Marchetti Models S.205 and S.208 airplanes. There have been reports of cases of fuselage frame cracks in the areas of the wing front spar attach points that could result in structural failure of the wing spar attachments on Models S.205 and S.208 airplanes. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require modification of the fuselage frame within the next 100 hours' time in service or before the accumulation of 600 hours' time in service, whichever occurs later, and periodic inspection of the fuselage frame for cracks pending the modification.

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, GC-24, 800 Independence Avenue, SW., Washington, DC 20591. All communications received on or before October 21, 1971, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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

SIAI-MARCHETTI. Applies to Model S. 205, Serial Nos. 001 through 003, 101 through 104, 106 through 108, 110 through 399, 4–101 through 4–104, 4–106 through 4–133, 4–135 through 4–165, 4–167 through 4–202, 4–204 through 4–206, 4–208 through 4–235, 4–237 through 4–252, 4–256 through 4–268, 4–271, 4–273, 4–274, 4–277 through 4–282, 4–285, 5–302, and 5–303; and to Model S. 208, Serial Nos. 001 through 003, 1–03 through 1–12, 1–14, 1–15, 2–16 through 2–19, 2–48 through 2–50, 3–100, and 4–51 airplanes.

Compliance required as indicated.

To prevent structural failure of the wing front spar attachments to the fuselage frame, accomplish the following:

(a) For airplanes with 500 or more hours' time in service on the effective date of this AD, within the next 100 hours' time in service after the effective date of this AD comply with paragraph (c).

(b) For airplanes with less than 500 hours' time in service on the effective date of this AD—

(1) Within the next 100 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 100 hours' time in service from the last inspection, until modified in accordance with paragraph (c), visually inspect, using a magnifying glass of at least 5 powers, the wing front spar attachments to the fuselage frame 2BIS, P/N 205–1–043–01 for cracks in accordandce with SIAI-Marchetti Service Bulletin No. 205B28, dated May 11, 1971, or an FAA-approved equivalent. If cracks are found during an inspection required by this paragraph, before further flight, comply with paragraph (c).

(2) Before the accumulation of 600 hours' time in service comply with paragraph (c).

(c) Modify both sides of the fuselage frame No. 2BIS, P/N 205–1–043–01, in accordance with SIAI-Marchetti Service Bulletin No. 205B28, dated May 11, 1971, or an FAA-approved equivalent.

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

Issued in Washington, D.C., on September 14, 1971.

WILLIAM G. SHREVE, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.71-13898 Filed 9-21-71;8:47 am]

[14 CFR Part 39]

[Airworthiness Docket No. 71-WE-15-AD]

McDONNELL DOUGLAS MODEL DC-8 SERIES AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to McDonnell Douglas Model DC-8 series airplanes. There have been failures of the main landing gear retract cylinder attach pins due to stress corrosion on DC-8 airplanes which cause the loss of gear retraction ability for that gear. Free falling of the gear with a broken pin can also cause damage to the bungee mechanisms and prevent the gear from locking in the down position. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require an inspection and rework schedule in accordance with McDonnell Douglas Service Bulletin 32–102, Rev. 4, or later FAA approved revision, or an equivalent FAA approved procedure.

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 Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rules Docket, Post Office Box 92007, World Way Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action upon the proposed rule. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rules Docket for examination by interested persons.

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

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

MCDONNELL DOUGLAS. Applies to all Model DC–8 series airplanes.

Compliance required within the next 3,000 hours time in service after the effective date of this AD, unless already accomplished within the last 9,500 hours' time in service, and thereafter at intervals not to exceed 12,500 hours' time in service from the last inspection.

To prevent failures of the main landing gear retract cylinder attach pin, accomplish the following in accordance with McDonnell Douglas DC–8 Service Bulletin No. 32–102, Rev. 4, dated May 4, 1970, or later FAA approved revision, or an equivalent procedure approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(a) Remove retract pin and inspect retract pin lock bolt hole, surface of retract pin, and inner surface of retract pin boss for corrosion and cracks.

(b) If corrosion is found, rework to remove all traces of corrosion. If cracks are found in retract pin, discard the pin.

(c) Reinstall pin, with particular care being used in obtaining moisture proof seal around the retract pin lock bolt.

Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

Issued in Los Angeles, Calif., on September 13, 1971.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.71-13902 Filed 9-21-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-99]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Crystal Lake, Ill.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

In September 1971, the Northbrook VORTAC will be relocated with the result that the public use instrument approach procedure will be changed. Accordingly, it is necessary to designate a 700-foot-transition area at Crystal Lake, Ill., to provide controlled airspace protection for aircraft executing the changed procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is added:

CRYSTAL LAKE, ILL.

That airspace extending upward from 700 feet above the surface, within a 4.5-mile radius of the Crystal Lake Airport (latitude 42°12'12" N., longitude 88°19'27" W.); excluding the portion within the Chicago, Ill., transition area.

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

Issued in Kansas City, Mo., on September 2, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.71-13899 Filed 9-21-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-107]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Tiffin, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

A new public use instrument approach procedure has been developed for the Seneca County Airport, Tiffin, Ohio. Accordingly, it is necessary to alter the Tiffin, Ohio, transition area to adequately protect aircraft executing the new approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

TIFFIN, OHIO

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Seneca County Airport (latitude 41°05'38" N., longitude 83°12'45" W.); within 3 miles each side of the 053° bearing from the Seneca County Airport extending from the 7-mile-radius area to 8.5 miles northeast of the airport.

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

Issued in Kansas City, Mo., on September 2, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.71-13900 Filed 9-21-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-108]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone at Columbus (Ohio State University Airport), Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Since designation of controlled airspace, a new public use instrument approach procedure has been established for the Ohio State University Airport, Columbus, Ohio. Accordingly, it is necessary to alter the Columbus (Ohio State University Airport), Ohio, control zone to provide controlled airspace for the protection of aircraft executing the new approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71-171 (36 F.R. 2055), the following control zone is amended to read:

COLUMBUS, OHIO (OHIO STATE UNIVERSITY AIRPORT)

Within a 5-mile radius of the Ohio State University Airport (latitude 40°04'40" N., longitude 83°04'30" W.); within 3 miles each side of the 273° and 090° bearings from the airport extending from the 5-mile-radius zone to the 8.5 miles west and east of the airport excluding that portion within the Columbus, Ohio, control zone. This control zone shall be effective from 0700 to 2300 hours, local time, daily.

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

Issued in Kansas City, Mo., on September 2, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.71-13901 Filed 9-21-71;8:47 am]

[14 CFR Part 121]

[Docket No. 10358]

LIMITATION ON USE BY CERTAIN CERTIFICATE HOLDERS OF PILOTS THAT HAVE REACHED THEIR 60TH BIRTHDAY

Notice of Public Hearing

Notice was issued on June 11, 1971, and published in the FEDERAL REGISTER (36 F.R. 11456) postponing the public hearing originally scheduled for June 15, 1971, to receive the views of all interested persons concerning proposals to amend Part 121 of the Federal Aviation Regulations by amending or revoking § 121.383 (c), the "age 60" rule. The postponed public hearing has been reset for 9:30 a.m., October 19, 1971, at Federal Building 10A, 800 Independence Avenue SW., Washington, DC.

After evaluating the comments received at the hearing and other available data, the FAA will determine whether or not further rule making action is warranted. If it is determined that such action is warranted, a subsequent notice of proposed rule making will be issued containing the specific terms of proposed amendments to Part 121.

Subpart M of Part 121 prescribes airman and crewmember requirements for all Part 121 certificate holders. Section 121.383(c) of that subpart reads as follows:

§ 121.383 Airman: Limitations on use of services.

* * * * *

(c) No certificate holder may use the services of any person as a pilot on an airplane engaged in operations under this part if that person has reached his 60th birthday. No person may serve as a pilot on an airplane engaged in operations under this part if that person has reached his 60th birthday.

Because of wide interest in this matter, the FAA has decided that it would be in the public interest to give all interested parties an opportunity to comment on the need for change. The hearing will be an informal hearing conducted by a designated representative of the Administrator under 14 CFR 11.33. It will not be a judicial or evidentiary type hearing, so there will be no cross-examination of persons presenting statements (5 U.S.C. sec. 553).

The FAA Presiding Officer will make an opening statement presenting, in brief, the history of § 121.383(c). Interested persons will then have an opportunity to present their initial oral statements and rebuttal statements in the order determined by the Presiding Officer. These statements should focus on the need to retain or to amend § 121.383(c).

Interested persons are invited to attend the hearing and present oral or written statements on the matters set forth herein that will be made a part of the record of the hearing. Any person who wishes to make an oral statement at the hearing should notify the FAA by October 15, 1971, stating the amount of time required for his initial statement. In addition, any person who is unable to attend the hearing may submit relevant written comments. These comments must also be received by the FAA by October 15, 1971, to be made a part of the hearing record. However, it is not necessary to again submit written comments previously made, since those comments will be considered by the FAA. All communications concerning this hearing should be addressed to the Office of the General Counsel, Rules Docket, GC-24, Federal Aviation Administration, Department of Transportation, Washington, D.C. 20591, marked "Attention: Presiding Officer, Public Hearing on Age 60 Rule."

A transcript of the hearing will be made; anyone may buy a copy of the transcript from the reporter.

This notice is issued under the authority of sections 313 (a) and (c), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354 (a) and (c), 1421, 1424), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

WILLIAM G. SHREVE, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.71-13921 Filed 9-21-71;8:49 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 8201]

OREGON

Designation of Steens Mountain Recreation Lands

SEPTEMBER 15, 1971.

Pursuant to the authority in 43 CFR, Subpart 2070, and the authorization from the Director dated June 29, 1970, I hereby designate the public lands in the following described areas ar the Steens Mountain Recreation Lands:

WILLAMETTE MERIDIAN

T. 32 S., R. 32½ E.,
Secs. 1 to 3, inclusive;
Sec. 4, E½NE¼, S½S½, and NE¼SE¼;
Sec. 5, SE¼SE¼;
Sec. 8, E½NE¼, SW¼NE¼, SE¼NW¼, E½SW¼, and SE¼;
Secs. 9 to 36, inclusive.
T. 33 S., R. 32½ E.,
Secs. 1 to 36, inclusive.
T. 34 S., R. 32½ E.,
Secs. 1 to 18, inclusive.
T. 32 S., R. 32¾ E.,
Secs. 5 to 8, inclusive;
Secs. 17 to 22, inclusive;
Sec. 25, S½;
Sec. 26, S½;
Secs. 27 to 36, inclusive.
T. 33 S., R. 32¾ E.,
Secs. 1 to 36, inclusive.
T. 34 S., R. 32-3/4 E.,
Secs. 1 to 36, inclusive.
T. 32 S., R. 33 E.,
Secs. 22 and 23;
Secs. 26 and 27;
Sec. 28, S½S½;
Sec. 29, S½;
Sec. 30, S½;
Secs. 31 to 35, inclusive.
T. 32½ S., R. 33 E.,
Secs. 20 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 33 S., R. 33 E.,
Secs. 1 to 5, inclusive;
Secs. 8 to 17, inclusive;
Secs. 20 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 34 S., R. 33 E.,
Secs. 1 to 5, inclusive;
Secs. 8 to 17, inclusive;
Secs. 20 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 32 S., R. 34 E.,
Secs. 7 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 33 S., R. 34 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 34 S., R. 34 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.

The areas described aggregate about 193,806 acres, of which approximately 140,607 acres are public lands administered by the Bureau of Land Management. The lands are in Harney County.

The Steens Mountain Recreation Lands include Class II—General Outdoor Recreation Areas, Class III—Natural Environment Areas, and Class VI—Historic and Cultural Sites under the Bureau of Outdoor Recreation system of classification.

MAXWELL T. LIEURANCE,
Acting State Director.

[FR Doc.71-13887 Filed 9-21-71;8:46 am]

[A 5941; Power Project No. 1363]

ARIZONA

Order Providing for Opening of Lands

By virtue of the authority contained in section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and in accordance with Bureau of Land Management Order No. 701 dated July 23, 1964 (29 F.R. 10526), as amended, and pursuant to the vacating order of the Federal Power Commission (36 F.R. 14515, Aug. 6, 1971), it is ordered as follows:

1. The following described lands, so far as they are withdrawn and reserved for power purposes, are hereby restored to disposition under applicable public land laws from the withdrawal for Federal Power Project No. 1363 dated April 30, 1936, as amended September 29, 1936, subject to valid existing rights and the provisions of existing withdrawals:

GILA AND SALT RIVER MERIDIAN, ARIZONA

All portions of the following tracts lying within 25 feet of the centerline of the transmission line location shown on a map designated "Exhibit K" and entitled "Showing Right-of-Way, The Arizona Power Corporation, the Flagstaff Transmission Line Through Public, Private, and State Lands, Prescott, Yavapai County, Arizona" and filed in the office of the Federal Power Commission on February 11, 1936.

T. 16 N., R. 3 E.,
Sec. 9, NE¼.
T. 17 N., R. 3 E.,
Sec. 25, S½SE¼ and SE¼SW¼ (uns.);
Sec. 34, lots 1 and 5;
Sec. 35, E½NE¼, SW¼NE¼, SE¼NW¼, N½SW¼, and SW¼SW¼ (uns.);
Sec. 36, N½NW¼ (uns.).
T. 17 N., R. 4 E.,
Sec. 13, SE¼ and S½SW¼;
Sec. 14, SE¼SE¼;
Sec. 21, NE¼SE¼ and S½S½;
Sec. 22, S½NE¼, NW¼SE¼, and N½SW¼;
Sec. 23, N½N½ and SW¼NW¼;
Sec. 24, NW¼NW¼;
Sec. 28, N½NW¼;
Sec. 29, N½NE¼, SW¼NE¼, and S½NW¼;
Sec. 30, lots 3 and 4, SE¼NE¼, N½SE¼, and NE¼SW¼.
T. 17 N., R. 5 E.,
Sec. 1, NE¼SE¼, SE¼NW¼SE¼, W½NE¼SW¼, SE¼SW¼, and W½SW¼;
Sec. 2, N½S½SE¼, N½SE¼SW¼, and SW¼SW¼;
Sec. 8, SE¼SE¼;
Sec. 9, SE¼ and S½SW¼;
Sec. 10, SE¼NE¼, E½SW¼NE¼, E½SW¼SW¼NE¼, N½NE¼SW¼, and NW¼SW¼;
Sec. 11, N½NW¼NW¼, SW¼NW¼NW¼, and W½SW¼NW¼;
Sec. 17, N½N½ and SW¼NW¼;
Sec. 18, lots 7 and 8, S½NE¼, and SE¼NW¼ (formerly lot 3, S½NE¼, SE¼NW¼, and NE¼SW¼).
T. 17 N., R. 6 E.,
Sec. 4, NW¼NW¼ (formerly lot 2 of the NW¼);
Sec. 5, lots 1 and 2, SW¼NE¼, and S½NW¼;
Sec. 6, lots 14, 15, and 16, SE¼NE¼, N½NW¼SE¼, and NE¼SE¼ (formerly lot 6, S½NE¼, N½NW¼SE¼, NE¼SE¼, and NE¼SW¼).
T. 18 N., R. 6 E.,
Sec. 1, lot 2, SW¼NE¼, and SE¼;
Sec. 12, lots 1 to 4, inclusive (formerly E½E½);
Sec. 13, lots 1 to 4, inclusive (formerly E½E½);
Sec. 24, NE¼NE¼;
Sec. 25, E½NE¼, SW¼NE¼, N½SE¼, E½SW¼, and SW¼SW¼;
Sec. 26, SE¼SE¼;
Sec. 34, lot 5, SE¼NE¼, N½SE¼, and NE¼SW¼;
Sec. 35, N½NE¼, E½NW¼, and SW¼NW¼.
T. 19 N., R. 6 E.,
Sec. 25, E½SE¼;
Sec. 36, E½E½ and W½SE¼.
T. 18 N., R. 7 E.,
Sec. 8, lots 1, 6, 7, and 12;
Sec. 17, lot 1;
Sec. 20, lots 1, 5, 6, 8, 11, and 12;
Sec. 29, lots 1 and 2.
T. 19 N., R. 7 E.,
Sec. 5, lot 4 (formerly NW¼NW¼);
Sec. 6, lot 1, SE¼NE¼, and E½SE¼ (formerly E½E½);
Sec. 7, lots 5 and 6, and E½NE¼;
Sec. 17, SW¼NW¼ and W½SW¼;
Sec. 18, lots 1 and 4;
Sec. 20, W½W½;
Sec. 29, lots 1, 2, and 3.
T. 20 N., R. 7 E.,
Sec. 5, lot 4, SW¼NW¼, and W½SW¼;
Sec. 7, NE¼NE¼, S½SE¼SE¼NE¼, NE¼NE¼SE¼, and NE¼SE¼NE¼SE¼;
Sec. 17, W½NW;
Sec. 29, SW¼NW¼ and W½SW¼ (formerly W½W½);
Sec. 31, SE¼NE¼ and E½SE¼;
Sec. 32, W½W½.
T. 21 N., R. 7 E.,
Sec. 19, SE¼;
Sec. 30, NE¼NE¼, E½SE¼NE¼, and E½SE¼;
Sec. 31, E½NE¼ and NE¼SE¼.

The areas described, including both public and nonpublic lands, aggregate approximately 240 acres in Yavapai and Coconino Counties.

The lands are withdrawn as part of the Coconino National Forest, and are under the jurisdiction of the Department of Agriculture. In addition to the withdrawal for national forest purposes, some of the lands are withdrawn for a Forest Service guard station and administrative site; some of the lands are patented, and some are deeded for special purposes.

The status of any tract may be ascertained by inquiry of the Chief, Division of Technical Services, hereinafter named.

2. Until November 29, 1971, the State of Arizona shall have the preferred right of application for highway easement or for highway material site purposes (16 U.S.C. 818), as to the unappropriated lands.

3. At 10 a.m. on November 29, 1971, the unappropriated lands shall be open to such forms of disposition as may by law be made of national forest lands. They have been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the Chief, Division of Technical Services, Arizona State Office, Bureau of Land Management, 3022 Federal Building, Phoenix, Ariz. 85025, or Regional Forester, Forest Service, U.S. Department of Agriculture, 517 Gold Avenue, SW., Albuquerque, NM 87101.

RILEY E. FOREMAN,
Acting State Director.

SEPTEMBER 15, 1971.

[FR Doc.71-13879 Filed 9-21-71;8:46 am]

[Serial No. N-2573]

NEVADA

Termination of Notice of Proposed Classification of Public Lands for Transfer Out of Public Ownership

SEPTEMBER 13, 1971.

1. F.R. Doc. 70-15821 appearing at page 18067 of the issue of Wednesday, November 25, 1970, and an amendment thereto, F.R. Doc. 71-1406 appearing at page 1916 of the issue of Wednesday, February 3, 1971, identified 3,720 acres of public land proposed to be classified for transfer out of Federal ownership under authority of section 8 of the Taylor Grazing Act (43 USC 316g).

2. As a result of those notices, a number of protests and objections were raised to the proposal. There was no evident public support for the classification. It has therefore been determined that there would be no advantage to the public to proceed with classification.

3. The notice of proposed classification is hereby terminated. The segregative effect afforded by the proposed classification is terminated upon publication of this notice in the FEDERAL REGISTER (9-22-71).

EDWARD F. SPANG,
Acting State Director, Nevada.

[FR Doc.71-13883 Filed 9-21-71;8:46 am]

Office of the Secretary

ORANGE COUNTY, CALIF.

Final Environmental Statement; Proposed Sea Water Distillation Module

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement relating to the proposed construction and operation of a sea water distillation module of VTE/MSF design of approximately 3 m.g.d. capacity in Orange County, Calif., in cooperation with the Orange County Water District.

Reading copies of the final environmental statement are available in the Office of Saline Water, Room 5358 of the Interior Building in Washington, D.C. and at the Orange County Water District offices in Santa Anna, Calif. Copies may be obtained for $3 by writing the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

JOHN W. LARSON,
Assistant Secretary of the Interior.

SEPTEMBER 15, 1971.

[FR Doc.71-13895 Filed 9-21-71;8:47 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case 421]

SCANTRONIC AB AND SWEDISH ELECTRONIC EXPORT GROUP AB

Notice of Related Party Determinations

In the matter of Scantronic AB and Swedish Electronic Export Group AB (Swedelex), 32 Filmgatan, S-171 02 Solna 2, Sweden.

An order dated June 28, 1971, effective July 7, 1971, was entered by the Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, against Marcus Dannoff, doing business as Scanmec International Manufacturing Sales Organization, of Solna, Sweden, denying all privileges of participating in any manner or capacity in exportations from the United States of commodities or technical data for a period of 5 years. This order was published in the FEDERAL REGISTER on July 7, 1971 (36 F.R. 12802).

Section 388.1(b) of the Export Control Regulations provides, in part, that to the extent necessary to prevent evasion of any order denying export privileges, said order may be made applicable to parties other than those named in the order with whom said named parties may then or thereafter be related by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or related services. It has been determined by the Office of Export Control that within the purview of said section, Scantronic AB and Swedish Electronic Export Group AB (Swedelex), both located at the above address, are related parties to Marcus Dannoff. Under these determinations the terms and restrictions of the outstanding denial order against said Dannoff are effective against said related parties.

The said related parties are being notified of these determinations and advised that if they contend that the ruling is not justified, they may make application to have the ruling reconsidered or terminated. Due notice will be given of any termination or change in these related party determinations.

Dated: September 16, 1971.

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

[FR Doc.71-13897 Filed 9-21-71;8:47 am]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

PHIL CLARK AND SONS SALES CO., ET AL.

Posted Stockyards

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

Name, location of stockyard and date of posting

IOWA

Phil Clark and Sons Sales Co., Knoxville, June 15, 1971.

KENTUCKY

Mammoth Cave Marketing Corporation, Smiths Grove, August 10, 1971.

OKLAHOMA

Collinsville Livestock Exchange, Inc., Collinsville, September 1, 1971.

TEXAS

Franklin County Livestock Commission Co., Mount Vernon, August 20, 1971.

WISCONSIN

Wisconsin Feeder Pig Marketing Cooperative, Lancaster, May 12, 1971.

Done at Washington, D.C., this 16th day of September 1971.

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

[FR Doc. 71-13955 Filed 9-21-71;8:52 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ATLAS CHEMICAL INDUSTRIES, INC.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)

(5)), notice is given that a petition (FAP 2A2713) has been filed by Atlas Chemical Industries, Inc., Wilmington, Del. 19899, proposing that § 121.1030 *Polysorbate 60* (21 CFR 121.1030) be amended to provide for the safe use of polysorbate 60 as an emulsifier in chocolate flavored syrup.

Dated: September 13, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-13931 Filed 9-21-71;8:50 am]

BUCKMAN LABORATORIES, INC.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2B2717) has been filed by Buckman Laboratories, Inc., Memphis, Tenn. 38108, proposing that § 121.1092 *Acrylamide-acrylic acid resin* be amended to provide for the safe use of sodium polyacrylate-acrylamide-sodium silicate resin for control of organic and mineral scale in sugar beet juice or liquor or cane sugar juice or liquor.

Dated: September 14, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-13932 Filed 9-21-71;8:50 am]

NALCO CHEMICAL CO.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2B2718) has been filed by Nalco Chemical Co., 180 North Michigan Avenue, Chicago, Ill. 60601, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of polyacroleinbisulfite adduct for modifying and insolubilizing starches and starch gums used in the manufacture of paper and paperboard in contact with aqueous and fatty foods.

Dated: September 13, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-13933 Filed 9-21-71;8:50 am]

Office of The Secretary

OFFICE OF ASSISTANT SECRETARY FOR ADMINISTRATION AND MANAGEMENT AND OFFICE OF HEW FELLOWS PROGRAM

Statement of Organization and Functions

The Statement of Organization, Functions and Delegations of Authority of the Department is amended to transfer the HEW Fellows Program from the Assistant Secretary (Planning and Evaluation) to the Assistant Secretary for Administration and Management.

Section 1. Chapter 1-G, "The Assistant Secretary (Planning and Evaluation)," is amended to delete from Sec. 1-G.20, paragraph H.5 under "Office of Special Concerns," the HEW Fellows Program.

Section 2. The following new section is added to Chapter 1-U, "The Assistant Secretary for Administration and Management," to read as follows:

Section 1U0101. The Office of the HEW Fellows Program is responsible for the planning, coordination, and implementation of the Department's program to recruit young minority employees as special assistants to key officials and to develop a cadre of high caliber people as a source to fill top level administrative positions in government.

Dated: September 16, 1971.

ELLIOT L. RICHARDSON,
Secretary, Department of Health, Education, and Welfare.

[FR Doc.71-13936 Filed 9-21-71;8:51 am]

OFFICE OF INTERNATIONAL AFFAIRS

Organization and Functions

Section 1-F of Part 1 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare reads as follows:

SECTION 1-F.00 *Mission.* The Office of International Affairs serves as the primary source of advice and counsel to the Secretary for the determination, development, and review of the Department's positions and policies concerning its international affairs and commitments. The Office also coordinates the international activities of the constituent agencies, provides guidance to those who plan and conduct the international components of the Department's programs, and maintains liaison and close working relationships with the international units of the constituent agencies.

SEC. 1-F.10 *Organization.* The Office of International Affairs is headed by the Special Assistant to the Secretary for International Affairs, who reports directly to the Secretary. The Office includes the secretariat for the Exchange Visitor Waiver Review Board and for the Departmental Advisory Committee on International Affairs.

SEC. 1-F.20 *Functions.* To carry out its mission, the Office of International Affairs:

1. Informs and advises the Secretary on international developments of concern to the Department, and represents the Secretary, as he directs, in international matters.

2. Provides motivation for change in direction or emphasis as well as guidance and support in the development and implementation of international programs and activities.

3. Assists the operating agencies in their international program responsibilities and represents the Department, in cooperation with the operating agencies when appropriate, in discussions of international policy matters with representatives of executive departments or agencies, international organizations, or the private sector. Reviews all formal agreements with other departments and agencies involving Department participation in international programs.

4. Coordinates the preparation of position papers and other materials by the operating agencies for use by U.S. Delegations at intergovernmental international organization meetings, conferences, and assemblies, and, as appropriate, drafts HEW coordinated position papers.

5. Coordinates the Department's participation in, and recommends courses of action with respect to, the activities of governmental and nongovernmental international organizations. At the request of the Department of State, coordinates the nomination of departmental personnel and public members to serve on official U.S. delegations or as participants in international conferences. Coordinates and stimulates nominations of candidates, from the public and private sectors, when required or desirable for positions with international agencies.

6. Formulates and supervises foreign travel procedures, including the establishment of ceilings.

7. Serves as the Department's contact point with the Department of State and other executive agencies for formal, official communications dealing with international matters.

8. Chairs and provides the secretariat for the Departmental Advisory Committee on International Affairs, established by the Secretary to observe and comprehend the total of the Department's international efforts and obligations as well as the important issues which relate to them. The Committee provides advice and guidance on these matters to the Secretary.

9. Chairs and provides administrative and secretarial support to the Exchange Visitor Waiver Review Board. The Board assures thorough and equitable evaluations of applications for waivers of the 2-year foreign residence requirement of the exchange visitor program, and recommends to the Department of State for or against waivers for cases involving professional competencies of special interest to this Department. The Board also gives particular attention to the relationship of the Department's waiver policies to the international mobility of manpower and its implications for the migration of talent from the developing countries.

Approved: September 15, 1971.

ELLIOT L. RICHARDSON,
Secretary, Department of Health, Education, and Welfare.

[FR Doc.71-13937 Filed 9-21-71;8:51 am]

Public Health Service

FOREIGN QUARANTINE

Quarantine Exempt Areas

Pursuant to the provisions of § 71.46, Part 71, Title 42, Code of Federal Regulations, a vessel or aircraft arriving at a port under the control of the United States is required to undergo quarantine inspection prior to entry unless it has been only in areas (quarantine exempt areas) determined to present no significant threat of introduction of communicable disease into the United States or its possessions, or unless since receiving pratique at a port under the control of the United States or in Canada or the Canal Zone, it has been only in such areas.

The Administrator, Health Services and Mental Health Administration, is considering extension of the current list of quarantine exempt areas by including the following areas which have been determined to present no significant threat of introduction of communicable disease into the United States or its possessions: Australia, Mexico, and New Zealand.

The complete list of quarantine exempt areas would be as follows:

The United States and its possessions.
Greater Antilles: Dominican Republic, Haiti, Jamaica.
Lesser Antilles: Aruba, Bonaire, Curacao. *All Leeward Islands* including: Anguilla, Antigua, Barbuda, the British Virgin Islands including Tortola, Virgin Gorda, Anegada, and Jost Van Dykes, Guadeloupe, Montserrat, Nevis, Redonda, St. Kitts, and St. Martin. *All Windward Islands* including: Dominica, Grenada, The Grenadines, Martinique, St. Lucia, and St. Vincent.
Australia.
The Bahama Islands.
Barbados.
The Bermuda Islands.
Canada.
The Canal Zone.
Caymen Islands.
Greenland.
Iceland.
The Islands of St. Pierre and Miquelon.
Mexico.
New Zealand.
Trinidad and Tobago.

Inquiries may be addressed and information submitted in writing, in duplicate, to the Director, Center for Disease Control, 1600 Clifton Road NE Atlanta, GA 30333. All relevant material received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed extension of the list of quarantine exempt areas.

Dated: September 16, 1971.

ROBERT VAN HOEK,
Acting Administrator, Health Services and Mental Health Administration.

[FR Doc.71-13926 Filed 9-21-71;8:50 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-398, 50-399]

PACIFIC GAS AND ELECTRIC CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matter

Pacific Gas and Electric Co., 77 Beale Street, San Francisco, CA 94106, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application dated August 19, 1971, for authorization to construct and operate two single-cycle, forced circulation, boiling water nuclear reactors on a 409-acre site located on the Pacific Ocean, adjacent to the city of Point Arena in Mendocino County, Calif. The proposed site is located midway between San Francisco and Eureka.

The proposed facilities are designated by the applicant as the Mendocino Power Plant Units 1 and 2. Each reactor is designed for initial operation at approximately 3323 megawatts (thermal) with a gross electrical output of approximately 1,168 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within 60 days after September 22, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and at the Public Information Office in the Commission's San Francisco Office at 2111 Bancroft Way, Berkeley, CA 94704. A copy has also been sent to the Mendocino County Library, 108 West Clay Street, Ukiah, CA 95482.

Dated at Bethesda, Md., this 14th day of September 1971.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Deputy Director, Division of Reactor Licensing.

[FR Doc.71-13793 Filed 9-21-71;8:45 am]

[Docket No. 50-397]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matters

Washington Public Power Supply System, 130 Vista Way, Kennewick, WA 99336, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application dated August 10, 1971, for authorization to construct and operate a single-cycle, forced circulation, boiling water nuclear reactor on a site leased from the U.S. Atomic Energy Commission and located within the Commission's Hanford reservation in Benton County, Wash. The proposed site, which is 3 miles from the Columbia River, is about 12 miles north of the city of Richland, Wash., and is approximately 21 miles northwest of Kennewick and 18 miles northwest of Pasco.

The proposed nuclear reactor, designated by the applicant as Hanford No. 2, is designed for operation at approximately 3,323 megawatts (thermal) with a net electrical output of approximately 1,110 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within 60 days after September 22, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and a copy has been sent to the Richland Public Library, Swift and Northgate Streets, Richland, WA 99352.

Dated at Bethesda, Md., this 13th day of September 1971.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Deputy Director, Division of Reactor Licensing.

[FR Doc.71-13792 Filed 9-21-71;8:45 am]

[Docket No. 50-130]

NORTHERN STATES POWER CO.

Order Extending Provisional Operating License Expiration Date

By Application Amendment No. 51 dated August 4, 1971, the Northern States Power Company requested an extension of the expiration date of Provisional Operating License No. DPR-11 which authorizes possession only of the deactivated and partially dismantled Pathfinder nuclear reactor located near Sioux Falls, S. Dak.

Good cause having been shown in the application for this extension pursuant to 10 CFR Part 50: *It is hereby ordered,* That the expiration date of Provisional Operating License No. DPR-11 is extended from September 12, 1971, to September 12, 1972.

This order is effective as of its date of issuance.

Date of issuance: September 9, 1971.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Acting Director, Division of Reactor Licensing.

[FR Doc.71-13875 Filed 9-21-71;8:45 am]

[Docket No. 50-356]

UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN

Extension of Completion Date of Construction Permit

By application dated August 24, 1971, the University of Illinois requested an extension of the latest completion date specified in Construction Permit No. CPRR-110. The permit authorizes the university to construct a low-power reactor assembly (LOPRA) on its campus in Urbana, Ill.

Good cause having been shown for the extension of the latest completion date of the permit pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and 10 CFR 50.55 of the Commission's regulations, *It is hereby ordered*, That the latest completion date for Construction Permit No. CPRR-110 is extended from October 1, 1971, to December 1, 1971.

This order is effective as of its date of issuance.

Date of Issuance: September 9, 1971.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Deputy Director,
Division of Reactor Licensing.

[FR Doc.71-13894 Filed 9-21-71;8:47 am]

[Docket No. 50-255]

CONSUMERS POWER CO. (PALISADES PLANT)

Notice Confirming Issuance of Order Reconvening Hearing

The Atomic Safety and Licensing Board gives notice that the following order was issued by the Board on September 16, 1971 reconvening the evidentiary hearing in this proceeding on September 27, 1971:

Pursuant to notice of intent to reconvene hearing on less than 30 days' notice, issued on August 6, 1971, the Atomic Safety and Licensing Board orders that the evidentiary hearing in this proceeding shall reconvene at 3 p.m. on Monday, September 27, 1971, in the Van Deusen Auditorium of the City Library System, 315 South Rose Street, Kalamazoo, MI, to consider evidentiary matters related to submittals in reference to emergency core cooling system performance and such other matters as required by the record established as of September 27. Confirming order transmitted by mail to all persons requesting copies.

Issued: September 17, 1971, Germantown, Md.

Atomic Safety and Licensing Board.

SAMUEL W. JENSCH,
Chairman.

[FR Doc.71-14000 Filed 9-21-71;8:53 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23840; Order 71-9-71]

TRANS WORLD AIRLINES, INC.

Order of Suspension and Investigation Regarding Container Rates and Charges on Cut Flowers

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

"Daylight" Type A-2 and Type LD-7 container rates and charges on cut flowers proposed by Trans World Airlines, Inc., Docket No. 23840.

By tariff revisions bearing a posting date of August 17, 1971, and marked to become effective October 1, 1971, Trans World Airlines, Inc. (TWA), proposes to add container charges and rates, applicable to traffic in Type A-2 [1] and Type LD-7 [2] containers on cut flowers from Los Angeles and San Francisco to a number of points in the midwest and east. The proposed rates incorporate a "daylight" time-of-tender restriction (between 4 a.m. and 4 p.m., any day of the week).

The proposed minimum charges per container have been determined by multiplying the proposed minimum weight per container (2,300 pounds for the Type A-2 container and 1,800 pounds for the Type LD-7 container) times the currently applicable bulk specific commodity rate on cut flowers at the 10,000-pound weight-break in each market. TWA does not propose the usual "unitization" discount of $1 per hundred pounds from the above bulk rates. The proposed excess weight rates, for any shipment weights above 2,300 and 1,800 pounds, respectively, would be identical to the applicable bulk specific commodity rates in each market at the 10,000-pound weight-break. The tariff does not bear an expiry date.

The essence of TWA's proposal is to offer sharp reductions to light density floral traffic by application of very low minimum weights for the containers. This results in a minimum density (payload) per container ranging from 4.5 to 5.4 pounds per cubic foot (depending on the cubic capacity of the containers), whereas cut flowers in bulk, noncontainerized form are currently subject to a standard industry rule applicable to cut flowers which provides for a minimum density of 6.5 pounds per cubic foot. This can be compared with the industry rule of general applicability which provides for a minimum density of 6.9 pounds per cubic foot.

A complaint requesting suspension and investigation has been filed by the Flying Tiger Line, Inc. (Tiger). The complaint asserts, inter alia, that (1) TWA has failed to submit fundamental data in support of its filing including (a) any showing of a decline of its floral traffic resulting from surface competition, (b) evidence that the proposal will recapture such lost traffic, and (c) estimates of traffic to be generated by the proposed rates; (2) TWA's secondary rationale of foreign competition from South America will not justify the proposed substantial rate cuts; (3) TWA makes no statement as to the diversion or dilution of present traffic under the proposed rates; (4) the effect of meeting TWA's proposal by competing carriers would result in a significant erosion of existing industry revenues at a time when the carriers are experiencing substantial losses on freight services; and (5) discount pricing, such as that in the instant proposal, will only reduce industry revenues without contributing additional and offsetting traffic volume.

In support of its proposal and in answer to the complaint, TWA asserts, inter alia, that (1) the airfreight industry faces a serious and immediate threat of loss of a substantial portion of floral products which currently move by airfreight; (2) competing refrigerated truck service currently is being offered on cut flowers, resulting from back hauls of dairy products moving westbound, and that such service has proved satisfactory to cut flower shippers; (3) weekend usage of refrigerated truck service has increased because the 2-day transit time to destination allows Friday afternoon departures and Monday morning deliveries, thus eliminating the need for weekend use of labor; (4) traffic volumes are being further jeopardized by competition from South American floral producers who are benefited by lower labor costs; (5) existing floral traffic will be profitably protected, under the proposal, while improving the very low degree of utilization of existing daytime freighter and B-747 belly capacity from the west coast; (6) the proposed rates would apply to larger shipments of 1,800 and 2,300 pounds, while 75 percent of the revenues in the effected markets is generated by shipments of less than 2,000 pounds; and (7) the potential dilution of some $40,000 would be offset by less than a 5-percent increase in traffic, which has been assured by shippers if the proposal becomes effective.[2a]

Upon consideration of the complaint and all other relevant factors, the Board finds that TWA's proposed charges and

[1] The Type A-2 container is a pallet igloo which can be transported only on all-cargo aircraft.

[2] The Type LD-7 container is a pallet of the same size as the Type A-2 but which can be loaded to a height of only 63 inches. It is capable of transport either in the belly of B-747 aircraft, or in all-cargo aircraft, but with a considerable loss of utilized-cube in the latter.

[2a] The Society of American Florists filed a statement on September 15, 1971, in support of TWA's filing.

rates may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated.[3] The Board further concludes that the proposed charges and rates should be suspended pending investigation.

Floral traffic is generally of relatively light density and many containers would probably move at or near the minimum charge. When applied to such traffic, TWA's proposed rates would be uneconomic in relation to the space preempted by the containers. For example, if a plane load of 13 containers (pallet positions) in a B–707–300C all-cargo aircraft moved under the proposed rates at the proposed minimum densities from San Francisco to New York, the resulting revenue per mile would be $2.19.[4] This return appears unduly low when compared to TWA's costs of about $3.92,[5] for operating the same aircraft in scheduled cargo service. It also appears low when compared to TWA's standard charter rate of $4.25 per mile for B–707–300C cargo aircraft, or its lowest one-way charter rate for the same aircraft from Hong Kong to San Francisco of $3.13 per mile which involves a backhaul movement.

Further, we do not believe that TWA has adequately supported its contention that significant additional traffic would be generated, particularly in light of the fact that TWA proposes to sharply reduce rates on a commodity that historically has moved via air transportation in volume. We believe that there is a high risk of diversion and revenue dilution.

We distinguish this proposal from other "daylight" container rates recently permitted by the Board because it lacks the high-density incentive of these earlier rates. For example, TWA's reduced "daylight" LD–3 container charges (Order 71–8–92) did not provide for excess weight rates above the minimum charge, thus resulting in an incentive to increase the density of a shipment to as much as 17 pounds per cubic foot. A density incentive is normally inherent in any container rate offering, as it tends to encourage payload maximization of aircraft which are typically space-limited before they are weight-limited. Contrary to the foregoing, the instant proposal would undermine the density incentive aspect of container movements, because of both the low proposed minimum densities and the lack of an additional density incentive.

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

It is ordered, That:

1. An investigation be instituted to determine whether the rates, charges, and provisions described in appendix A hereto,[6] and rules, regulations, and practices affecting such rates, charges, and provisions are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates, charges, and provisions, and rules, regulations, or practices affecting such rates, charges, and provisions;

2. Pending hearing and decision by the Board, the rates, charges, and provisions described in appendix A hereto are suspended and their use deferred to and including December 29, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein, designated Docket 23840, be assigned before an examiner of the Board at a time and place to be designated;

4. Except to the extent granted herein, the complaint of the Flying Tiger Line, Inc., in Docket 23767, is dismissed; and

5. Copies of this order shall be filed with the tariff and served upon Trans World Airlines, Inc., and the Flying Tiger Line, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71–13939 Filed 9–21–71;8:51 am]

[3] The rates are also automatically under investigation in the Domestic Air Freight Rate Investigation, Docket 22859.

[4] Thirteen pallet positions at the minimum weight required would result in a 100-percent load factor on a space basis, but only about a 30-percent load factor on a weight basis.

[5] The $3.92 per mile applies to domestic scheduled cargo services and assumes that direct operating costs are 53 percent of total cost (derived from the Form 242 reports for the 12 months ended June 30, 1971). This cost figure does not include a return element.

[6] Appendix filed as part of the original document.

FEDERAL POWER COMMISSION

[Dockets Nos. RI71–72 etc.]

MOBIL OIL CORP. ET AL.

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

SEPTEMBER 9, 1971.

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

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

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

The Commission orders:

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

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

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

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI72-72...	Mobil Oil Corp.	200	9	El Paso Natural Gas Co. (Blanco (Mesa Verde) Field; San Juan County, N. Mex.) (San Juan Basin Area).	$777	8-11-71		2-11-72	14.2343	21.33	RI69-431.
	do	215	22	El Paso Natural Gas Co. (Tip Top Field; Sublette County, Wyo.).	84,339	8-10-71		10-11-71	19.646	[1] [2] 20.306	RI70-1666.
	do	361	12	El Paso Natural Gas Co. (Gallegos Canyon Field; San Juan County, N. Mex.) (San Juan Basin Area).	2,357	8-11-71		2-11-72	14.2343	21.33	RI69-430.
RI72-73...	Gulf Oil Corp.	205	[3] 7	Phillips Petroleum Co. (Fradean Field, Upton County, Tex.) (Permian Basin).		8-11-71	8-11-71	[21] Accepted	[20]	[20]	RI70-828.
	do	205	8	do	5,500	8-11-71		8-12-71	[21] 14.0	[4] [21] 16.75	RI70-828.
RI72-74...	R & G Drilling Co., Inc.	2	9	El Paso Natural Gas Co. (Mesa Verde Formation, San Juan County, N. Mex., San Juan Basin).	32,453	8-13-71		2-13-72	[5] 15.0	[5] 29.11	RI69-366.
RI72-75...	Tenneco Oil Co.	37	4	El Paso Natural Gas Co. (Blanco Mesa Verde Field, San Juan County, N. Mex., San Juan Basin).	185	8-18-71		2-18-72	[6] 15.2924	29.23	RI69-405.
	do	47	4	El Paso Natural Gas Co. (Aztec Mesa Verde Field, San Juan County, N. Mex., San Juan Basin).	4,131	8-18-71		2-18-72	[6] 15.2924	29.23	RI69-405.
	do	157	6	El Paso Natural Gas Co. (Ella Blaise Field, San Juan County, N. Mex.) (San Juan Basin).	126	8-18-71		2-18-72	15.2924	29.23	RI69-406.
	do	196	4	El Paso Natural Gas Co. (Allison Unit Area, La plata and Archuleta Counties, Colo., and San Juan County, N. Mex.) (San Juan Basin).	660	8-18-71		2-18-72	14.0	29.23	RI69-406.
	do	230	3	El Paso Natural Gas Co. (Blanco Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin).	7,861	8-18-71		2-18-72	[6] 15.2678	29.23	RI71-365.
RI72-76...	Humble Oil & Refining Co.	210	[7] 10	El Paso Natural Gas Co. (East LaBarge Field, Lincoln and Sublette Counties, Wyo.).		8-18-71	11-1-71	[22] Accepted	[6] 17.2550		RI70-469.
	do	210	11	do	15,478	8-18-71		11-2-71	[6] 17.2550	[6] 19.7026	RI70-469.
RI72-77...	Continental Oil Co.	293	2	Mountain Fuel Supply Co. (Canyon Creek Field, Sweetwater County, Wyo.).	853	8-16-71		10-17-71	[8] 12.1206	[8] 13.13065	
RI72-78...	Wayne Moore et ux.	3	31	El Paso Natural Gas Co. (Blanco Mesa Verde Field, San Juan County, N. Mex., San Juan Basin).	7,837	8-16-71		2-16-72	[6] [11] 12.0	[6] 21.33	
RI72-79...	W. H. Gilmore	1	1	El Paso Natural Gas Co. (Blanco Mesa Verde Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin).	930	8-16-71		2-16-72	[6] [12] 13.0 [6] 11.0	[6] 21.33	
RI72-80...	Marathon Oil Co.	24	8	El Paso Natural Gas Co. (Blanco Field, San Juan County, N. Mex., San Juan Basin).	15,961	8-16-71		2-16-72	14.2678	21.33	RI69-360.
RI72-81...	William C. Russell	2	[10] 12	El Paso Natural Gas Co. (Mesa Verde Formation, San Juan County, N. Mex., San Juan Basin).	23,987	8-16-71		2-16-72	[6] 15.0	[6] 29.11	RI69-367.
RI72-82...	Northeast Blanco Development Corp.	1	8	El Paso Natural Gas Co. (Blanco Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin).	170,054	8-16-71		2-16-72	[6] 15.2869	[6] 21.3333	RI69-385.
RI72-83...	Union Oil Co. of California.	126	[13] 14	United Gas P/L Co. (Cotton Valley Field, Webster Parish, Northern Louisiana).		8-18-71	8-18-71	[23] Accepted			
	do	126	15	do	28,042	8-18-71		8-19-71	[16] 14.07636	[13] 18.75	
	do	126	[17] 16			8-18-71	9-18-71	[23] Accepted			
RI72-84...	Pennzoil Producing Co.	210	20	United Gas P/L Co. (Sugar Creek Field, Claiborne Parish, Northern Louisiana).		8-20-71	9-20-71	[23] Accepted			
		210	21		23,965	8-20-71		10-21-71	[16] 14.07636	17.5	
RI72-85...	Gulf Oil Corp.	180	6	H. L. Hunt (North Lansing Field, Harrison County, Tex., RR. District No. 10).	291	8-23-71		11-2-71	[16] [20] 16.3778	[20] 16.7798	RI71-352.
RI72-86...	Phillips Petroleum Co.	30	[18] 12	Tennessee Gas Pipeline Co. (Green Branch Field, McMullen County, Tex.) (RR. District No. 1).	8,921	8-16-71		2-16-72	[20] 17.5656	[20] 25.0	RI71-1141.

* Unless otherwise stated, the pressure base is 15.025 p.s.i.a.

[1] Contract provides for a rate of 23.62 cents based on the Bureau of Labor Statistics' Industrial commodities wholesale price index. Mobil is fracturing the rate in order to qualify for a one day suspension period.

[2] Fractured Rate converted from 19.80 cents per Mcf @ 14.65 p.s.i.a.

[3] Agreement which provides that Gulf will receive that portion of buyer's resale rate that is not subject to possible future refund plus a pro rata share of any tax reimbursement received by buyer.

[4] Based on buyer's resale rate exclusive of tax reimbursement. Buyer resells the gas to El Paso Natural Gas Co. under its FPC Gas Rate Schedule No. 9.

[5] Gulf is also to receive a pro rata share of buyer's tax reimbursement. The amount is not known.

[6] Includes 1-cent minimum guarantee for liquids.

[7] Agreement which provides for a new schedule of prices and for a 30-year contract term in lieu of 20 years.

[8] Includes a double amount of contractually due tax reimbursement.

[9] Exclusive of 1 cent per Mcf minimum guarantee for liquids.

[10] Not applicable to production from Chacra Well.

[11] Applicable to acreage acquired by assignment prior to Feb. 12, 1959.

[12] Applicable to acreage acquired by assignment after Feb. 12, 1959.

[13] Amendment dated Apr. 23, 1971, which provides for increased rate applicable only to production from above the base of the Gray Sand Formation.

[16] Includes 1-cent tax reimbursement.

[17] Applicable to gas produced from above the base of the Gray Sand.

[18] Contract dated Apr. 23, 1971, amending basic contract to provide for increased rate of 25 cents and 2 cents periodic increases every 4 years from date of initial deliveries applicable to gas produced from below the base of the Gray Sand.

[17] Amendatory agreement dated Aug. 3, 1971, which provides for increased rate.

[19] Buyer deducts 6.75-cent compression charge from rate shown.

[19] Includes letter dated May 18, 1971, wherein Tennessee notified Phillips that it is paying 25 cents for gas in that area.

[20] The pressure base is 14.65 p.s.i.a.

[21] Accepted, to be effective on the dates shown in the "Effective Date" column.

[22] Accepted, to become effective on the date shown in the "Effective Date" column. The acceptance of the agreement filed by Union Oil Co. of California is subject to the conditions prescribed elsewhere in this order.

The proposed increases for sales to El Paso in San Juan Basin are based on favored-nation clauses which were allegedly activated by Aztec Oil & Gas Co.'s unilateral rate increase to 29.23 cents which became effective subject to refund in Docket No. RI71-744, on August 1, 1971. The purchaser, El Paso Natural Gas Co., has protested these favored-nation increases on the basis that they are not contractually authorized. In view of the contractural problem presented, the hearings herein shall concern themselves with the contractural basis for these favored-nation filings, as well as the justness and reasonableness of the proposed increased rates.

Mobil Oil Corp., Wayne Moore, et ux., W. H. Gilmore, Marathon Oil Co., and Northeast Blanco Development Corp. have fractured their proposed increases to 21.33 cents[1] in order to avoid a suspension period of longer than 1 day. Since these are fractured rate increases based on a favored-nations escalation in the contracts that was triggered by a unilateral rate increase that was suspended for 5 months, and Applicants will file for the difference between the subject rates and the 29.23 cents unilateral rate, and since the buyer contends that such a rate increase is not within the contemplation of the Applicants contracts, they are suspended for 5 months.

In regard to the sale by Gulf Oil Corp. under its FPC Rate Schedule No. 205, the agreement, dated July 23, 1971, provides that Gulf will receive that portion of the resale price, exclusive of tax reimbursement, then being collected by the buyer, Phillips petroleum Co., which is not subject to possible future refund. If it is later determined that Phillips is entitled to retail all or any part of the amount collected subject to refund, and is relieved of further refund obligation thereto, Phillips shall pay Gulf retroactively the difference between the amount previously paid to Gulf based on the price Phillips is permitted to retain when relieved of all refund obligation. It also provides that Gulf will receive a pro rata share of Phillips' tax reimbursement.

Phillips processes the gas in its Crane Plant in the Permian Basin Area of Texas and resells the gas to El Paso Natural Gas Co. under its FPC Gas Rate Schedule No. 9. Phillips' resale rate of 16.93492 cents (16.75 cents plus 0.18492 cent tax reimbursement) became effective subject to refund, in Docket No. RI71-1142 on August 2, 1971. Concurrently with the agreement, Gulf submitted a related proposed increase to 16.75 cents plus a pro rata share of Phillips' tax reimbursement. Although the buyer's resale rate is subject to refund, Gulf reasons that it had to place the proposed rate on file with the Commission in order to collect any amount due retroactively if Phillips is allowed to retain any part of that amount being collected subject to refund. Gulf further requests that the effective date be the date of filing since Phillips is already collecting the resale rate from El Paso and therefore no tacking problem is involved. Although the proposed rate is below Gulf's applicable ceiling rate of 17.952 cents per Mcf, it is related to Phillips' resale rate which is subject to refund down to a ceiling rate of 11.59 cents per Mcf.

The proposed rate is suspended for 1 day from the date of filing consistent with Commission action on prior increases where no tracking problems were involved and the related agreement is accepted to be effective on the date of filing.

[1] Rate limit for 1-day suspension in the San Juan Basin Area (Item G-17, Agenda of Mar. 18, 1971).

In regard to the sale made under Humble Oil & Refining Co.'s FPC Gas Rate Schedule No. 210 the agreement in addition to providing for the proposed increase also provides for future escalations to any higher ceiling rate prescribed or allowed to be collected by the Commission. This provision does not conform with § 154.93(b-1) of the Commission's regulations. Consistent with Commission action taken on similar filings not in conformity with § 154.93(b-1), the agreement is accepted for filing upon expiration of statutory notice with the condition that the aforementioned provision will only apply upon the Commission's approval of a just and reasonable rate, or settlement rate in an applicable area rate proceeding, for gas of comparable quality and vintage.

The proposed increases of Humble Oil & Refining Co. and Continental Oil Co. for sales made in the State of Wyoming include a double amount of the contractually due reimbursement for taxes applicable to past production, back to January 1, 1968. After tax reimbursement applicable to past production has been recovered, Respondents shall file rate decreases reducing the proposed rates so as to provide for tax reimbursement for future production only. The proposed increases are suspended for 1 day after expiration of the 60-day notice period or 1 day after the contractual due date, whichever is later.

In regard to the sale under Union Oil Co. of California FPC Gas Rate Schedule No. 126, the purchaser, United, has tracked the rate increase involved here of Union in its filing of November 13, 1970 which was suspended in Docket No. RP71-41. In these circumstances, good cause exists for waiving the 60-day notice period. The proposed increase is therefore suspended for 1 day from the date of filing. The remaining contract amendment is not related to the immediate increase but provides for future increases from deeper reservoirs and is accepted for filing to be effective 30 days after filing.

The proposed increase filed by Phillips Petroleum Co. relates to a sale under its FPC Gas Rate Schedule No. 30 in an area outside southern Louisiana and exceeds the corresponding rate filing limitations imposed in southern Louisiana. Therefore, it is suspended for 5 months.

Pennzoil Producing Co. requests an effective date for which adequate notice was not given. Good cause has not been shown for granting this request and it is denied.

This order is subject to our Statement of Policy Implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38) and Executive Order No. 11615, including such amendments as the Commission may require.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Chapter I, Part 2, section 2.56).

[FR Doc.71-13750 Filed 9-21-71;8:45 am]

[Docket No. RP72-21]

EASTERN SHORE NATURAL GAS CO.

Order Suspending Proposed Tariff Sheets, Permitting Withdrawal of Filing, Granting Intervention, Fixing Date of Hearing, and Specifying Procedures

SEPTEMBER 10, 1971.

Eastern Shore Natural Gas Co. (Eastern Shore) on August 11, 1971, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1,[1] to be effective September 10, 1971, for the purpose of establishing procedures to govern curtailments of service in case of a gas shortage resulting either from curtailment of deliveries by its interstate supplier, Transcontinental Gas Pipe Line Corp. (Transco), or from other causes. Notice of the filing was issued August 20, 1971, and published in the FEDERAL REGISTER on August 25, 1971, 36 F.R. 16715.

Eastern Shore's filing also includes a notice of withdrawal of its previous curtailment proposal filed May 17, 1971, in Docket No. RP71-121 pursuant to the Commission's Order No. 431 issued April 15, 1971, in Docket No. R-418. The tariff sheets filed in Docket No. RP71-121 were suspended by the Commission's order issued June 7, 1971, in that docket and have not become effective by reason of Eastern Shore's election not to file a motion to make those provisions effective. It appears that withdrawal of the previous curtailment filing should be allowed pursuant to § 1.11(d) of the Commission's rules of practice and procedure in view of the fact that the proposals submitted in this proceeding eliminate conflicting curtailment provisions in the General Terms and Conditions of Eastern Shore's tariff which might have led to confusion in implementing curtailment procedures if the new filing in this proceeding had not been made. The proposals submitted in this proceeding are also more comprehensive than the curtailment plan heretofore submitted in Docket No. RP71-121.

The basic provisions of Eastern Shore's proposed curtailment plan, as modified in the instant filing, are set forth on Original Sheets Nos. 32A, 32B, 32C, and 32D which would revise section 13 of the general terms and conditions. Section 13.1 provides for curtailments of service when there is a gas supply deficiency. In such cases, interruptible service, including sales to direct pipeline customers and interruptible consumers served by resale customers, will be proportionately reduced until all such sales are entirely discontinued. Thereafter, direct firm pipeline customers will be curtailed along with transportation service to direct industrial customers if such curtailment is necessary to maintain sufficient pressure to provide adequate service to firm resale customers. Then firm industrial service, including firm sales made by resale customers, will be proportionately curtailed until all firm industrial sales are completely curtailed except industrial customers whose daily requirements are 100

[1] Original Sheets Nos. 9G, 12A, 32A, 32B, 32C, and 32D; First Revised Sheets Nos. 6, 7A, 9A, 9C, 9D, 9F, 12, 32, and 33; Second Revised Sheets Nos. 7 and 10; Third Revised Sheet No. 4; Eighth Revised Sheet No. 9B; Ninth Revised Sheet No. 9E; and 25th Revised Sheets Nos. 5 and 8 to its FPC Gas Tariff, Original Volume No. 1. On Aug. 24, 1971, Eastern Shore submitted errata sheets to supply some words inadvertently omitted from Third Revised Sheet No. 4 and to label correctly the heading of Ninth Revised Sheet No. 9E.

Mcf or less. The final curtailment step will be to reduce firm service to resale customers purchasing under Rate Schedules CD–1, CD–E, and G–1 in proportion to the total daily contract demand of all customers, including industrial customers using 100 Mcf or less per day.

Section 13.2 provides for similar procedures in event gas shortages result from force majeure causes or from repairs, modifications, etc., of Eastern Shore's pipeline system. The primary difference between procedures under section 13.2 and section 13.1 is that transportation service under section 13.2 will be curtailed at the same time and in the same proportion as firm industrial service even if such curtailment would not be necessary in order to maintain operating pressures to protect firm service to resale customers.

The remaining proposed tariff changes would modify the provisions of Rate Schedules CD–1, CD–E, and G–1 to recognize that they are subject to the revised changes in curtailment procedures as set forth in §§ 13.1 and 13.2.

A petition for leave to intervene was timely filed by Stauffer Chemical Co. (Stauffer) stating that it is a direct industrial customer which purchases gas from Eastern Shore for its chemical plant located at Delaware City, Del. Stauffer claims that Eastern Shore may not unilaterally modify its contract by filing proposed tariff changes and that the changes would amount to arbitrary and discriminatory treatment to it if they were to be made effective. Stauffer contends that Eastern Shore has not made any showing of an imminent gas shortage which would require that the tariff sheets be made effective immediately and requests that the Commission suspend their effectiveness for the full 5-month statutory period and enter upon a hearing concerning their lawfulness.

While Eastern Shore's filing does not specifically state that it would have to implement its proposed curtailment procedures immediately, it did state that the proposed tariff sheets were being filed to provide for curtailments in the event Transco should limit deliveries to it. Thus, any evaluation of Eastern Shore's need to curtail is dependent upon the likelihood that Transco will invoke its own curtailment procedures. Transco did in fact curtail deliveries to its customers by 7 percent from June 1, 1971, to July 4, 1971.

Recent filings[2] made by Transco and Brooklyn Union Gas Co. state that Transco's gas supply has been adversely affected by delays in connecting new supplies and by declines in existing production to a greater extent than expected. Additionally, Transco has requested that the order issued June 30, 1971, in Nueces Industrial Gas Company, Docket No. CP71–267, 45 FPC _____, be amended to remove the limitations on the volumes of emergency purchases which Transco may engage in without prior Commission authorization.

Suspension of Eastern Shore's proposed curtailment plan for a 5-month period would prevent it from being prepared to cope with any gas deficiency it might experience during the coldest months of the year. Since Transco is Eastern Shore's sole supplier of gas, it is essential that Eastern Shore be in a position to operate its own system in a manner which will permit maintenance of essential services in the event Transco should again curtail deliveries to its customers. In view of the approaching winter heating season and the possibility of curtailments by its supplier, the Commission is of the opinion that only a one-day suspension of Eastern Shore's proposed tariff sheets should be required.

It should be noted that the effective date requested by Eastern Shore is September 10, 1971, which is one day short of the 30-day notice period required by § 154.22 of the Commission's regulations. Since Eastern Shore did not ask for a waiver of the 30-day notice provision and gave no reason for failure to allow for 30 days' notice, the earliest date on which the proposed tariff sheets could become effective would be September 11, 1971. A 1-day suspension will, of course, prevent the proposed tariff changes from becoming effective on motion until September 12, 1971.

Stauffer's petition for leave to intervene raises legal issues indicating that an evidentiary proceeding will be required to determine whether Eastern Shore's proposed tariff changes are unjust, unreasonable, unduly discriminatory or otherwise preferential.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes in Eastern Shore's FPC Gas Tariff and that the proposed tariff sheets hereinbefore specified be suspended, and the use thereof be deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the disposition of this proceeding be expedited in accordance with the procedures set forth below.

(3) The participation of the above-named petitioner may be in the public interest.

(4) It is appropriate in the administration of the Natural Gas Act to allow Eastern Shore's notice of withdrawal of its tariff filing in Docket No. RP71–121 to become effective as of September 10, 1971.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held commencing November 2, 1971, at 10 a.m. (e.s.t.), in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, concerning the lawfulness of the curtailment provisions contained in Eastern Shore's FPC Gas Tariff as proposed to be revised herein. The hearing shall begin with admission into the record of Eastern Shore's direct case, subject to appropriate motions, followed by cross-examination of Eastern Shore's witnesses. Except for very brief recesses which may be allowed by the Presiding Examiner upon a showing of good cause therefor, the hearing shall go forward immediately with cross-examination of witnesses sponsoring any direct testimony previously served by the intervener and the Commission's staff, followed by oral rebuttal, if any, by Eastern Shore with cross-examination thereon.

(B) Pending such hearing and decision thereon, the proposed revised tariff sheets specified in the footnote on page 1 of this order are hereby suspended and the use thereof is deferred until September 12, 1971, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) On or before September 30, 1971, Eastern Shore shall prepare and file with the Commission and serve on the Presiding Examiner, the Commission's staff, and the intervener in this proceeding its direct testimony and exhibits in support of the proposed tariff sheets submitted on August 11, 1971. Eastern Shore's presentation should include (1) an explanation of the situations which would require curtailment of direct industrial customers because of a need to maintain pressure for serving firm resale customers, and (2) an explanation of the impact its proposed curtailment plan would have on all classes of its customers assuming increasingly restrictive degrees of curtailment by Transco.

(D) Any party or the Commission's staff planning to present testimony in opposition to Eastern Shore's proposed curtailment procedures shall, on or before October 21, 1971, file and serve on the Presiding Examiner, the Commission's staff, and Eastern Shore prepared written testimony in support of their positions.

(E) The above-named petitioner is hereby permitted to become an intervener in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervener shall be limited to matters affecting asserted rights and interests specifically set forth in its petition for leave to intervene; and *Provided, further,* That the admission of such intervener shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

[2] Motion for early settlement conference filed Aug. 23, 1971, by Transco in its curtailment proceeding in Docket No. RP71–118. Notice filed Aug. 26, 1971, by Brooklyn Union Gas Co. of intention to make emergency sales to Transco pursuant to § 2.68 of the Commission's rules of practice and procedure in order to assist Transco in overcoming a current imbalance in its storage inventories.

(F) A Presiding Examiner to be designated by the Chief Examiner for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(G) Eastern Shore's notice of withdrawal filed August 11, 1971, shall be effective as of September 10, 1971, to withdraw the proposed tariff sheets tendered for filing in Docket No. RP71-121 on May 17, 1971, pursuant to § 1.11 (d) of the Commission's rules of practice and procedure, and the proceeding in Docket No. RP71-121 shall be terminated as of September 10, 1971.

By the Commission.

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

[FR Doc.71-13927 Filed 9-21-71;8:50 am]

[Docket No. RP72-6]

EL PASO NATURAL GAS CO.

Notice of Extension of Time and Postponement of Hearing

SEPTEMBER 15, 1971.

On September 7, 1971, American Smelting and Refining Co., and Kennecott Copper Corp. filed a motion for an extension of time within which to file and serve written testimony, in the above-designated proceeding. The motion further requests that the hearing be postponed. On September 13, 1971, Compania Minera de Cananea, S. A. de C. V., and Inspiration Consolidated Copper Co. filed a motion requesting the same extension of time and postponement. Community Public Service Co. (Community) on September 9, 1971, filed a motion requesting that El Paso Natural Gas Co. (El Paso) be required to file additional information. Community's motion further requests that the hearing be postponed until not earlier than 30 days after the service of the additional information. On September 13, 1971, Arizona Public Service Co. filed a motion in support of the motions for an extension of time. On September 9, 1971, Southern California Gas Co. filed a telegram opposing the requested extension of time and postponement. On September 13, 1971, El Paso filed an answer to the motion that El Paso would refrain from placing its revised tariff sheets into effect until April 1, 1972, or the date of the final Commission order, whichever occurs first. Southern California Gas Co. and Southwest Gas Corp. then filed telegrams withdrawing their opposition to the requested extension of time.

Upon consideration, notice is hereby given that the time is extended to and including October 18, 1971, within which any parties or the Commission staff planning to present testimony in opposition to El Paso's curtailment procedures shall file and serve on the Presiding Examiner, the Commission's staff, and all parties prepared written testimony in support of their positions, pursuant to paragraph (D) of the order issued August 5, 1971. The hearing is postponed, to commence on November 2, 1971, at 10 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, Washington, D.C. 20426. With respect to the request in the motion filed by Community Public Service Co. that El Paso be required to file additional information, disposition will be made by subsequent order.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.71-13908 Filed 9-21-71;8:48 am]

[Docket No. DA-80]

GEOLOGICAL SURVEY

Finding and Order

SEPTEMBER 13, 1971.

Lands withdrawn in Water Power Designation No. 1, Power Site Reserve No. 740 and Project No. 1874, Docket No. DA-80-New Mexico, U.S. Geological Survey.

Application has been filed by the U.S. Geological Survey for revocation of the above-designated water Power Designation, Power Site Reserve and Project withdrawal affecting the following described lands of the United States, thereby, requiring Commission consideration under section 24 of the Federal Power Act.

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 28 N., R. 12 E.,
Sec. 3, lots 5, 7, 8, N½SW¼, SW¼SW¼, NW¼SE¼;
T. 28 N., R. 13 E.,
Sec. 5, lot 6;
T. 29 N., R. 13 E.,
Sec. 32, lot 10;
T. 29 N., R. 14 E.,
Sec. 32, S½;
Sec. 33, all.
T. 28 N., R. 15 E.,
All lands of the United States which, when surveyed, shall be included in whole or in part within one-half mile of Rio Colorado (now called Red River).
Approximately 4,225 acres.

The subject lands lie along Red River and are withdrawn variously in Water Power Designation No. 1, dated August 7, 1916; Power Site Reserve No. 740, dated May 21, 1920, and pursuant to the filing on April 13, 1942, of an application for license for Project 1874.

The lands are scattered tracts which were omitted from an earlier determination or which were included in the earlier determination but were subsequently omitted from the order of restoration issued by the Department of the Interior. Some of the lands are patented without reservations for future power development.

Portions of the lands listed in T. 28 N., R. 12 E., were occupied by a small hydroelectric plant (12.9 hp.) formerly under license to the New Mexico State Game Commission as Project No. 1874. The project was abandoned upon expiration of the license on March 13, 1964. Therefore, retention of the project withdrawal serves no useful purpose.

The lands listed in Tps. 28 and 29 N., R. 13 E., are lands that were patented, in a homestead entry, without reservations for future power development purposes. Revocation of the powersite withdrawals affecting these lands would serve to clear the records.

The unsurveyed lands described in T. 28 N., R. 15 E., were reserved for a once-proposed dam and reservoir site (Goose Creek powerplant site) located near the town of Red River. The plan of development proposed a dam 230 feet high creating a gross head of 283 feet which, coupled with a regulated streamflow of 20 c.f.s., would produce an estimated 385 kw. at 80-percent efficiency. The Goose Creek site was also included in the Bureau of Reclamation's San Juan-Chama project as the Zwergle Dam and Reservoir development. The damsite was later found to be geologically unfit for the proposed dam and the development was eliminated from the project plans.

The Geological Survey's request for the instant case includes lands in secs. 32 and 33, T. 29 N., R. 14 E., which were made a part of DA-53-New Mexico, issued February 28, 1964. In DA-53-New Mexico, the Commission found that these lands have little or no power value and offered no objection to the cancellation of Water Power Designation No. 1. Therefore, no further action by the Commission is necessary as to these lands.

The Commission finds:

The subject lands have negligible power value, and it offers no objection to the revocation of Power Site Reserve No. 740 and Water Power Designation No. 1 insofar as they pertain to the subject lands.

The Commission orders:

(A) The withdrawal of subject lands pursuant to the application for Project No. 1874 is hereby vacated.

(B) The application insofar as it pertains to the lands in secs. 32 and 33, T. 29 N., R. 14 E., is hereby dismissed.

By the Commission.

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

[FR Doc.71-13928 Filed 9-21-71;8:50 am]

[Docket No. CP72-54]

LONE STAR GAS CO.

Notice of Application

SEPTEMBER 15, 1971.

Take notice that on September 2, 1971, Lone Star Gas Co. (Applicant), 301 South Harwood Street, Dallas, TX 75201, filed in Docket No. CP72-54 an application pursuant to section 7(c) of the Natural Gas Act as implemented by § 157.7(b) of the regulations under said Act, for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1972, and operation of certain natural gas facilities to enable Applicant to take into its pipeline system supplies of natural gas which will be purchased from producers in the general area of its existing system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline supplies of natural gas. The total cost of the facilities proposed herein is $500,000, with no single project costing in excess of $125,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 4, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-13909 Filed 9-21-71;8:48 am]

[Docket No. CP71-236]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Petition to Amend

SEPTEMBER 15, 1971.

Take notice that on August 31, 1971, Michigan Wisconsin Pipe Line Co. (Petitioner), 1 Woodward Avenue, Detroit, MI 48226, filed in Docket No. CP71-236 a petition to amend the order of the Commission issued pursuant to section 7(c) of the Natural Gas Act on August 30, 1971 (46 FPC), by authorizing an increase in the total maximum daily quantity of natural gas delivered to three of its customers and a change in service to one of its customers commencing October 1, 1971, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The requested modifications are as follows:

Customer	Rate schedule	Authorized delivery	Increase or decrease	Total delivery as modified
Keokuk Gas Service Co.	ACQ-1	10,500	10,150	350
	ACQ-2	4,750	7,250	12,000
	MDQ-1	.....	2,900	2,900
Paris-Henry County P.U.D.	ACQ-1	3,717	2,085	5,802
	MDQ-1	2,283	1,085	1,198
West Tennessee P.U.D.	SGS-1	2,800	400	3,200
Wisconsin Public Service Corp.	ACQ-1	243,710	4,170	247,880
	MDQ-1	14,290	2,170	12,120

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 4, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-13910 Filed 9-21-71;8:48 am]

[Docket No. CP72-51]

NORTHERN NATURAL GAS CO.

Notice of Application

SEPTEMBER 15, 1971.

Take notice that on August 30, 1971, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP72-51 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the exchange of natural gas with Diamond Shamrock Corp. (Shamrock), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct new facilities for the exchange of natural gas with Shamrock. Applicant and Shamrock are parties to a gas exchange agreement dated June 1, 1971, whereby Applicant will deliver to Shamrock natural gas in volumes averaging 24,000 Mcf per day through a new delivery point to be located on Applicant's 30-inch natural gas transmission pipeline in Moore County, Tex. Shamrock will redeliver equivalent volumes of natural gas to Applicant at an existing point of interconnection at Shamrock's McKee Processing Plant in Moore County, Tex.

The estimated cost of the proposed facilities is $15,660, which will be financed from cash on hand. Applicant states that Shamrock, at its expense, will install all other facilities necessary to measure and deliver, or accept delivery of, the volumes to be exchanged.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 4, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-13911 Filed 9-21-71;8:48 am]

[Docket No. CP72-56]

NORTHERN NATURAL GAS CO.

Notice of Application

SEPTEMBER 15, 1971.

Take notice that on September 3, 1971, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP72-56 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the realignment of volumes of natural gas delivered to Wisconsin Gas Co. (Wisconsin), effective December 15, 1971, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Wisconsin has requested a reallocation of its present

contract demand and peaking service deliveries for certain communities for the 1971–72 winter heating season. Applicant states that the reallocation proposed herein will not increase or decrease the presently authorized total contract demand or peaking service volumes received by Wisconsin.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 5, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-13912 Filed 9-21-71;8:48 am]

[Docket No. CP72-57]

NORTHERN NATURAL GAS CO.

Notice of Application

SEPTEMBER 15, 1971.

Take notice that on September 3, 1971, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP72-57 an application pursuant to section 7(c) of the Natural Gas Act as implemented by § 157.7(b) of the regulations under said Act, for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1972, and operation of certain natural gas facilities to enable Applicant to take into its pipeline system supplies of natural gas which will be purchased from producers in the general area of its existing system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas. The total cost of the facilities proposed herein is not to exceed $7 million with no single project costing in excess of $1 million. Applicant states that these costs will be financed from cash on hand and funds generated by normal operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 5, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-13913 Filed 9-21-71;8:49 am]

[Docket No. CP70-139]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Petition To Amend

SEPTEMBER 15, 1971.

Take notice that on August 30, 1971, Panhandle Eastern Pipe Line Co. (petitioner), Post Office Box 1348, Kansas City, MO 64141, filed in Docket No. CP70-139 a petition to amend the order of the Commission issued pursuant to section 7(c) of the Natural Gas Act on May 4, 1970 (43 FPC 682), by authorizing the construction and operation of approximately 7.7 miles of 6-inch pipeline in lieu of an equal length of 12-inch pipeline, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of May 4, 1970, authorized, inter alia, the construction and operation of approximately 7.7 miles of 12-inch pipeline to extend from the terminus of petitioner's Elk City Line to the North Carter Field, Beckham County, Okla. This pipeline was intended to receive natural gas purchased from Occidental Petroleum Corp. (Occidental). The natural gas reserves dedicated to petitioner by Occidental in the North Carter Field have not equaled expectation and petitioner states that a 6-inch pipeline was installed in lieu of the 12-inch line hereinbefore authorized.

Petitioner states that the 6-inch pipeline was installed at a cost of $243,219, a savings of $233,981 from the cost originally projected, and that this line will have sufficient capacity to receive the volumes of natural gas purchased from Occidental.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 4, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-13914 Filed 9-21-71;8:49 am]

[Docket No. CP72-52]

SOUTHERN NATURAL GAS CO.

Notice of Application

SEPTEMBER 15, 1971.

Take notice that on September 1, 1971, Southern Natural Gas Co. (applicant), Post Office Box 2563, Birmingham, AL 35202, filed in Docket No. CP72-52 an application pursuant to section 7(b) of the Natural Gas Act for permission for and approval of the abandonment of the transportation of natural gas for Mississippi Chemical Corp. (Mississippi) and certain of the facilities employed to provide this service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that as a result of the severe natural gas shortage it will be necessary to terminate the contract by which Mississippi presently receives

29,000 Mcf per day of firm natural gas and up to 23,000 Mcf per day of interruptible service. Applicant intends to terminate this contract effective December 31, 1972.

Applicant proposes to abandon in place approximately 6.3 miles of 8⅝-inch pipeline and approximately 4.7 miles of 8⅝-inch loop line located in Yazoo County, Miss. The metering and regulating facilities employed for this service will be abandoned and salvaged.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 4, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-13915; Filed 9-21-71;8:49 am]

[Docket No. CP72-53]

TRUNKLINE GAS CO. AND TEXAS GAS TRANSMISSION CORP.

Notice of Application

SEPTEMBER 15, 1971.

Take notice that on September 1, 1971, Truckline Gas Co. (Truckline), 3000 Bissonnet, Houston, TX 77001; and Texas Gas Transmission Corp. (Texas Gas), 3800 Frederica Street, Owensboro, KY 42301, filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas between the parties, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants seek authorization herein for the exchange of up to 5,000 Mcf of natural gas per day. Truckline proposes to deliver natural gas to Texas Gas through Texas Gas' measuring facilities located at Samedan Oil Corp.'s Miami corporation B-1 well in section 34, Township 13 South, Range 5 West, Cameron Parish, LA. Texas Gas will deliver to Truckline or its designee the same quantity of gas through existing metering facilities, operated by Shell Oil Co., in the Chalkley field area, located in section 27, Township 12 South, Range 6 West, Cameron Parish, LA. Applicants state that no new facilities will be required for the service proposed herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 5, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-13916 Filed 9-21-71;8:49 am]

[Dockets Nos. RP71-29, RP71-99]

UNITED GAS PIPE LINE CO.

Order Consolidating Proceedings and Permitting Interventions

SEPTEMBER 15, 1971.

United Gas Pipe Line Co. (United) on March 31, 1971, filed a "Petition for Declaratory Order," pursuant to § 1.7(c) of the Commission's rules of practice and procedure and section 554(e) of the Administrative Procedure Act, concerning the proper interpretation and operation of substitute fuel clauses contained in United's direct sale contracts with Mississippi Power and Light Co. (MP&L), Mississippi Power Co. (Mississippi Power), and International Paper Co. (International), in order to terminate controversies and remove uncertainty. The petition was noticed by publication in the FEDERAL REGISTER on April 20, 1971 (36 F.R. 7485), with provision for the filing of protests or petitions to intervene by April 30, 1971. MP&L, Mississippi Power, and International Paper, each filed petitions to intervene and answers denying that the Commission has jurisdiction to grant United the relief sought. Consolidated Gas Supply Corp., Laclede Gas Co., Mississippi River Transmission Corp., Philadelphia Gas Works, and Texas Gas Transmission Corp. filed petitions to intervene. Gulf States Utilities Co. filed a petition to intervene, which also denies Commission jurisdiction to grant the requested relief. On May 17, 1971, United filed a reply, stating the Commission has jurisdiction to grant the relief sought under sections 5(a) and 7 of the Natural Gas Act.

The issues raised by the petition and answers thereto are questions of law which do not require an evidentiary hearing and are currently under consideration as part of RP71-29, United's curtailment case. Under these circumstances it is appropriate that Dockets Nos. RP71-29 and RP71-99 be consolidated for final decision.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that Docket No. RP71-99 be consolidated with Docket No. RP71-29 for purposes of decision.

(2) The participation of the above-named petitioners in this proceeding may be in the public interest.

The Commission orders:

(A) The proceedings in Dockets Nos. RP71-99 and RP71-29 are hereby consolidated.

(B) The above-named petitioners are hereby permitted to intervene in the present proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests specifically set forth in the respective petitions to intervene: *And provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.71-13917 Filed 9-21-71;8:49 am]

FEDERAL RESERVE SYSTEM

COMBANKS CORP.

Notice of Applications for Approval of Acquisition of Shares of Banks

Notice is hereby given that four separate applications have been made, as listed below, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Combanks Corp., which is a bank holding company located in Winter Park, Fla., as follows:

1. Application for prior approval by the Board of Governors of the acquisition by Applicant of 55.1 percent or more of the voting shares of South Seminole Bank, Sanford, Fla.

2. Application for prior approval by the Board of Governors of the acquisition by Applicant of 55.1 percent or more of the voting shares of North Orlando Bank, Orlando, Fla.

3. Application for prior approval by the Board of Governors of the acquisition by Applicant of 55.1 percent or more of the voting shares of The Commercial Bank at Pine Castle, Pine Castle, Fla.

4. Application for prior approval by the Board of Governors of the acquisition by Applicant of 55.1 percent or more of the voting shares of Bank at Apopka, Apopka, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anitcompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisitions may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Board of Governors of the Federal Reserve System, September 15, 1971.

[SEAL] TYNAN SMITH, *Secretary.*

[FR Doc.71-13880 Filed 9-21-71;8:46 am]

SOUTHEAST BANKING CORP.

Notice of Applications for Approval of Acquisition of Shares of Banks

Notice is hereby given that five separate applications have been made, as listed below, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Southeast Banking Corporation, which is a bank holding company located in Miami, Fla., as follows:

1. Application for prior approval by the Board of Governors of the acquisition by Applicant of 24.9 percent or more of the voting shares of South Seminole Bank, Sanford, Fla.

2. Application for prior approval by the Board of Governors of the acquisition by Applicant of 24.9 percent or more of the voting shares of North Orlando Bank, Orlando, Fla.

3. Application for prior approval by the Board of Governors of the acquisition by Applicant of 24.9 percent or more of the voting shares of The Commercial Bank at Pine Castle, Pine Castle, Fla.

4. Application for prior approval by the Board of Governors of the acquisition by Applicant of 24.9 percent or more of the voting shares of Bank at Apopka, Apopka, Fla.

5. Application for prior approval by the Board of Governors of the acquisition by Applicant of 98.1 percent or more of the voting shares of The Commercial Bank at Winter Park, Winter Park, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisitions may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The applications may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Board of Governors of the Federal Reserve System, September 15, 1971.

[SEAL] TYNAN SMITH, *Secretary.*

[FR Doc.71-13881 Filed 9-21-71;8:46 am]

VIRGINIA COMMONWEALTH BANKSHARES, INC.

Notice of Applications for Approval of Acquisition of Shares of Banks

Notice is hereby given that two separate applications have been made, as listed below, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Virginia Commonwealth Bankshares, Inc., which is a bank holding company located in Richmond, Va., as follows:

1. Application for prior approval by the Board of Governors of the acquisition by applicant of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Bank of Whaleyville, Inc., Whaleyville, Va.

2. Application for prior approval by the Board of Governors of the acquisition by Applicant of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Bank of Warren, Front Royal, Va.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisitions may

be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The applications may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Richmond.

Board of Governors of the Federal Reserve System, September 15, 1971.

[SEAL] TYNAN SMITH, *Secretary.*

[FR Doc.71-13882 Filed 9-21-71;8:46 am]

FEDERAL TRADE COMMISSION

Bureau of Consumer Protection

CHANGE IN DIVISION TITLES

Notice is hereby given that the Federal Trade Commission has changed the titles of three of its Divisions in the Bureau of Consumer Protection as follows:

From: Division of Industry Guidance.
To: Division of Rules and Guides.
From: Division of Food and Drug Advertising.
To: Division of National Advertising.
From: Division of Special Projects.
To: Division of Consumer Credit and Special Programs.

Effective upon publication in the FEDERAL REGISTER (9-22-71).

By direction of the Commission dated September 14, 1971.

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

[FR Doc.71-13960 Filed 9-21-71;8:53 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-120]

SECRETARY OF DEFENSE

Delegation of Authority

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

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

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Montana Public Service Commission in a proceeding (Docket No. 6100) involving the application of Montana Power Co. for increased rates.

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

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

ROBERT L. KUNZIG, *Administrator of General Services.*

SEPTEMBER 15, 1971.

[FR Doc.71-13925 Filed 9-21-71;8:50 am]

SECURITIES AND EXCHANGE COMMISSION

[812-2405]

CENTRAL INVESTMENT COMPANY OF DENVER

Notice of Filing of Application for Order Exempting Company From All Provisions

SEPTEMBER 14, 1971.

Notice is hereby given that Central Investment Co. of Denver (formerly Dillon Central, Inc.) (hereinafter Applicant), 811 Central Bank Building, Denver, Colo. 80202, a Colorado corporation licensed under the Small Business Investment Act of 1958, and registered as a closed-end, diversified, management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 6(c) of the Act for an order exempting it from all provisions of the Act. All interested persons are referred to the amended application on file with the Commission for a statement of the representations made therein, which are summarized below.

The only securities of Applicant presently outstanding consist of 50,000 shares of its common stock and $3,370,000 principal amount of long-term notes and debentures. All of the outstanding shares of Applicant's common stock are owned by Dillon Companies, Inc. (Dillon), a Kansas corporation, and all of Applicant's outstanding notes and debentures are held by the U.S. Small Business Administration.

Dillon, at June 27, 1970, had outstanding 4,151,790 shares of common stock, which were held by 7,301 shareholders of record and total assets on a consolidated basis of $63,274,262. Dillon's common stock is listed for trading on the New York Stock Exchange.

The application states that Dillon was organized in 1921, and is primarily engaged, directly and through wholly-owned subsidiaries, in the business of manufacturing and processing certain food items and merchandising food products through retail supermarkets and convenience-type food stores. In addition, it is stated that Dillon has recently diversified into the retail jewelry and junior department store fields and has acquired an aircraft radio and engine maintenance service operation. In connection with its various merchandising operations, Dillion, through one of its wholly-owned subsidiaries, engages in the purchase, development, and leasing of commercial real estate, including the development and leasing of shopping center complexes. Dillon's retail food operations are carried out over an 11-State area.

Applicant was incorporated in Colorado under the name Dillon Central, Inc. on August 21, 1968, as a wholly-owned subsidiary of Dillon for the purpose of acquiring the business and certain of the assets of the then existing Central Investment Corp. of Denver (Central), a Colorado corporation organized in February of 1960. Central, prior to the sale of its assets to and the assumption of certain of its liabilities by Applicant, was registered under the Act as a closed-end, nondiversified, management investment company and was licensed under the Small Business Investment Act of 1958.

On December 31, 1968, pursuant to an Agreement and Plan of Reorganization, Applicant acquired the going business and certain of the assets of Central in exchange for 547,368 shares of Dillon's common stock on a basis of exchange of 1 share of Dillon's stock for each 2.85 shares of Central's stock. Certain of Central's assets not acquired by Applicant were transferred to Dillon Capital Corp., another wholly-owned subsidiary of Dillon.

Subsequent to the above-mentioned reorganization Central changed its name to Central Liquidating Corp. and was dissolved and Applicant adopted the name of Central Investment Corp. of Denver. Applicant and Dillon Capital Corp. are managed by substantially the same officers who managed Central prior to the reorganization. The application states that the organization of Applicant and its acquisition of the business of Central represents Dillion's further diversification into the small business investment company field. Moreover, it is stated that Dillon expects Applicant and Dillon Capital Corp. to be an adjunct to Dillon's efforts to acquire and develop new businesses and thereby further diversify.

In support of its statement that Dillon is primarily engaged in the retail merchandising, manufacturing, real estate, and service businesses mentioned above, Applicant has submitted schedules showing the composition of Dillon's unconsolidated assets in accordance with section 3(a)(3) of the Act, on the basis of Dillon's audited balance sheet at June 27, 1970, and as adjusted to reflect the fair value of Dillon's assets. On the basis of that balance sheet, the book value of Dillon's investment securities at June 27, 1970, was equal to less than 13 percent of the total book value of Dillon's assets on an unconsolidated basis, exclusive of cash items. On the basis of Dillon's assets as adjusted to reflect their fair market value, the value of Dillon's investment securities at such date was equal to 13.46

percent of total assets, exclusive of cash and cash items.

Applicant further represents that no adjustment has been made in the abovementioned schedules to reflect the decrease in value, due to trading restrictions, of publicly traded investment securities in the amount of $448,501, held by Dillon pursuant to investment letters. In addition, no current adjustment has been made to reflect the appreciation, stated to be in excess of $2,800,000, in the value of certain real property held by various operating subsidiaries of Dillon and included in the schedules as noninvestment assets. Applicant respresents that the effect of such adjustments, if made, would be to reduce the percentage of Dillon's holdings of investment securities in relation to its total assets.

Also, Applicant represents as of March 31, 1971 the fair value as a "going concern" of Dillon Companies, Inc., based on the mean market price of its outstanding common stock was $95,373,482. The fair value as a going concern of Applicant and Dillon Capital Corp., as of the same date, based on net asset value as determined in accordance with section 3(a)(3) of the Act was $3,699,463 and $4,837,323, respectively.

In addition, Applicant represents that a substantial portion of Dillon's revenues and earnings after taxes are attributable to its supermarket operations. Thus the application states that the total sales and other revenues, and the net earnings after taxes, of (a) Dillon and all of its subsidiaries on a consolidated basis; (b) Applicant and Dillon Capital Corp. taken together; and (c) Dillon from its grocery supermarket business exclusively, were, for the periods indicated, approximately as follows:

GROSS REVENUES

	Year ending June 30		9 months ending Mar. 31, 1971
	1969	1970	
Dillon Cos., Inc.	$197,100,008	$259,172,922	$250,957,138
Applicant and Dillon Capital Corp.	$682,582 (0.3%)	$1,042,921 (0.4%)	$838,280 (0.3%)
Grocery supermarkets	$188,238,889 (95.6%)	$247,221,968 (95.3%)	See below

NET EARNINGS AFTER TAXES

	Year ending June 30		9 months ending Mar. 31, 1971
	1969	1970	
Dillon Cos., Inc.	$3,651,370	$4,812,446	$4,294,308
Applicant and Dillon Capital Corp.	$648,653 (17.8%)	$485,327 (10.1%)	$180,556 (4.2%)
Grocery supermarkets	$2,494,331 (68.3%)	$3,596,060 (74.7%)	See below

Applicant states that final figures from Dillon's grocery supermarket operations for the period ending March 31, 1971, are not available but represents that such operations constituted more than 90 percent of Dillon's gross revenues and more than 80 percent of its earnings after taxes for that period.

Applicant is and will continue to be an "investment company" as defined in section 3(a) of the Act. Section 3(b)(3) of the Act, generally speaking, excepts from the definition of investment company any issuer all of the outstanding securities of which (other than short-term paper and directors' qualifying shares) are owned by a company primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities. As stated hereinabove, all of the outstanding securities of Applicant are now owned by Dillon except for the notes and debentures owned by the U.S. Small Business Administration. Under the conditions noted below, to which Applicant has agreed in the event the Commission grants the application, Dillon will not dispose of any securities of Applicant (other than short-term paper) now or hereafter held by it and Applicant will not issue any securities (other than short-term paper) except to Dillon or the Small Business Administration. Consequently, if there is compliance with these conditions, Applicant would be entitled to an exception under section 3(b)(3) of the Act except for the fact that the outstanding long term debt is and may continue to be owned by the Small Business Administration.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that it is not in the public interest to regulate Applicant under the Act because all of the outstanding capital stock of Applicant is owned by Dillon, which is not an investment company, and the notes and debentures of Applicant are held by the U.S. Small Business Administration which is in a position to protect its investment in Applicant under the provisions of the Small Business Investment Act of 1958.

Applicant has agreed, in the event the Commission grants the application, that the Commission's order may be issued subject to the following conditions:

1. Applicant shall:

(a) Not issue any securities (other than short-term paper as defined in section 2(a)(36) of the Act) except to (i) Dillon or (ii) the United States Small Business Administration, unless this order is modified expressly by another order of this Commission to permit such transaction;

(b) File with the Commission, within 120 days after the close of each fiscal year of Applicant, the data required by Items 5, 6, 7, and 8 of the annual report on Form N-5R adopted by the Commission pursuant to section 30(a) of the Act;

(c) File with the Commission within 120 days after the close of each fiscal year of Applicant and Dillon, (i) a balance sheet of each company showing assets in reasonable detail as of the close of such fiscal year, with a schedule showing such assets at value (taking securities for which market quotations are readily available at market value and taking other securities and assets at value as determined in good faith by the board of directors), and (ii) a statement of income for such fiscal year and a statement of paid-in surplus and retained earnings as of the close of such fiscal year for Applicant and Dillon. Applicant may incorporate by reference in any material filed to meet the requirements of this condition, any document or part thereof previously or concurrently filed with the Commission pursuant to any of the Acts administered by the Commission.

2. No person other than Dillon or the U.S. Small Business Administration shall at any time own any outstanding security of Applicant (other than short-term paper).

Notice is further given that any interested person may, not later than October 4, 1971 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It is ordered, That the Secretary of the Commission shall send a copy of this notice by certified mail to the Deputy Administrator for Investments, Small Business Administration, Washington, D.C. 20416.

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

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.71-13824 Filed 9-21-71;8:45 am]

[812-3010]

PITTWAY CORP. AND METROPOLITAN NUNS' ISLAND PARTNERSHIP

Notice of Application to Permit Transaction

SEPTEMBER 16, 1971.

Notice is hereby given that Pittway Corporation (Pittway) and Metropolitan Nuns' Island Partnership (Metropolitan) (collectively referred to as Applicants), 601 Skokie Boulevard, Northbrook, IL 60062, have filed an application pursuant to sections 6(c), 17(b) and Rule 17d–1 promulgated under section 17(d) of the Investment Company Act of an order of the Commission permitting Applicants to engage in the transaction described below. All interested persons are referred to the application on file with the Commission for a statement of the representation therein which are summarized below.

Standard Shares, a registered closed-end, nondiversified management company, owns in excess of 38 percent of the total outstanding common stock of Pittway and controls Pittway within the meaning of section 2(a)(9) of the Act. Pittway is primarily engaged in, among other things, the business of aerosol and other packaging, the manufacture of aerosol valves and burglar and fire alarm devices, and the publishing of trade magazines.

Metropolitan is a limited partnership engaged, directly and through various partnerships, in the development of Nuns' Island, a 1,000-acre island adjacent to Montreal, Canada. Applicants state that in December 1968, Pittway entered into two separate but related agreements whereby it acquired partnership interests in two joint ventures. Pursuant to one of these agreements, Pittway acquired a 50 percent equity interest in a joint venture with Metropolitan for the development of residential property on Nuns' Island. As part of this agreement, Pittway acquired the right of first refusal to participate in the financing of any commercial or industrial development of Nuns' Island undertaken by Metropolitan. As a result of this partnership agreement Pittway and Metropolitan are affiliates within the meaning of section 2(a)(3) of the Act.

On April 26, 1971, the Commission, by order, granted an exemption from certain provisions of the Act (Investment Company Act Release Nos. 6436 and 6485), permitting Pittway to participate in the financing and construction of the Canada Starch Building on Nuns' Island. Pittway now proposes to enter into a new partnership with Metropolitan to be known as "Metropolitan-Pittway Tennis Club." The partnership will construct an indoor tennis club facility on approximately 126,000 square feet of land on Nuns' Island which land is to be subleased to the partnership by Metropolitan's nominee, Metropolitan Nuns' Island No. 11. The sublease provides for rental of $0.07 per square foot commencing on the opening date of the tennis facility, until December 1, 1975, and $0.16 per square foot for the remainder of the term, subject to reappraisal provisions contained in the underlying lease. The sublease also provides for payment by the sublessee, as additional rent, of all taxes and other assessments applicable to the property. The cost of construction is estimated at $725,000, but not to exceed $750,000.

Pittway, the managing partner, will own 66⅔ percent of the equity of the partnership and will have the final decision as to all matters affecting the partnership after the facility is open to the public. Metropolitan, the resident partner, will own 33⅓ percent of the equity and will be responsible, subject to Pittway's direction, for the operation of the facility, at no cost to the partnership. Metropolitan will also be responsible for the construction of the facility. In exchange for their respective interests in the partnership, Pittway will be committed to contribute a maximum of $500,000 Canadian (Can$) and Metropolitan a maximum of Can$250,000 to the capital of the partnership, constituting in the aggregate the maximum projected construction cost of the facility.

The proposed partnership agreement also provides that, simultaneously with each cash contribution of Metropolitan to the partnership capital, Pittway will lend to Metropolitan an amount equal to its contribution, up to a maximum of Can$250,000. The related promissory note provides for interest at the annual rate of 10 percent on the unpaid balance and for repayment of the entire proceeds of the loan at or prior to the end of 8 years from the date of the loan. The loan will be secured by Metropolitan's interest in the new partnership. Payment of interest and repayment of the principal of the note is to be made to Pittway by application of Metropolitan's share of the cash flow of the partnership. In the event of default, recourse may be had only to the collateral. Neither Metropolitan nor any of its partners is to be personally liable with respect thereto.

Applicants state that no partner of Metropolitan nor any affiliated person of any of the has had, since the November 1968 agreements, or now has, any affiliation with Pittway or Standard, or with their officers or directors, other than through the respective interests of such partners in Metropolitan. No such partner participates in any decision of Pittway relating to its real estate investments or in any other management decision of Pittway (or of Standard). Accordingly, negotiations between applicants in connection with the tennis facility were conducted in an arm's length manner.

Applicants represent that the proposed transactions are fair and reasonable and do not involve overreaching; and that the transactions are necessary or appropriate in the public interest, and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act and of section 17 therein.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company from selling to such registered company any securities unless the Commission, upon application pursuant to section 17(b), grants an exemption from the provisions of section 17(a) if evidence establishes that the terms of the proposed transactions, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned. In addition, the proposed transaction must be consistent with the policy of the registered investment company concerned and with the general purposes of the Act. Section 17(d) of the Act and Rule 17d–1 thereunder, taken together, provide among other things, that it shall be unlawful for any affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to participate in, or effect any transaction in connection with any joint enterprise or arrangement in which any such registered company, or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by an order of the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered or controlled company in such arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. A joint enterprise or arrangement, as used in Rule 17d–1 is defined as a written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company or a controlled company thereof and any affiliated person of such person have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking.

Section 6(c) permits the Commission, upon application, to exempt a transaction or transactions from any provision of the Act if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 7, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the

address set forth above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.71-13896 Filed 9-21-71;8:47 am]

[File No. 24D-3065]

UNITED FARMERS AND RANCHERS, INC.

Order Temporarily Suspending Exemption, Statement of Reasons, and Notice of Opportunity for Hearing

SEPTEMBER 16, 1971.

I. United Farmers and Ranchers, Inc. (issuer), 4288 Philadelphia Street, Chino, CA 91710, a Utah corporation and the general partner, filed with the Commission on March 19, 1971, a notification on Form 1–A and an offering circular relating to a proposed offering of 2,000 units of limited partnership interests at $250 per unit, for an aggregate offering price of $500,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder. The officers of the issuer and certain unidentified "NASD members" were designated as persons who would sell the offering. The issuer was to retain 10 percent of the offering price of each unit of limited partnership sold by officers of the issuer as reimbursement for expenses of the offering. The issuer was to pay a commission of 10 percent of the offering price to the participating "NASD members" for each unit of limited partnership sold by them.

II. The Commission has reasonable cause to believe on the basis of information reported to it by its staff that:

(A) The terms and conditions of Regulation A have not been complied with in that:

(1) Item 1 of the issuer's Form 1–A fails to set forth accurately the date of incorporation or organization of the issuer;

(2) Item 2 of the issuer's Form 1–A fails to set forth accurately each affiliate of the issuer, the nature of such affiliation, and each person who owns of record, or is known to own beneficially, 10 percent or more of the outstanding securities of any class of the issuer, and the title and amount owned by each such person;

(3) Item 3 of the issuer's Form 1–A fails to set forth accurately the name and residence address of each director, officer and promoter of the issuer;

(4) Item 4 of the issuer's Form 1–A fails to set forth accurately the name and address of counsel for the issuer in connection with the proposed offering;

(5) A written consent of Ken Chamberlain, who is named as counsel for the issuer in item 4 of the issuer's Form 1–A, was not filed as required by subparagraph (g) of item 11 of Form 1–A;

(6) The issuer's offering circular fails to state accurately the date of the issuer's incorporation or organization, as required by paragraph 2 of schedule I;

(7) The issuer's offering circular fails to state the order of priority in which the proceeds of the offering will be used for the respective purposes, as required by paragraph 6(a) of Schedule I;

(8) The issuer's offering circular fails to state the name and residence address of all promoters of the issuer, as required by paragraph 9(a) of schedule I;

(9) The issuer's offering circular fails to state the percentage of outstanding securities of the issuer which will be held by directors, officers and promoters, as a group, and the percentage of such securities which will be held by the public, if all of the securities being offered are sold, and the respective amounts of cash (including cash expended for property transferred to the issuer) paid therefor by such group and by the public as required by paragraph 9(d) of schedule I;

(10) The issuer's offering circular fails to contain financial statements of the issuer as required by paragraph 11(a) of schedule I.

(B) The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary to make the statements made, in light of the circumstances under which they were made, not misleading, particularly with respect to the following:

(1) The notification and offering circular state that the issuer was incorporated in the State of Utah on March 20, 1971, and February 28, 1971, respectively, whereas, in fact, the issuer was not so incorporated on such dates;

(2) The notification states that Ken Chamberlain, of Richfield, Utah, is secretary, a director, and 10 percent shareholder of, and counsel for, the issuer, and the offering circular states that Chamberlain is an officer and director of the issuer, whereas, in fact, Ken Chamberlain is not an officer, director, or shareholder of, or counsel for, the issuer;

(3) The failure to disclose the manner in which the profits and losses of the partnership are to be determined;

(4) The failure to disclose the risks and competition in connection with the business in which the issuer proposes to engage;

(5) The failure to disclose that Ken Chamberlain had not consented to be named as counsel for the issuer in the notification and offering circular.

(C) The offering would be made in violation of section 17(a) of the Securities Act of 1933, as amended, by reason of the matters described above.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under regulation A be temporarily suspended,

It is ordered, Pursuant to rule 261(a), subparagraphs (1), (2), and (3), of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the 30th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.71-13904 Filed 9-21-71;8:48 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 4.4-1 (Region III) for Disaster No. 839]

MANAGER, BALTIMORE DISASTER BRANCH OFFICE

Delegation of Authority

I. Pursuant to the authority delegated to the regional director by Delegation of Authority No. 4.4 (Revision 1) (36 F.R. 7291), the following authority is hereby redelegated to the position as indicated herein:

A. *Manager (Baltimore, Md.), Disaster Branch Office.*

1. To decline direct disaster and immediate participation disaster loans in any amount and to approve such loans up to the total SBA funds of (a) $50,000 per household for repairs or replacement

of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (b) $350,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan.

2. To approve disaster guaranteed loans up to an SBA guarantee of $350,000, and to decline such loans in any amount.

3. To execute loan authorizations for central, regional, and district office approved loans and disaster loans approved under delegated authority, said execution to read as follows:

(Name), Administrator
By----------
Manager, Disaster Branch Office

4. To cancel, reinstate, modify, and amend authorizations for disaster loans approved under delegated authority.

5. To disburse unsecured disaster loans.

6. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

Effective date: August 5, 1971.

RUSSELL HAMILTON, JR.,
Regional Director,
Bala Cynwyd, Pennsylvania.

[FR Doc.71-13877 Filed 9-21-71;8:45 am]

CHESAPEAKE CAPITAL CORP.

Notice of License Surrender

Notice is hereby given that Chesapeake Capital Corp., 120 North St. Asaph Street, Alexandria, Va. 22314, has surrendered its license to operate as a small business investment company pursuant to § 107.105 of the regulations governing small business investment companies (13 CFR 107.105 (1971)).

Chesapeake Capital Corp. was licensed as a small business investment company on June 13, 1962, to operate solely under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C., 661 et seq.), and the regulations promulgated thereunder.

Under the authority vested by the Act, and pursuant to the cited regulation, the surrender of the license is hereby accepted and all rights, privileges, and the franchises derived therefrom are canceled.

Dated: September 10, 1971.

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

[FR Doc.71-13878 Filed 9-21-71;8:45 am]

INTERSTATE COMMERCE COMMISSION

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

SEPTEMBER 17, 1971.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 2674, filed August 20, 1971. Applicant: TEXAS TEX-PACK EXPRESS, INC., 150 East Zavalla Street, San Antonio, TX 78204. Applicant's representative: Lanham and Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701, and Johnnie B. Rogers, 313 Perry Brooks Building, Austin, Tex. 78701. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, to, from and between all points on the following routes, subject to the restrictions hereinafter set forth. (1) U.S. Highway 77, U.S. Highway 81 and Interstate 35 between Dallas and San Antonio, Tex.; (2) U.S. Highway 67 between Dallas and Alvarado, Tex.; (3) U.S. Highway 81 between Alvarado and Hillsboro, Tex.; (4) State Highway 171 between Hillsboro and Coolidge, Tex.; (5) U.S. Highway 84 and Farm Market 73 between McGregor and Coolidge, Tex.; (6) State Highway 317 and Farm Market 107 between McGregor and Moody, Tex.; (7) State Highway 95 between Temple and Taylor, Tex.; (8) U.S. Highway 79 between Taylor and Round Rock, Tex.; (9) U.S. Highway 183 between Austin and Gonzales, Tex.; (10) U.S. Highway 90 and Interstate 10 between Houston and San Antonio, Tex.; (11) Farm Market 78 and State Highway 46 between San Antonio and Seguin, Tex.; (12) State Highway 123 between Seguin and Stockdale, Tex.; (13) U.S. Highway 87 between San Antonio and Nixon, Tex.; (14) State Highway 80 and State Highway 97 and Alternate Route U.S. Highway 90 between Nixon and Gonzales, Tex.; (15) U.S. Highway 181 between San Antonio and Corpus Christi, Tex.; (16) State Highway 35 between Gregory and Fulton, Tex.; (17) Farm Market Road 881 between Sinton and Rockport, Tex.; (18) Farm Market Road 136 between Woodsboro, Tex., and its intersection with Farm Market Road 881; (19) State Highway 44 between Corpus Christi and Alice, Tex.; (20) U.S. Highway 77 between Victoria and Brownsville, Tex.;

(21) State Highway 141 between Kingsville, Tex., and its intersection with U.S. Highway 281; (22) U.S. Highway 281 between Alice and Edinburg, Tex.; (23) U.S. Highway 59 between Victoria and Houston, Tex.; (24) U.S. Highway 83 between Harlingen and Mission, Tex.; (25) State Highway 107 between Combes and Edinburg, Tex.; (26) U.S. Highway 281 between San Antonio and Johnson City, Tex.; (27) U.S. Highway 290 between Johnson City and Fredericksburg, Tex.; (28) State Highway 16 between Fredericksburg and Kerrville, Tex.; (29) State Highway 27 between Kerrville and Comfort, Tex.; (30) U.S. Highway 87 and Interstate 10 between Fredericksburg and San Antonio, Tex.; (31) U.S. Highway 183 between Austin and Goldthwaite, Tex.; (32) U.S. Highway 190 between Belton and Brady, Tex.; (33) State Highway 195 between its junction with U.S. Highway 183 via Florence, Tex., to its intersection with U.S. Highway 81; (34) State Highway 29 between its intersection with U.S. Highway 183 and Mason, Tex., via Burnet and Llano, Tex.; (35) U.S. Highway 281 between Lampasas, Tex., and its intersection with State Highway 71 near Marble Falls, Tex.; (36) State Highway 71 between its intersection with U.S. Highway 281 and Llano, Tex.; (37) State Highway 16 between Llano and Goldthwaite, Tex., via San Saba, Tex.; (38) U.S. Highway 377 between Mason and Junction, Tex.; (39) U.S. Highway 83 between Junction and Eden, Tex.; (40) U.S. Highway 87 between Eden and Brady, Tex.; (41) U.S. Highway 377 and U.S. Highway 87 between Mason and Brady, Tex.; (42) State Highway 71 between Austin and Bastrop, Tex.; (43) State Highway 95 between Bastrop and Elgin, Tex.; (44) U.S. Highway 290 between Elgin and Austin, Tex.; (45) Farm Market Road 440 between Killeen and Florence, Tex.; (46) Farm Market Road 1431 between its intersection with U.S. Highway 281 and its intersection with State Highway 29, via Kingsland, Tex.; (47) U.S. Highway 90 between San Antonio and Del Rio, Tex.; (48) U.S. Highway 277 between Del Rio and Carrizo Springs, Tex.; (49) U.S. Highway 83 between Uvalde and Carrizo Springs, Tex.; (50) U.S. Highway 57 between Eagle Pass and Moore, Tex.;

(51) State Highway 85 between Carrizo Springs and Dilley, Tex.; (52) Farm Market Road 65 between Crystal City and Brundage, Tex.; (53) U.S. Highway 81 between San Antonio and Laredo, Tex.; (54) State Highway 359 between Laredo and Mathis, Tex.; (55) State Highway 44 between Feer and Alice, Tex.; (56) State Highway 339 between Feer and Benavides, Tex.; (57) U.S. Highway 83 between Laredo and Rio Grande City, Tex.; (58) U.S. Highway 281 between San Antonio and George West, Tex. and Mathis, Tex.; (60) State

Highway 6 between Waco and Hearne, Tex., via Marlin and Calvert, Tex.; (61) State Highway 164 between Waco and Groesbeck, Tex., via Mart, Tex.; (62) State Highway 14 between Groesbeck, Tex., and its intersection with State Highway 6 south of Bremond, Tex.; (63) Farm Market Road 107 between Moody and Eddy, Tex.; (64) State Highway 361 between Gregory and Aransas Pass, Tex.; (65) State Highway 97 between Jourdanton and Pleasanton, Tex.; (66) State Highway 16 between Jourdanton and Poteet, Tex., and (67) U.S. Highway 77 between Waco and Victoria, Tex., serving all intermediate points along said routes, coordinating the service authorized herein with that being rendered under existing certificates, and interlining with other carriers at appropriate interline points.

Restrictions: (1) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds. (2) No service shall be rendered on any shipments originating in Houston, Tex., and destined to Victoria, Tex., or any intermediate point located on U.S. Highway 59 between Victoria and Houston, Tex., nor on shipments originating at Victoria, Tex., destined to Houston, Tex., or any intermediate point located on U.S. Highway 59 between Victoria, Tex., and Houston, nor on shipments originating at any intermediate point located on U.S. Highway 59 between Victoria, Tex., and Houston, Tex., and destined to Houston, Victoria, or any other intermediate point along said route. No service shall be rendered on shipments moving to, from, or between the following named towns: Brownsville, Olmito, San Benito, Sebastian, Lyford, Raymondville, Combes, Santa Rosa, La Villa, Edcouch, San Carlos, Mission, McAllen, Pharr, Alamo, Donna, Weslaco, Mercedes, LaFeria and San Juan. No service shall be rendered on shipments moving between Harlingen and Edinburg, and further prohibited from handling any shipment between Houston and Victoria, Tex., over the routes shown in (60), (61), (62), (63), or (67) shown above. (3) The holder of this authority is prohibited from serving LaGrange, Tex., Hallettsville, Tex., or any intermediate point on U.S. Highway 77 between Schulenburg and Victoria. (4) The holder of this authority is prohibited from serving Hearne, Tex., in the transportation of general commodities as described herein except for the purpose of interline with other carriers. Applicant does seek by this application to remove the restriction presently contained in such certificate which reads as follows: "No service will be rendered on shipments originating at Austin, Tex., destined to Belton, Tex., on U.S. Highway 81, nor on shipments originating at Belton destined to Austin or any intermediate point between Belton or Austin, nor originating at any intermediate point on U.S. Highway 81 between Belton and Austin, destined to Belton, Austin, or any intermediate point on such highway. All other authority in such certificate, except the authority to transport general commodities to remain the same as presently contained herein.

In connection with the authority sought herein, applicant seeks to operate over the same alternate routes over which it is presently permitted to operate, and additionally seeks to operate over the following alternate routes, for operating convenience only, without service to any intermediate point except as otherwise authorized. (1) U.S. Highway 290, Interstate 10 and State Highway 27 between Kerrville and Junction, Tex.; (2) U.S. Highway 87 between Fredericksburg and Mason, Tex.; (3) U.S. Highway 281 between Johnson City, Tex., and its intersection with State Highway 71 south of Marble Falls, Tex.; (4) State Highway 16 between Fredericksburg and Llano, Tex.; (5) U.S. Highway 90A between Seguin and Belmont, Tex.; (6) State Highway 71 between Austin, Tex., and its intersection with U.S. Highway 281 south of Marble Falls, Tex., and between Llano and Brady, Tex.; (7) State Highway 46 between New Braunfels and Seguin, Tex.; (8) U.S. Highway 79 between Hearne and Taylor, Tex.; (9) State Highway 95 between Elgin and Taylor, Tex.; (10) State Highway 21 between Bastrop and Lincoln, Tex.; (11) State Highway 16 between San Antonio, Tex., and its intersection with U.S. Highway 83, near Zapata, Tex.; (12) Interstate 37 between Corpus Christi and San Antonio, Tex.; (13) U.S. Highway 83 between Mission and Rio Grande City, Tex.; (14) Interstate 10 between Comfort, Tex., and its intersection with State Highway 16, near Legion, Tex., and (15) State Highway 285 between Falfurrias and Riviera, Tex. Both intrastate and interstate authority sought.

HEARING: Approximately 30 days after being published in the FEDERAL REGISTER. Time and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Railroad Commission of Texas, Post Office Drawer 12967, Capitol Station, Austin, TX 78711, and should not be directed to the Interstate Commerce Commission.

State Docket No. 2708, filed August 20, 1971. Applicant: G. A. WHITE EXPRESS, INC., LESSOR, joined by LESSEE, FILM TRANSFER CO., INC., 1066 West Mockingbird Lane, Dallas, TX 75247. Applicant's representatives: Lanham and Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701, and Johnnie B. Rogers, 313 Perry Brooks Building, Austin, Tex. 78701. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, to, from and between all points on the following routes, subject to the restrictions hereinafter set forth. Between Houston and Madisonville over U.S. Highway 75, serving all intermediate points, between Houston and Palestine over U.S. Highway 75 and U.S. Highway 287, and State Highways 94, 19, and 45, serving all intermediate points, including Conroe, New Waverly, Huntsville, Trinity Groveton, Crockett, Pennington, and Lovelady. Restriction: (1) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds. Both intrastate and interstate authority sought.

HEARING: Approximately 30 days after published in the FEDERAL REGISTER. Time and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Texas Railroad Commission, Drawer 12967, Capitol Station, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

State Docket No. 2794, filed August 20, 1971. Applicant: NEWS FILM AGENCY COMPANY, 1066 West Mockingbird Lane, Dallas, TX 75247. Applicant's representatives: Lanham and Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701 and Johnnie B. Rogers, 313 Perry Brooks Building, Austin, Tex. 78701. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, to, from, and between all points on the following routes, subject to the restrictions hereinafter set forth. (1) U.S. Highway 77 between Dallas, and Gainesville, Tex.; (2) U.S. Highway 75 between Denison, and Dallas, Tex.; (3) U.S. Highway 82 between Gainesville, and Sherman, Tex.; (4) U.S. Highway 377 between Denton, and Argyle, Tex., serving all intermediate points along said routes and coordinating the service proposed herein with that now being rendered by the applicant and interchanging with other carriers at appropriate interchange points. Restrictions: (1) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than one hundred (100) pounds. (2) No service shall be provided on shipments originating in Dallas, Tex., destined to Gainesville, Tex., or on shipments originating at Gainesville, Tex., destined to Dallas, Tex. All other authority presently contained in such certificate, except the authority to transport general commodities to remain as now contained in such certificate. Both intrastate and interstate authority sought.

HEARING: Approximately 30 days after published in the FEDERAL REGISTER. Time and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Railroad Commission of Texas, Drawer 12967, Capitol Station, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

State Docket No. 4304, filed August 20, 1971. Applicant: FILM TRANSFER COMPANY, INC., 1066 West Mockingbird Lane, Dallas, TX 75247. Applicant's representatives: Lanham and Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701 and Johnnie B. Rogers, 313 Perry Brooks Building, Austin, Tex. 78701. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, to, from and between all

points on the following routes, subject to the restrictions hereinafter set forth. (1) U.S. Highway 77 between Dallas, and Waxahachie, Tex.; (2) U.S. Highway 287 between Waxahachie, and Ennis, Tex.; (3) U.S. Highway 75 between Ennis, and Richland, Tex.; and between Fairfield, and Galveston, Tex.; (4) State Highway 14 between Richland, and Mexia, Tex.; (5) U.S. Highway 84 between Mexia, and Fairfield, Tex.; (6) U.S. Highway 175 between Dallas, and Jacksonville, Tex.; (7) U.S. Highway 69 between Jacksonville, and Alto, Tex.; (8) State Highway 21 between Alto, and Nacogdoches, Tex.; (9) U.S. Highway 59 between Nacogdoches, and Lufkin, Tex.; (10) U.S. Highway 69 between Lufkin, and Kountze, Tex.; (11) State Highway 327 between Kountze, and Silsbee, Tex.; (12) U.S. Highway 96 between Silsbee, and Beaumont, Tex.; (13) U.S. Highway 90 between Houston, and Orange, Tex.; (14) State Highway 347 between Beaumont, and Port Arthur, Tex.; (15) State Highway 87 between Orange, and Port Arthur, Tex.; (16) U.S. Highway 69 between Beaumont, and Port Arthur, Tex.; (17) State Highway 73 between Port Arthur, and Winnie, Tex.; (18) Farm Market Road 124 and State Highway 65 between Winnie, and Anahuac, Tex.; (19) Farm Market Road 562, Interstate Highway 10 and Farm Market 563 between Anahuac, and Liberty, Tex., serving intermediate points along said routes and coordinating the service proposed with that now rendered by applicant under existing certificates and interchanging with other carriers at appropriate points. Restrictions: (1) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than one hundred (100) pounds. In connection with the authority sought herein, the applicant proposes to operate over all of the alternate routes over which it is presently authorized to operate and also over U.S. Highway 287 between Corsicana, and Palestine, Tex. All other authority in such certificate, except the authority to transport general commodities, to remain as now contained in such certificate. Both intrastate and interstate authority sought.

HEARING: Approximately 30 days after published in the FEDERAL REGISTER. Time and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Texas Railroad Commission, Drawer 12967, Capitol Station, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

State Docket No. 2625, filed August 20, 1971. Applicant: LIBERTY EXPRESS, INC., 1066 West Mockingbird Lane, Dallas, TX 75247. Applicant's representatives: Lanham and Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701, and Johnnie B. Rogers, 313 Perry Brooks Building, Austin, Tex. 78701. Certificate of public convenience as necessity sought to operate a freight service as follows: Transportation of *General commodities*, to, from and between all points on the following routes, subject to the restrictions hereinafter set forth. (1) State Highway 289 between Dallas, and Celina, Tex.; (2) Farm Market Road 455 between Celina, and Pilot Point, Tex.; (3) State Highway 99 between Pilot Point, and Whitesboro, Tex.; (4) U.S. Highway 82 between Whitesboro, and Honey Grove, Tex.; (5) U.S. Highway 75 between Dallas, and Denison, Tex.; (6) U.S. Highway 67 between Dallas, and Greenville, Tex.; (7) State Highway 24 between Greenville, and Paris, Tex.; (8) U.S. Highway 69 and State Highway 78 between Greenville, and Bonham, Tex., via Leonard, Tex.; (9) U.S. Highway 80 and Interstate 20 between Dallas and Marshall, Tex.; (10) Farm Market Road 1403 between Longview, and Gilmer, Tex.; (11) State Highway 155 and U.S. Highway 59 between Gilmer, and Atlanta, Tex.; (12) U.S. Highway 259 between Daingerfield, Tex.; and its intersection with State Highway 155 near Ore City, Tex.; (13) State Highway 11 between Daingerfield, and Linden, Tex.; (14) U.S. Highway 59 between Linden, and Marshall, Tex., and between Carthage, and Garrison, Tex., via Tenaha, Tex.; (15) State Highway 149 between Longview, and Carthage, Tex.; (16) U.S. Highway 79 between Carthage, and Henderson, Tex.; (17) Farm Market Road 124 between Beckville, Tex., and its intersection with U.S. Highway 79; (18) State Highway 64 between Wills Point, and Henderson, Tex.; (10) U.S. Highway 69 between Mineola, and Tyler, Tex.; (20) State Highway 31 between Tyler, and Kilgore, Tex.;

(21) State Highway 135 between Troup, and Gladewater, Tex., via Kilgore, Tex.; (22) U.S. Highway 259 between Kilgore, and Longview, Tex., and between Henderson, and Mt. Enterprise, Tex.; (23) Farm Market Road 95 and U.S. Highway 84 between Mt. Enterprise, and Garrison, Tex.; (24) State Highway 87 between Timpson, and Center, Tex.; (25) U.S. Highway 96 between Tenaha, and San Augustine, Tex.; between Bronson, and Jasper, Tex.; and between Kirbyville, and Silsbee, Tex.; (26) State Highway 21 between San Augustine, and Milam, Tex.; (27) State Highway 87 and Farm Market Road 184 between Milam, and Bronson, Tex.; (28) U.S. Highway 190 between Jasper, and Newton, Tex.; (29) State Highway 87 and Farm Market Road 363 between Newton, and Kirbyville, Tex., via Bleakwood, Tex.; (30) State Highway 326 and U.S. Highway 90 between Kountze, and Nome, Tex.; (30A) State Highway 327 between Silsbee, and Kountze, Tex.; (31) U.S. Highway 67 between Dallas, and Mt. Pleasant, Tex.; (32) State Highway 24 between Greenville, and Paris, Tex.; (33) U.S. Highway 82 between Paris, and Texarkana, Tex.; (34) U.S. Highway 271 between Pittsburg, and Paris, Tex.; (35) State Highway 37 between Clarksville, and Bogata, Tex.; (36) State Highway 11 between Pittsburg, and Commerce, Tex., via Sulphur Springs, Tex., serving all intermediate points along said routes, coordinating the service proposed herein with that presently being rendered under existing certificates and interlining with other carriers at appropriate points.

Restrictions: (1) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than one hundred (100) pounds. Applicant proposes to operate, in connection with the authority sought herein, over the same alternate routes over which it is presently permitted to operate, plus the following alternate routes for operating convenience only, without service to any intermediate point. (1) State Highway 11 between Pittsburg, and Daingerfield, Tex.; (2) U.S. Highway 59 between Atlanta, and Texarkana, Tex.; (3) U.S. Highway 67 and/or Interstate 30 between Mount Pleasant, and Texarkana, Tex. All other authority presently contained in such certificate, except the authority to transport general commodities, to remain the same as presently contained in such certificate. Both intrastate and interstate authority sought.

HEARING: Approximately 30 days after published in the FEDERAL REGISTER. Time and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Texas Railroad Commission, Drawer 12967, Capitol Station, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

State Docket No. 2709, filed August 20, 1971. Applicant: BLUEBONNET EXPRESS, INC., Box 18205, Houston, TX 77023. Applicant's representatives: Lanham and Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701, and Johnnie B. Rogers, 313 Perry Brooks Building, Austin, Tex. 78701. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, to, from and between all points on the following routes, subject to the restrictions hereinafter set forth. (1) U.S. Highway 90A via Stafford between Houston and junction of U.S. Highway 90A and U.S. Highway 59; (2) U.S. Highway 59 between Houston, Rosenberg and Victoria; (3) U.S. Highway 87 between Victoria and Cuero; (4) U.S. Highways 183 and 77A between Cuero and Yoakum; (5) State Highway 35 between Houston and Angleton via Alvin; (6) State Highway 288 between Houston and Freeport; (7) State Highway 36 between Freeport and West Columbia; (8) State Highway 35 between Angleton, West Columbia, Bay City, Palacios, and Port Lavaca; (9) U.S. Highway 290 between Houston and Brenham; (10) State Highway 90 between Brenham and Navasota; (11) State Highway 6 between Hempstead, Navasota and Bryan; (12) U.S. Highway 90 between Houston and Flatonia; (13) State Highway 95 between Flatonia, Shiner and Yoakum; (14) U.S. Highway 90A between Shiner and Hallettsville; (15) U.S. Highway 77 between Hallettsville and Schulenberg; (16) U.S. Highway 90A between Houston and Hallettsville; (17) U.S. Highway 77A between Halletsville and Yoakum; (18) State Highway 72 and U.S. Highway 87 between Cuero and Kenedy; (19) State

Highway 239 between Kenedy and Goliad; (20) U.S. Highway 59 between Goliad and Victoria;

(21) State Highway 71 between Columbus and Austin; (22) State Highways 159 and 237 and U.S. Highway 290 between LaGrange and Brenham via Oldenburg and Burton; (23) Over State Highway 36 between Brenham and Caldwell; (24) State Highway 21 between Caldwell and Bryan; (25) State Highway 6 between Bryan and Hearne; (26) U.S. Highway 59 between Houston and Nacogdoches; (27) State Highway 185 between Victoria and Port O'Connor; (28) State Highways 238 and 316 between Seadrift and Port Lavaca; (29) State Highways 35 and 172 between Port Lavaca and Ganado; (30) State Highway 36 between Sealy and Brenham, via Bellville, serving all intermediate points along said routes and interlining with other carriers at appropriate points. Restriction: No service shall be provided in the transportation of packages or articles weighing in the aggregate more than one hundred (100) pounds. All other authority in such certificate, except the authority to transport general commodities, to remain the same as presently contained therein. In connection with the authority sought herein, seeks to operate over the same alternate routes over which it is presently permitted to operate. Both intrastate and interstate authority sought.

HEARING: Approximately 30 days after published in the FEDERAL REGISTER. Time and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Railroad Commission of Texas, Drawer 12967, Capitol Station, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

State Docket No. 3037, filed August 20, 1971. Applicant: R. G. DUDLEY & C. C. WESTFALL, doing business as, MISTLETOE TRANSIT COMPANY, 2407 West 1st Street, Lubbock, TX 79415, Post Office Box 1029, Stamford, TX 79553. Applicant's representatives: Lanham and Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701, and Johnnie B. Rogers, 313 Perry Brooks Building, Austin, Tex. 78701. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, to, from and between all points on the following routes, subject to the restrictions hereinafter set forth. (1) State Highways 114 and 121 between Dallas and Fort Worth; (2) State Highway 199 between Forth Worth and Jacksboro; (3) State Highway 24 between Jacksboro and Rule; (4) U.S. Highways 277, 83, and 82 between Wichita Falls and Abilene; (5) State Highway 222 between Munday and Knox City; (6) State Highway 283 between Quanah and Rule; (7) U.S. Highway 83 between Anson and Aspermont; (8) U.S. Highway 180 between Anson and Roby; (9) State Highway 70 between Roby and Rotan, and between Spur and Turkey; (10) State Highway 92 between Rotan and its intersection with U.S. Highway 277 near Stamford; (11) U.S. Highways 380 and 70 between Aspermont and Spur; (12) U.S. Highways 70 and 62 between Vernon and Earth; (13) U.S. Highways 82 and 62 between Dickens and Lubbock; (14) State Highway 86 between Turkey and Tulia; (15) U.S. Highway 87 between Lubbock and Amarillo; (16) U.S. Highway 385 between Springlake and Hereford; (17) U.S. Highway 62 between Floydada and Ralls; (18) Farm Market Road 54 between its intersection with U.S. Highway 62 and its intersection with U.S. Highway 87; (19) U.S. Highway 380 and U.S. Highway 180 between Aspermont and Albany; (20) U.S. Highway 62 and U.S. Highway 83 between Childress and Paducah;

(21) U.S. Highway 80, State Highway 183 and Interstate 20 between Dallas and Forth Worth, (22) Interstate 35W and U.S. 81 between Fort Worth and Itasca, (23) Farm Market Roads, 66 and 934 between Itasca and Osceola, (24) State Highway 171 between Osceola and Cleburne, (25) State Highway 174 between Burleson and Cleburne, (26) U.S. Highway 67 between Cleburne and its intersection with State Highway 220, thence over State Highway 220 to Hico, (27) U.S. Highway 281 between Hico and Hamilton, (28) State Highway 36 between Hamilton and Gatesville, (29) U.S. Highway 84 between Gatesville and McGregor, (30) State Highway 317 between McGregor and Valley Mills, (31) State Highway 6 between Valley Mills and Meridian, (32) State Highway 144 between Meridian and Glen Rose serving all intermediate points along said routes, except as hereinafter restricted, and coordinating this service with service presently being rendered under existing authority and interlining with other carriers at appropriate points. Restrictions: (1) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than one hundred (100) pounds, (2) The holder of this authority is prohibited from (a) transporting any shipments originating at and destined to Amarillo, Childress, Vernon, Wichita Falls, Quanah, Fort Worth, Dallas, Albany, and Abilene; (b) performing any service to any intermediate point between Fort Worth and Dallas; (c) serving any intermediate point between Forth Worth and Throckmorton on State Highways 24 and 129 except Lake Worth, Azle, and Springtown. Applicant, in connection with the authority sought herein, proposes to operate over all of the alternate routes over which it is presently authorized to operate and additionally, proposes to operate over U.S. Highway 67 between Cleburne and Alvarado, Tex., without service to any intermediate point thereon. All other authority presently contained in such certificate, with the exception of general commodities, to remain as presently contained herein. Both intrastate and interstate authority sought.

HEARING: Approximately 30 days after published in the FEDERAL REGISTER. Time and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Texas Railroad Commission, Drawer 12967, Capitol Station, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-13947 Filed 9-21-71;8:52 am]

[Notice No. 27]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 17, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 592) (Cancels Deviation No. 573), GREYHOUND LINES, INC. (Eastern Division) 1400 West Third Street, Cleveland, OH 44113, filed September 7, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Lafayette, La., over Interstate Highway 10 to Lake Charles, La., (2) from Duson, La., over Louisiana Highway 95 to junction Interstate Highway 10, (3) from Rayne, La., over Louisiana Highway 35 to junction Interstate Highway 10, (4) from Crowley, La., over Louisiana Highway 13 to junction Interstate Highway 10, (5) from junction U.S. Highway 90 and Louisiana Highway 97 over Louisiana Highway 97 to junction Interstate Highway 10, (6) from junction U.S. Highway 90 and Louisiana Highway 26 over Louisiana Highway 26 to junction Interstate Highway 10, (7) from junction U.S. Highways 90 and 165 over U.S. Highway 165 to junction Interstate Highway 10,

(8) from junction U.S. Highway 61 and Interstate Highway 10, southeast of Baton Rouge, La., over Interstate Highway 10 to junction Louisiana Highway 415, thence over Louisiana Highway 415 to junction U.S. Highway 190, and (9) from New Orleans, La., over Interstate Highway 10 to junction U.S. Highway 51, thence over U.S. Highway 51 to junction U.S. Highway 61 at LaPlace, La., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Broussard, La., over Louisiana Highway 192 to Lafayette, La., thence over U.S. Highway 90 to Lake Charles, La., (2) from Natchez, Miss., over U.S. Highway 61 via Scotlandville, La., to New Oreleans, La., and (3) from junction U.S. Highways 90 and 190 east of Slidell, La., over U.S. Highway 190 via Slidell to Opelousas, La., and return over the same routes.

No. MC-2890 (Deviation No. 87), AMERICAN BUSLINES, INC., 1501 South Central Avenue, Los Angeles, CA 90021, filed September 8, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 40 and Interstate Highway 70 west of the Illinois-Indiana State line, over Interstate Highway 70 to junction Illinois Highway 1, thence over Illinois Highway 1 to Marshall, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: Between Columbus, Ohio, and St. Louis, Mo., over U.S. Highway 40.

No. MC-2890 (Deviation No. 88), AMERICAN BUSLINES, INC., 1501 South Central Avenue, Los Angeles, CA 90021, filed September 8, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Marshall, Ill., over Illinois Highway 1 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction unnumbered county road, thence over unnumbered county road to Montrose, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: Between Columbus, Ohio, and St. Louis, Mo., over U.S. Highway 40.

By the Commission.

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

[FR Doc.71-13948 Filed 9-21-71;8:52 am]

[Notice No. 31]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 17, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4 (d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-29120 (Deviation No. 12), ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Sioux Falls, SD 57101, filed September 8, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 169 and Interstate Highway 35 at or near Minneapolis, Minn., over Interstate Highway 35 to junction U.S. Highway 16 at or near Albert Lea, Minn., thence over U.S. Highway 16 to junction U.S. Highway 69, thence over U.S. Highway 69 to junction Interstate Highway 35 near Blairsburg, Iowa, thence over Interstate Highway 35 to junction Interstate Highway 80 at or near Des Moines, Iowa, thence over Interstate Highway 80 to junction U.S. Highway 75 at or near Omaha, Nebr., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Minneapolis, Minn., over U.S. Highway 169 to Mankato, Minn., thence over Minnesota Highway 60 to Madelia, Minn., thence over Minnesota Highway 15 to Fairmont, Minn., thence over U.S. Highway 16 to Sioux Falls, S. Dak.; (2) from Oacoma, S. Dak., over U.S. Highway 16 to Sioux Falls, S. Dak., thence over U.S. Highway 77 to Sioux City, Iowa; and (3) from Sioux City, Iowa, over U.S. Highway 75 to Omaha, Nebr., and return over the same routes.

No. MC-42487 (Deviation No. 92), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94015, filed August 26, 1971. Carrier's representative: V. R. Oldenburg, Post Office Box 5138, Chicago IL 60680. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Winston-Salem, N.C., over U.S. Highway 52 to junction U.S. Highway 221 at Hillsville, Va., thence over U.S. Highway 221 to junction Virginia Highway 100, thence over Virginia Highway 100 to junction U.S. Highway 460, thence over U.S. Highway 460 to junction West Virginia Turnpike (Interstate Highway 77), thence over the West Virginia Turnpike to South Charleston, W. Va., thence over West Virginia Highway 61 to junction U.S. Highway 60 at St. Albans, W. Va., thence over U.S. Highway 60 to junction U.S. Highway 35, thence over U.S. Highway 35 to junction Interstate Highway 71, thence over Interstate Highway 71 to Cincinnati, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent regular routes as follows: (1) From Winston-Salem, N.C., over U.S. Highway 158 to Mocksville, N.C., thence over U.S. Highway 64 to Statesville, N.C., thence over U.S. Highway 70 to Ashville, N.C., thence over U.S. Highway 25 to Newport, Tenn., thence over U.S. Highway 25-E to Corbin, Ky., thence over U.S. Highway 25 to Cincinnati, Ohio; and (2) from Winston-Salem, N.C., over U.S. Highway 52 to Cincinnati, Ohio, and return over the same routes.

No. MC-76993 (Deviation No. 3), EXPRESS FREIGHT LINES, INC., 4600 West Burnham Street, Milwaukee, WI 53246, filed August 17, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Michigan Highway 60 and Michigan Highway 62 at Cassopolis, Mich., over Michigan Highway 62 to the Michigan-Indiana State line, thence over Indiana Highway 23 to South Bend, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent regular routes as follows: (1) From Milwaukee, Wis., over Wisconsin Highway 32 via Cudahy and South Milwaukee, Wis., to the Wisconsin-Illinois State line, then over Illinois Highway 42 to Zion, Ill., thence over Illinois Highway 173 to junction U.S. Highway 41, thence over U.S. Highway 41 to Chicago, Ill., thence over U.S. Highway 20 to Elkhart, Ind., thence over Indiana Highway 120 to Bristol, Ind., thence over Indiana Highway 15 to the Indiana-Michigan State line, thence over U.S. Highway 131 to Mottsville, Mich., thence over U.S. Highway 12 (formerly U.S. Highway 112) to Detroit, Mich. (also from Milwaukee to Elkhart, Ind., as specified above), thence over Indiana Highway 19 to the Indiana-Michigan State line, thence over Michigan Highway 205 to junction U.S.

Highway 12 (formerly U.S. Highway 112), thence over U.S. Highway 12 to Detroit, Mich., (2) from Detroit, Mich., over Interstate Highway 94 (formerly U.S. Highway 12) via Ann Arbor to Jackson, Mich., thence over Michigan Highway 60 to Three Rivers, Mich., thence over U.S. Highway 131 to junction U.S. Highway 12 (formerly U.S. Highway 112), and (3) from Niles, Mich, over Michigan Highway 60 to junction U.S. Highway 131, and return over the same routes.

No. MC-89723 (Deviation No. 21), MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, MO 63103, filed September 7, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows. From junction Interstate Highway 57 and Illinois Highway 14, near Benton, Ill., over Interstate Highway 57 southward to junction U.S. Highway 51, thence over U.S. Highway 51 to junction Illinois Highway 3, north of Cairo, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Gorham, Ill., over Illinois Highway 3 to junction U.S. Highway 51, thence over U.S. Highway 51 to Cairo, Ill., and (2) from Gorham, Ill., over Illinois Highway 3 to junction Illinois Highway 149, thence over Illinois Highway 149 to Murphysboro, Ill., thence over Illinois Highway 13 to Carbondale, Ill., thence over U.S. Highway 51 to De Soto, Ill., thence over unnumbered highway via Hurst to Bush, Ill., thence over Illinois Highway 149 to junction Illinois Highway 148, thence over Illinois Highway 148 to Christopher, Ill., thence over Illinois Highway 14 to Benton, Ill., and return over the same routes.

By the Commission.

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

[FR Doc.71-13949 Filed 9-21-71;8:52 am]

[Notice No. 75]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 17, 1971.

The following publications are governed by the new special rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 110144 (Sub-No. 11) (Correction), filed April 8, 1971, published in the FEDERAL REGISTER, issue of May 6, 1971, and republished in part as corrected this issue. Applicant: JACK C. ROBINSON, doing business as ROBINSON FREIGHT LINES, 3600 Paper Mill Road, Post Office Box 4126, Knoxville, TN 37921. Applicant's representative: Warren A. Goff, 2111 Sterick Building, Memphis, Tenn. 38103. NOTE: The sole purpose of this partial republication is to reflect (b) between points in Tennessee on and east of U.S. Highway 27, on the one hand, and, on the other, Jackson, Miss., in lieu of U.S. Highway 24, which was erroneously shown in the previous publication. NOTE: Common control may be involved. Applicant states that the requested authority may be tacked at Chattanooga, Tenn., to a regular route between Chattanooga and Memphis, Tenn.

HEARING: Remains as assigned October 26, 1971, at the Holiday Inn—Downtown, Chapman Highway, Knoxville, Tenn., before Joint Board No. 110.

No. MC 119045 (Sub-No. 4) (Correction), filed October 15, 1970, published in the FEDERAL REGISTER, issues of November 13, 1970, May 27, 1971, and September 18, 1971, and republished in part as corrected this issue. Applicant: T.E.K. VAN LINES, INC., 9123 East Garvey Avenue, Rosemead, CA 91770. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, NY 10019. NOTE: The purpose of this partial republication is to reflect the following information: Through a mistake, the application, as originally filed with the Commission indicated that the present authority of application would be canceled, and that it did not intend to tack its present authority with the authority sought. Both of these statements were incorrect. Applicant intends to retain its present authority if this application is granted, and intends to tack it to the authority sought if the application is granted. The rest of the notice of filing remains as previously published.

HEARING: Remains as assigned on September 27, 1971, at 9:30 a.m. (or 9:30 a.m. U.S. Standard Time, if that time is observed), in Room 13025, 450 Golden Gate Avenue, San Francisco, CA.

No. MC 134349 (Sub-No. 2) (Republication) filed February 19, 1971, published in the FEDERAL REGISTER issue of March 18, 1971, and republished this issue. Applicant: B.L.T. CORPORATION, 189 Bridge Street, Brooklyn, NY 11201. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. An Order of the Commission, Operating Rights Board, dated August 19, 1971, and served September 13, 1971, finds; that operation by applicant, in interstate or foreign commerce, as a contract carrier, by motor vehicle, over irregular routes, of such commodities as are dealt in or used by department stores, between points in that portion of the New York, N.Y., commercial zone, as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451 (1951) within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the act (the "exempt zone") on the one hand, and on the other, points in Nebraska, Iowa, Minnesota, Illinois, Michigan, Indiana, and Tennessee, under a continuing contract with My Shops, Inc., of New York, N.Y., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. That since it is possible that other parties who have relied upon the notice of the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1100.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10030. (Amendment) (RYDER TRUCK LINES, INC.—Control—MERCHANTS FREIGHT SYSTEM, INC.), published in the February 7, 1968, issue of the FEDERAL REGISTER on page 2680. Amendment filed August 24, 1971, concurrently with petition for reconsideration of the report of May 11, 1971, by Division 3, for MERCHANTS FREIGHT SYSTEM, INC., to be merged into RYDER TRUCK LINES, INC., in lieu of *control* which was the nature of the application as originally filed.

No. MC-F-11254 (Correction). TRANS-WESTERN EXPRESS, LTD. PURCHASE-CAPRON TRUCK CO., published in the August 11, 1971, issue of the FEDERAL REGISTER on Page 14793. This correction to show TRANS-WESTERN EXPRESS, LTD.—*CONTROL & MERGER*—CAPRON TRUCK CO., in lieu of TRANS-WESTERN EXPRESS, LTD.—*PURCHASE—CAPRON TRUCK CO.*

No. MC-F-11266 (Correction). REDWING REFRIGERATED, INC. - PURCHASE(PORTION)-STEVENS TRUCK LINES, INC., (INTERNAL REVENUE SERVICE - SUCCESSOR - IN - INTEREST), published in the August 25, 1971,

issue of the FEDERAL REGISTER on page 16721. This notice to show: Application has been filed for temporary authority under section 210a(b), which was inadvertently omitted from prior notice.

No. MC-F-11311. Authority sought for control and merger by REDWING CARRIERS, INC. (a Florida corporation), Post Office Box 426, 8515 Palm River Road, Tampa, FL 33601, of the operating rights and property of RED WING CARRIERS, INC. (an Alabama corporation), Post Office Box 426, 8515 Palm River Road, Tampa, FL 33601, and for acquisition by WYLE LABORATORIES, 128 Maryland Street, El Segundo, CA 90245, of control of such rights and property through the transaction. Applicants' attorneys: Lewis H. Hill, Jr., 1014 First National Bank Building, Tampa, Fla. 33602, J. Douglas Harris, 1110 Union Bank Building, Montgomery, Ala. 36104, and Harold G. Hernly, 510 The Circle Building, 230 North Adams Street, Arlington, VA 22201. Operating rights sought to be controlled and merged: Specified commodities, as a common carrier over irregular routes, from, to, and between specified points in the States of Alabama, Mississippi, Georgia, Tennessee, South Carolina, North Carolina, Arkansas, Louisiana, Texas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, Kansas, Oklahoma, and the District of Columbia, as more specifically described in Docket No. MC-119778 and Subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes to public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. REDWING CARRIERS, INC. (A Florida corporation), is authorized to operate as a *common carrier* in Florida, Alabama, Georgia, South Carolina, North Carolina, Mississippi, Tennessee, Illinois, West Virginia, Louisiana, Virginia, Texas, Connecticut, Kentucky, Pennsylvania and Indiana. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11312. Authority sought for purchase by MONTGOMERY TANK LINES, INC., 612 Maple, Willow Springs, IL 60480, of a portion of the operating rights of MILK TRANSPORT, INC., Box 2698, New Brighton, MI 55112, and for acquisition by ELTON E. BABBIT, also of Willow Springs, Ill. 60480, of control of such rights through the purchase. Applicants' attorney: William H. Towle, 121 North Dearborn Street, Chicago, IL 60602. Operating rights sought to be transferred: *Milk and milk products*, in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from points in Minnesota to points in Arkansas, Colorado, Florida, Illinois, Louisiana, Massachusetts, Missouri, Nebraska, New Jersey, Ohio, Pennsylvania, New Mexico, New York, Oklahoma, and Texas; edible oils, in bulk, in tank vehicles, from Mankato, Minn., and Chicago, Ill., to points in Florida; *liquid wax*, in bulk, in tank vehicles, from the plantsite of Sun Oil Company's refinery at or near Marcus Hook, Pa., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, from Freedom, Pa., to points in Wisconsin; *liquid inedible animal grease*, in bulk, in tank vehicles, from Woburn, Mass., to certain specified points in Indiana; *sodium lauryl sulphate*, in bulk, in tank vehicles, from Saint Paul, Minn., to Kansas City, Mo., Iowa City, Iowa, Jeffersonville, Ind., and Jersey City, N.J.; *fruit and citrus juices and concentrates thereof*, in bulk, from Frostproof, Fla., to Lyons, Ill., from Brooksville, and Lakeland, Fla., and points within 10 miles of Lakeland, to points in Minnesota and Wisconsin; *oleo oil and oleo stock*, in bulk, in tank vehicles, from the plantsite of the International Refining and Packaging Corp., at Paterson, N.J., to points in Michigan.

Petrolatum, in bulk, in tank vehicles, from the plantsites of Sunnybourne Chemical and Refining Corp., at Petrolia and Franklin, Pa., to points in Illinois, Iowa, Minnesota, and Wisconsin, from the plantsite of the Pennsylvania Refining Co., at Karns City, Pa., to Nekoosa, Wis., and points in Minnesota; *petrolatum and white oil*, in bulk, in tank vehicles, from Karns City, Pa., to points in Illinois (except points in Cook County), and Wisconsin; *petroleum oil, petroleum lubricating oil, petroleum naptha, petroleum transformer oil, petroleum or paraffin wax, and petrolatum or petrolatum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except petroleum chemicals as described in Appendix XV to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209), in bulk, in tank vehicles, from Buffalo, N.Y., certain specified points in Pennsylvania, and Falling Rock and St. Marys, W. Va., to points in Colorado, Illinois, Iowa, Kansas, Michigan (except the Lower Peninsula), Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming, with restriction; *cleaning, scouring, and washing compounds*, in bulk, in tank vehicles, from St. Paul, Minn. to Painesville, Ohio, and Chicago and Freeport, Ill.; *witch hazel*, in bulk, in tank vehicles, from Essex, Conn., to Minneapolis and St. Paul, Minn.; and *juices and beverages*, in bulk, in tank vehicles, from Chicago, Ill. to Chattanooga, Tenn. Vendee is authorized to operate as a *common carrier* in Illinois, Connecticut, Delaware, Colorado, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Arizona, New Mexico, Florida, Alabama, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Oklahoma, North Dakota, South Dakota, Texas, California, Oregon, Washington, Wisconsin, Arkansas, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11313. Authority sought for purchase by TRANSCON LINES, 1206 South Maple Avenue, Los Angeles, CA 90015, of a portion of the operating rights of MERIT DRESS DELIVERY, INC., 524 West 36th Street, New York, NY. Applicants' attorneys: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105 and Francis P. Barrett, 60 Adams Street, Post Office Box 238, Milton, MA 02187. Operating rights sought to be transferred: In pending docket No. MC-101219, covering the transportation of general commodities, except lumber, those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a common carrier over irregular routes, between points within 25 miles of the City Hall, Boston, Mass., and certificate not yet issued. Vendee is authorized to operate as a *common carrier* in Illinois, Kansas, Missouri, Indiana, Oklahoma, New Mexico, California, Arizona, Arkansas, Tennessee, Texas, Alabama, Georgia, Mississippi, Ohio, Nebraska, Iowa, Michigan, Maryland, Pennsylvania, New York, New Jersey, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11314. Authority sought for purchase by SMITH TRANSPORT (INTERNATIONAL) LIMITED, 150 Commissioners Street, Toronto, ON, Canada, to purchase the operating rights and certain property of CROSS BORDER TRANSPORTATION LIMITED, 3350 Ruskin Street, Detroit, MI, and for acquisition by SMITHSONS HOLDINGS LIMITED, 150 Commissioners Street, Toronto, ON, Canada and in turn by CANADIAN PACIFIC LIMITED, Windsor Station, Montreal, Quebec, Canada, of control of such rights and certain property through the purchase. Applicants' attorneys: David J. Macdonald, Harry J. Jordan, both of 1000 16th Street, NW., Washington, D.C. 20036. Operating rights sought to be transferred: *General commodities*, including *household goods* as defined by the Commission, but excluding articles of unusual value, classes A and B explosives, commodities in bulk and those requiring special equipment, as a *common carrier* over irregular routes, between Detroit, Mich., and points within 8 miles of Detroit, on the one hand, and, on the other the United States-Canada boundary line at Detroit, restricted to shipments moving in foreign commerce only. Vendee is authorized to operate as a *common carrier* in New York, New Hampshire, Vermont, Massachusetts, New Jersey, Connecticut, Delaware, Maryland, Ohio, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11315. Authority sought for purchase by BEST WAY FROZEN EXPRESS, INC., 3033 Excelsior Boulevard, Minneapolis, MN 55416, of the operating

rights of REFRIGERATED FOOD LINE, INC., 2136 East Kearney Street, Springfield, MO 65803, and for acquisition by C. H. ROBINSON CO., also of Minneapolis, Minn., of control of such rights through the purchase. Applicants' attorneys and representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402, Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106, and J. Douglas Cassity, 926 Woodruff Building, Springfield, Mo. 65805. Operating rights sought to be transferred: *Citrus products*, as a *common carrier* over irregular routes, from the plantsite of Osceola Fruit and Distributing Co. at or near Waycross, Ga., to points in Colorado; *frozen citrus products and canned citrus products*, from the plantsite of Osceola Fruit and Distributing Co. at or near Waycross, Ga., to points in Kansas; *canned citrus products, and frozen citrus products* when shipped in a mixed load with canned or chilled citrus products, not frozen and not canned, from the plantsite of Osceola Fruit and Distributing Co. at or near Waycross, Ga., to points in Arkansas, Iowa, Minnesota, Missouri, Nebraska, and Oklahoma; *canned citrus products, and chilled citrus products*, not frozen and not canned, and frozen citrus products, when shipped in a mixed load of both commodities or in a mixed load with canned citrus products, from the plantsite of Osceola Fruit and Distributing Co. at or near Waycross, Ga., to points in Alabama, Connecticut, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia;

Frozen citrus products and canned citrus products, and chilled citrus products, not frozen and not canned, when shipped in a mixed load with frozen or canned citrus products, from the plantsite of Osceola Fruit and Distributing Co. at or near Waycross, Ga., to points in Maine, New Hampshire, North Dakota, South Dakota, and Vermont; *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying other property, when moving in the same vehicle at the same time with the commodities specified hereinabove, from the plantsite of Osceola Fruit and Distributing Co. at or near Waycross, Ga., to points in Alabama, Arkansas, Connecticut, Colorado, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, with restriction; *citrus products, and fruit juices and drinks*, from Waycross, Ga., to points in Arizona, California, and Nevada, with restriction; *chilled citrus products*, from Waycross, Ga., to points in Missouri, Oklahoma, Kansas, Iowa, Minnesota, Arkansas, and Nebraska; *meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plantsites and storage facilities utilized by Kingsford Packing and Peter Eckrich & Sons, Inc., at Fort Wayne, Ind., to points in Florida, from the plantsite of Producers Packing Co. near Garden City, Kans., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina, with restrictions;

Meats, meat products, and meat byproducts and, articles distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, in tank vehicles, from the plantsite or storage facilities utilized by Snyder Packing Co. in Adams County, Nebr., to points in Alabama, Georgia, Florida, North Carolina, and South Carolina, with restriction; *meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Springfield and Macon, Mo., to points in South Carolina, North Carolina, Alabama, Georgia, and Florida (except frozen meat pies and frozen poultry pies, from Macon, Mo.); *fresh and frozen meat*, from Coffeyville, Kans., to points in Alabama, Florida, and Georgia; *cream, cheese, butter and milk*, from certain specified points in Missouri, to points in Florida; *frozen foods* (except frozen meats and frozen dairy products), from Kansas City, Kans.-Mo., to points in Alabama, Georgia, North Carolina, South Carolina, Virginia, and West Virginia, with restriction; *frozen foods*, from certain specified points in Iowa, to points in Florida, Georgia, North Carolina, South Carolina, Virginia, and West Virginia, and the District of Columbia; *food products* (except in bulk), from California, Mo., to points in North Carolina, South Carolina, Georgia, Alabama, and Florida;

Food products, and agricultural commodities, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property when moving in the same vehicle at the same time with food products, from Sedalia, Mo., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina; *bananas*, from New Orleans, La., and Mobile, Ala., to Pittsburg and Coffeyville, Kans., and Springfield, Mo.; *animal feed*, except in bulk, from the plantsite at or near Golden Meadow, La., and storage facilities at or near Lockport, La., of Usen Products Co., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Oklahoma; *fertilizer and cleaning compounds* (except in bulk), from Cedar Rapids, Iowa, to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina; *new furniture and furniture parts*, from the plantsite of the Broyhill Furniture Factories at Rutherfordton, N.C., to points in Arkansas, Oklahoma, Missouri, Kansas, Nebraska, Iowa, North Dakota, South Dakota, Minnesota, Wisconsin, and points in that part of Illinois located on and south of Illinois Highway 15, from the plantsites of the Broyhill Furniture Factories at certain specified points in North Carolina, to points in Oklahoma, Kansas, Nebraska (except those in the Omaha, Nebr., commercial zone as defined by the Commission), North Dakota, South Dakota, Minnesota (except points in the Minneapolis-St. Louis, Minn., commercial zone as defined by the Commission), and points in that part of Wisconsin located north of Wisconsin Highway 64, from the sites of the plants and warehouses of Broyhill Furniture Factories at Lenoir, N.C., to points in Oklahoma, Kansas, Nebraska (except points in the Omaha, Nebr., commercial zone as defined by the Commission), North Dakota, South Dakota, Minnesota (except points in the Minneapolis-St. Paul, Minn., commercial zone as defined by the Commission), points in that part of Wisconsin located north of Wisconsin Highway 64, and points in that part of Illinois located on and south of Illinois Highway 15;

Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities, moving in bulk, from the plantsite of Mankato Packing Co., Inc., at Mankato, Kans., to points in Alabama, Florida, and Georgia, with restriction; *new furniture and furniture parts*, from Toccoa, Ga., Selma, Ala., and Trumann, Ark., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kentucky, Kansas, Michigan, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas (with exception), and Wisconsin, from Selma, Ala., and Trumann, Ark., to points in Florida, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, Trumann, Ark., to points in Alabama, Georgia, Ohio, and Virginia; and *meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Great Bend, Kans., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee (except Memphis, Tenn., and points in its commercial zone as defined by the Commission), with restriction. Vendee is authorized to operate as a *common carrier* California, Iowa, Missouri, Kansas, Oklahoma, Alabama, Kentucky, Arizona, Illinois, Indiana, Michigan, Texas, New

Jersey, Washington, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11316. Authority sought for purchase by YELLOW FREIGHT SYSTEM, INC., 92d Street at State Line Road, Kansas City, MO 64114, of the operating rights and property of ELGIN-CHICAGO EXPRESS CO., 760 Dickie Avenue, Elgin, IL 60120, and for acquisition by GEORGE R. POWELL, 801 West 64th Terrace, Kansas City, Mo. 64113 and GEORGE E. POWELL, JR., 1040 West 57th Street, Kansas City, MO 64113, of control of such rights and property through the purchase. Applicants' attorneys: Richard K. Andrews, 1500 Commerce Building, Kansas City, Mo. 64106 and Arnold L. Burk, Suite 2220-69 West Washington Street, Chicago, IL 60602. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC-120541 Sub-1, as a common carrier, covering the transportation of commodities general, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Illinois, Kansas, Oklahoma, Texas, Missouri, Indiana, Kentucky, Michigan, Ohio, Iowa, Nebraska, Georgia, Arizona, New Mexico, Minnesota, South Carolina, Colorado, California, Tennessee, Wyoming, South Dakota, Utah, Wisconsin, Pennsylvania, Maryland, Virginia, Alabama, and New Jersey. Application has been filed for temporary authority under section 210a (b).

NOTE: No. MC-112713 Sub-134, is a matter directly related.

By the Commission.

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

[FR Doc.71-13950 Filed 9-21-71;8:52 am]

[Notice No. 365]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER, 15, 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 protest 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 18535 (Sub-No. 51 TA), filed September 7, 1971. Applicant: HICKLIN MOTOR LINE, INC., U.S. Highway 601, St. Matthews, S.C. 29135. Applicant's representative: Lawrence M. Gressette, Jr., 203 Railroad Avenue NW. (Post Office Box 346), St. Matthews, SC 29135. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dimension lumber*, from the plantsite of Council Lumber Co., Orangeburg, S.C., to Athens and Dandridge, Tenn.; Martinsville, and Bassett, Va.; Henderson, Somerset and Covington, Ky.; and Crescent City, Fla., for 180 days. Supporting shipper: Council Lumber Co., Inc., Orangeburg, S.C. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, SC 29201.

No. MC 111401 (Sub-No. 345 TA), filed September 7, 1971. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, OK 73701. Applicant's representative: Hoyt Gabbard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feeds, liquid animal feed ingredients, and liquid animal feed supplements*, in bulk, in tank vehicles, from Oklahoma City, Okla., to points in Texas, except (Allison, Blue Ridge, Chillicothe, Childress, Darrouzetts, Higgins, Iowa Park, Jacksboro, Justin, McLean, Mansfield, Memphis, Mineral Wells, Pampa, Paris, Shamrock, Weatherford, Wellington, Wheeler), for 180 days. Supporting shipper: Taylor-Evans Seed Co. (Edward Boydstun, Transportation Department) Agriculture Supply Division, 2701 East Third, Post Office Box 4008, Amarillo, TX 79107. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Building, 215 NW. Third, Oklahoma City, OK 73102.

No. MC 115331 (Sub-No. 323 TA), filed September 7, 1971. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, MO 63131. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portland and mortar cement*, in bulk and in bags, from the facilites of River Cement Co., at or near Selma, Mo. (Jefferson County), to points in Illinois on and south of U.S. Highway 36, for 180 days. Supporting shipper: River Cement Co., 10 South Brentwood Boulevard, St. Louis, MO 63105. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 118089 (Sub-No. 9 TA), filed September 7, 1971. Applicant: ROBERT HEATH TRUCKING, INC., 2909 Avenue C, Lubbock, TX 79408. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and B of appendix I to report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Plainview, Tex., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Norman L. Cummins, Director of Physical Distribution, Missouri Beef Packers, Inc., 630 Amarillo Building, Amarillo, Tex. 79101. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 128247 (Sub-No. 17 TA), filed September 7, 1971. Applicant: BURSAL TRANSPORT, INC., Mailing: Post Office Box 565, Office: 107 Broadway, Bunker Hill, IN 46914. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Processed clay*, from points in Thomas County, Ga., to points in Alabama, Arkansas, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, D.C., West Virginia, and Wisconsin, for 180 days. Supporting shipper: Oil-Dri Corporation of America, 520 Michigan Avenue, Chicago, IL. 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 129857 (Sub-No. 1 TA), filed September 7, 1971. Applicant: GRM., INC., 700 Henry Ford Avenue, Long Beach, CA 90810. Applicant's representative: Warren Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, from point of entry on the United States-Mexico international boundary at or near San Ysidro, Calif., to Long Beach, Calif., for 180 days. Supporting shipper: Toyota Motor Sales, U.S.A., Inc. 2055 West 190th Street, Torrance, CA 90504. 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 133106 (Sub-No. 9 TA), filed September 3, 1971. Applicant: NATIONAL CARRIERS, INC., Post Office Box 1358, 1501 East Eighth Street, Liberal, KS 67901. Applicant's representative: D. Acklie, 521 South 14th Street, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, toilet preparations, toothbrushes, candy, confectionery, chewing gum, gum base, cough drops, dry beverage preparations, antacid mints, store display racks or stands, and packaging materials*, moving in vehicles equipped with mechanical temperature control devices, from the plantsite and storage facilities used by Warner-Lambert at or near Poughkeepsie and Long Island City, N.Y., and North Bergen, N.J., to Columbus, Ohio; Rockford, Ill.; Arlington, Tex.; Anaheim, Calif., and Milwaukie, Oreg., and their respective commercial zones under continuing contract with Warner-Lambert Co., for 180 days. Supporting shipper: Consumer Products Group of the Warner-Lambert Co., 201 Tabor Road, Morris Plains, NJ 07950. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 134022 (Sub-No. 5 TA), filed September 7, 1971. Applicant: RICHARD A. ZIMA, doing business as ZIPCO, Post Office Box 115, 4008 Schuster Drive, West Bend, WI 53095. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese, cheese food, and specialty items*, as sold by Hickory Farms stores of Ohio, between Kaukauna and Town Vinland, Wis., to points in Illinois, Missouri, Kansas, Oklahoma, Texas, Louisiana, Indiana, Ohio, Kentucky, Tennessee, North and South Carolina, Georgia, West Virginia, Pennsylvania, New York, and Maryland; and *damaged and rejected shipments and shipping materials* on return, for 180 days. Supporting shipper: Kaukauna Dairy Co., Kaukauna, Wis. 54130 (Matthew C. Zima, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 134806 (Sub-No. 4 TA), filed September 3, 1971. Applicant: B-D-R TRANSPORT, INC., Post Office Box 813, Brattleboro, VT 05301. Applicant's representative: F. Ortman, 1100 17th Street NW., Suite 613, Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum bowls and trays, and coffee percolators or makers, household type*, from Chilton, Wis., to Boston, Mass., for 180 days. Supporting shipper: Cornwall Corp., 48 Wareham Street, Boston, MA 02117. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 52 State Street, Montpelier, VT 05602.

No. MC 135319 (Sub-No. 1 TA), filed September 7, 1971. Applicant: WILBER L. GILBERT, MAX GILBERT, LOREN GILBERT, AND RICHARD HANNAH, a partnership, doing business as, GILBERT BROS., Mansfield, Ill. 61854. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gravel*, from Covington, Ind., to points in De Witt and Piatt Counties, Ill., for 180 days. Supporting shipper: J. M. Tuttle, Secretary, Interstate Sand and Gravel Co., Inc., Covington, Ind. 47932. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 325 West Adams Street, Room 476, Springfield, Ill. 62704.

No. MC 135660 (Sub-No. 3 TA), filed September 7, 1971. Applicant: BROWNSBERGER ENTERPRISES, INC., R.F.D. 1, Post Office Box 111, Butler, MO 64730. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the manufacture of plastic pipe, from Akron and Stryker, Ohio, to Linn Creek, Mo., for 150 days. Supporting shipper: Central Missouri Pipe Co., Post Office Box 75, Linn Creek, MO. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 135904 (Sub-No. 1 TA), filed September 7, 1971. Applicant: GILL ALLTRANS EXPRESS LTD., 4878 Manor Street, North Burnaby, BC, Canada. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and commodities which because of their size or weight require special equipment), between Seattle and Tacoma, Wash., on the one hand, and, on the other, points on the international boundary line between the United States and Canada located at or near Blaine and Sumas, Wash., for 180 days. NOTE: Applicant does intend to interline at Tacoma and Seattle and tack in Canada for through service to points in Canada. Supported by: This application is supported by 131 supporting shippers, principally domiciled in Canada. The letters may be inspected at the Interstate Commerce Commission office in Washington, D.C. 20423, or the Seattle office. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 135926 (Sub-No. 1 TA), filed September 7, 1971. Applicant: NORMAN WINSKY, doing business as WINSKY CARTAGE SERVICE, 27275 Mound Road, Warren, MI 48092. Applicant's representative: William B. Elmer, 23801 Gratiot, East Detroit, MI. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Advertising signs including materials and supplies* used in the installation thereof, from Mount Clemens, Mich., to points in Pennsylvania and New York and *used, rejected, damaged and trade-in signs and materials and supplies* used in the installation thereof on return, for 180 days. Supporting shipper: Willey Sign Co., 167 Grand Avenue, Mount Clemens, MI 48043. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, MI 48226.

No. MC 135931 (Sub-No. 1 TA), filed September 7, 1971. Applicant: LEO E. HERBRAND & SON TRUCKING, INC., 2429 Middleton Beach Road, Middleton, WI 53562. Applicant's representative: James E. Quackenbush, 139 West Wilson Street, Room 108, Madison, WI 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Reclaimed, crushed glass*, in bulk, for recycling and reuse, from Madison, Wis., to Streator, Ill., for 180 days. Supporting shipper: Coca-Cola Bottling Company of Madison, 3536 University Avenue, Madison, WI 53705. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 135946 (Sub-No. 1 TA), filed September 7, 1971. Applicant: FRANK CAPRIO, JR., doing business as FRAN'S TRUCKING COMPANY, Bordentown Avenue, Sayreville, N.J. 08872, Mail Address: Post Office Box 69, Parlin, NJ 08859. Applicant's representative: Robert B. Pepper, 174 Brower Avenue, Edison, NJ 08817. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in dump vehicles, from the plantsite of Central Jersey Sand Fill, Sayreville, N.J., to Staten Island, N.Y., under continuing contract with Central Jersey Sand Fill, for 180 days. Supporting shipper: Central Jersey Sand Fill, Earth Specialists, Bordentown Avenue and Jernee Mill Road, Sayreville, NJ, Post Office Box 69, Parlin, NJ 08859. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

By the Commission.

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

[FR Doc.71-13951 Filed 9-21-71;8:52 am]

[Notice No. 366]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 16, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49

CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

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

MOTOR CARRIERS OF PROPERTY

No. MC 1641 (Sub-No. 95 TA), filed September 7, 1971. Applicant: PEAKE TRANSPORT SERVICE, INC., Box 366, Chester, NE 68327. Applicant's representative: R. B. Parker (same address as above). Authority sought to operate as a *common carrier*, by motor vericle, over irregular routes, transporting: *Liquid asphalt, road oils, and residual fuel oil*, in bulk, in tank vehicles, from Sugar Creek, Mo., to points in Nebraska, for 180 days. Supporting shippers: Dobson Bros., Construction Co., 1220 J Street, Suite 302, Lincoln, NE 68501; Dearborn Asphalt Co., 2220 Hawkeye Drive, Box 1618, Sioux City, IA 51102; Midwest Paving Co., 218 Benson Building, Sioux City, Iowa; Cather & Sons Construction Co., 5900 Ballard Street, Lincoln, NE 68501; Abel Construction Co., 1815 Y Street, Lincoln, NE 68501; Roadmix, Inc., 515 First National Bank Building, Fremont, Nebr.; Nider-Jergensen Construction Co., 4343 South 67th Street, Omaha, NE; James E. Simon, Co., Inc., Box 130, North Platte, NE. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building, Lincoln, Nebr. 68508.

No. MC 42405 (Sub-No. 30 TA), filed September 2, 1971. Applicant: MISTLETOE EXPRESS SERVICE, a corporation, doing business as MISTLETOE EXPRESS, Post Office Box 25125, 111 Harrison, Oklahoma City, OK 73125. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except classes A and B explosives, moving in express service, between Wichita, Kans., and Winfield, Kans., as an alternate route for operating convenience, from Wichita over Kansas Highway K–15 to its junction U.S. Highway 77, thence over U.S. Highway 77 to Winfield and return, for 150 days. NOTE: Applicant states this is an alternate route it will tack and join at both Wichita and Winfield. Supporting shipper: Applicant's own statement. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, Oklahoma City, Okla. 73102.

No. MC 107012 (Sub-No. 123 TA) (Correction), filed August 25, 1971, published in the FEDERAL REGISTER September 11, 1971, corrected and republished in part as corrected this issue. Applicant: NORTH AMERCIAN VAN LINES, INC., Post Office Box 988, Lincoln Highway East and Meyer Road, Fort Wayne, IN 46801. Applicant's representative: Martin A. Weissert (same address as above). NOTE: The purpose of this partial republication is to change the authority sought to *common carrier*, in lieu of contract carrier, shown erroneously in previous publication. The rest of the notice remains the same.

No. MC 107295 (Sub–No. 548 TA), filed September 9, 1971. Applicant: PREFAB TRANSIT COMPANY, 100 South Main Street, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Bruce J. Kinnee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated structural steel*, from Sedalia and Jefferson City, Mo., to points in Illinois, Indiana, Kentucky, and Wisconsin, for 180 days. Supporting shipper: James M. Vacke, DeLong's Inc., Dix Road and Industrial Drive, Jefferson City, MO 65101. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 476, 325 West Adams Street, Springfield, IL 62704.

No. MC 108207 (Sub-No. 330 TA), filed September 10, 1971. Applicant: FROZEN FOOD EXPRESS, Post Office Box 5888, 318 Cadiz Street 75207, Dallas, TX 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods*, from Gallup, N. Mex., to points in Arizona and California, for 180 days. Supporting shipper: Moore's Seafood Products, Inc., Box 128, Fort Arkinson, WI 53538. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 108207 (Sub-No. 331 TA), filed September 10, 1971. Applicant: FROZEN FOOD EXPRESS, Box 5888, 318 Cadiz Street 75207, Dallas, TX 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Human blood plasma*, from Wichita, Kans., to Berkeley, Calif., for 180 days. Supporting shipper: Cutter Laboratories, Inc., Fourth and Parker Streets, Berkeley, CA 94710. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 121060 (Sub-No. 12 TA), filed September 10, 1971. Applicant: ARROW TRUCK LINES, INC., Post Office Box 5568, 1220 West Third Street, Birmingham, AL 35207. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, parts and accessories therefor, building and construction materials and supplies, iron and steel articles, and materials, supplies and equipment used in the manufacture of prefabricated buildings*, between Columbus, Ga., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Pascoe Steel Corp., Post Office Box 1098, Columbus, GA 31902. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203. NOTE: Applicant does intend to tack the authority in MC 121060.

No. MC 123502 (Sub-No. 36 TA), filed September 10, 1971. Applicant: FREE STATE TRUCK SERVICE, INC., 10 Vernon Avenue, Post Office Box 760, Glen Burnie, MD 21061. Applicant's representative: W. Wilson Corroum (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, from South Fork, Pa., to Baltimore, Md., for 180 days. Supporting shipper: Mr. N. R. White, Executive Vice President, Swank Refractories Co., 101 Swank Court, Johnstown, PA 15902. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 124211 (Sub-No. 201 TA), filed September 10, 1971. Applicant: HILT TRUCK LINE, INC., Post Office Drawer 988 D.T.S., Omaha, NE 68101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vault doors, safes, safe deposit boxes, filing cabinets, and security equipment; plumbing, heating and cooling equipment and supplies; angles and channels; hardware; plastic articles; cloth, dry goods, or fabrics; adhesives; booths; doors, windows, boards; panels; partitions; shutters; building anchors, aluminum articles; door and window frames; elevators and conveyors; disposal units; and equipment, materials, parts, supplies, and accessories used or useful in the installation, sale and distribution of the aforementioned commodities* (except those commodities that require special equipment and except commodities in bulk), from the plantsites, distribution centers and storage facilites used by Amercan Standard, Inc., or its subsidiaries, in Butler and Hamilton Counties, Ohio; to points in the United States on and west of U.S. Highway 75, except those in Alaska and Hawaii, return with no compensation except as

otherwise authorized, for 180 days. Supporting shipper: American Standard, Inc., Corporate Traffic Department, Logistics Section, Post Office Box 2003, New Brunswick, NJ 08903. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 129631 (Sub-No. 20 TA), filed September 7, 1971. Applicant: PACK TRANSPORT, INC., Post Office Box 17233, Salt Lake City, UT 84117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and building materials*, other than cement, from Columbia, Washington, Yamhill, Multnomah, Clackamas, Marion, Hood River, Wasco, Union, Baker, and Wallowa Counties, Oreg., and Skamania and Klickitat Counties, Wash., to Baker, Oreg., for 180 days. NOTE: Applicant states it intends to tack at Baker, Oreg., to its presently held common carrier authority MC 129631 Sub-No. 18, and to interline with other carriers. The purpose of this application is to effect the conversion of applicant's unlimited contract permit with respect to *lumber and building materials*, other than cement, into a full common carrier certificate so as to eliminate "objectionable dual operations." Supported by: There are approximately 11 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 135951 TA, filed September 7, 1971. Applicant: RICHARD WAGNER, doing business as INTERSTATE AUTO TRANSPORT, Box 238, Colorado Springs, CO 80901. Applicant's representative: Richard Wagner, Colorado Springs, Colo. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Repossessed motor vehicles*, between three offices of the Ford Motor Credit Co., from Colorado Springs, Colo., to Albuquerque, N. Mex., Phoenix, Ariz., Amarillo, Tex., and return Interstate Highway 25 to U.S. Route 66 (Interstate Highway 40) at Albuquerque; then U.S. Highway 66 (Interstate Highway 40) either east of Amarillo or west to Flagstaff, Ariz., and south on U.S. Highway 89 to (Interstate Highway 17) Phoenix, and return, for 180 days. Supporting shipper: Ford Motor Credit Co., 2822 East Pikes Peak Avenue, Colorado Springs, CO 80909. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operation, 2022 Federal Building, Denver, Colo. 80202.

No. MC 135952 (Sub-No. 1 TA), filed September 10, 1971. Applicant: A-1st TRUCKING & LEASING CORP., 180 Winifred Avenue, Yonkers, NY 10704. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Suite 1515, Flushing, NY 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Radio receiving sets, tape recorders, tape players, record players, combination and parts thereof, sewing machines, sewing machine cabinets and parts thereof*, between the premises of Morse Electro Products Corp., New York, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Connecticut, Massachusetts, Rhode Island, and New Hampshire and Philadelphia, Pa., for 180 days. Supporting Shipper: Morse Electro Products Corp., Attention: Mr. Philip Mazonny, Traffic Manager, 101–10 Foster Avenue, Brooklyn, NY 11236. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Room 1807, New York, NY 10007.

No. MC 135970 TA, filed September 10, 1971. Applicant: WILLIAMETTE BEVERAGE CO., 3030 Judkins Road, Eugene, OR 97403. Applicant's representative: Heinz R. Kothe (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beverage cans*, from Portland, Oreg., to Seattle, Wash., for 180 days. Supporting shipper: Glaser Beverages, 2300 26th Avenue South, Seattle, WA 98144. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97230.

By the Commission.

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

[FR Doc.71-13952 Filed 9-21-71;8:52 am]

[Notice No. 753]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 17, 1971.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-73197. By application filed September 13, 1971, REGINALD C. WILSON, JR., PAUL R. HOWARD, AND C. RUSSELL ACKLEY, a partnership, doing business as WILSON MOVING AND STORAGE, 129 Strongs Avenue, Rutland, VT 05701, seeks temporary authority to lease the operating rights of REGINALD C. WILSON (REGINALD C. WILSON, JR., Administrator) doing business as WILSON FAST FREIGHT, 129 Strongs Avenue, Rutland, VT 05701, under section 210a(b). The transfer to REGINALD C. WILSON, JR., PAUL R. HOWARD, AND C. RUSSELL ACKLEY, a partnership, doing business as WILSON MOVING AND STORAGE, of the operating rights of REGINALD C. WILSON (REGINALD C. WILSON, JR., Administrator), doing business as WILSON FAST FREIGHT, is presently pending.

By the Commission.

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

[FR Doc.71-13953 Filed 9-21-71;8:52 am]

ASSIGNMENT OF HEARINGS

SEPTEMBER 17, 1971.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 117565 Sub 29, Motor Service Co., Inc., now assigned September 24, 1971, at Columbus, Ohio, has been postponed indefinitely.

MC 116886 Sub 41, Howell's Motor Freight, Inc., now assigned September 22, 1971, at Louisville, Ky., canceled, transferred to Modified Procedure.

No. 35203 Sub 6, Intrastate Freight Rates and Charges in Southern States, 1969 (Mississippi), assigned October 25, 1971, is canceled and reassigned November 3, 1971, at Jackson Miss., in Suite 403, Sun'N Sand Motel, 401 North Lamar Street.

FD 26582, Atchison, Topeka & Santa Fe Railway Co., Abandonment Emporia, Lyon County, and Moline, Elk County, Kans., assigned November 1, 1971, in Courtroom, County Courthouse, Main Street, Eureka, Kans.

MC 42125 Sub 1, The Overland Express International, Inc., now assigned November 8, 1971, at Lansing, Mich., in Room 360, 7 Story State Office Building.

MC 129885, Chet's Tow Service, Inc., Common Carrier Application, assigned October 18, 1971, in Room 148A, 601 East 12th Street, Kansas City, MO.

Ex Parte No. 270 Sub 1, Investigation of Railroad Freight Rates Structure, Export-Import Rates and Charges, now assigned November 1, 1971, in Room 1743, Tax Court Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL, and on November 30, 1971, in Room 503, 555 Battery Street, San Francisco, CA.

MC 73165 Sub 289, Eagle Motor Lines, Inc., MC 83539 Sub 315, C & H Transportation Co., Inc., MC 105045 Sub 27, R. L. Jeffries Trucking Co., Inc., No. MC 106497 Sub 57, Parkhill Truck Co., MC 106644 Sub 114, Superior Trucking Co., Inc., MC 111545 Sub 154, Home Transportation Co., Inc., MC 112304 Sub 42, Ace Doran Hauling & Rigging Co., MC 116915 Sub 8, Eck Miller Transportation Corp., and MC 119777 Sub 197, Ligon Specialized Hauler, Inc., assigned November 1, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 115841 Sub 404, Colonial Refrigerated Transportation Inc., assigned December 1, 1971, in Room 3A19 Federal Building, 1100 Commerce Street, Dallas, TX.

MC 126276 Sub 42, Fast Motor Service, Inc., assigned November 29, 1971, in Room 3A19 Federal Building, 1100 Commerce Street, Dallas, TX.

MC 129635 Sub 2, Royal's Motor Service, Inc., assigned December 8, 1971, in Room 3A19 Federal Building, 1100 Commerce Street, Dallas, TX.

MC 110264 Sub 41, Albuquerque Phoenix Express, Inc., now assigned September 28, 1971, Valley National Bank, Holbrook, Ariz. September 30, 1971, at Shalimar Motel, Gallup, N. Mex. October 4, 1971, New Mexico Motor Carriers Association Building, Albuquerque, N. Mex.

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

[FR Doc.71-13954 Filed 9-21-71;8:52 am]

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WEDNESDAY, SEPTEMBER 22, 1971
WASHINGTON, D.C.

Volume 36 ■ Number 184

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

■

Relocation Assistance and Real Property Acquisition Policies

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 15—RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES

On pages 12534 to 12540 of the FEDERAL REGISTER of July 1, 1971, there was published a notice of proposed rule making regarding relocation assistance and real property acquisition policies. Interested persons were given until August 1, 1971, to submit written comments or suggestions regarding the proposed regulations.

No comments or suggestions having been received, the proposed regulations are, with minor modifications (relating principally to applicability and to assurances from State agencies), adopted and are set forth below. Simultaneously, a notice is being published in the proposed rule making section of this issue of the FEDERAL REGISTER inviting comments on these regulations prior to their contemplated revision by December 31, 1971, in order to comply as fully as practicable with the statutory requirements for fairness, reasonability and uniformity.

Effective date. These regulations shall be effective as of the date published in the FEDERAL REGISTER (9–22–71).

Approved: September 15, 1971.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

Subpart A—General

Subpart B—Assurance of Adequate Replacement Housing Prior to Displacement

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Subpart E—Uniform Real Property Acquisition Policy

Subpart A—General

§ 15.1 Purpose.

The purpose of the regulations in this part is to implement the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91–646) (hereinafter referred to as the Act), and the Interim Guidelines issued by the Office of Management and Budget, dated February 27, 1971.

§ 15.2 Background.

The Act establishes a uniform policy for the fair and equitable treatment of persons who are displaced, or have their real property taken for Federal or federally assisted programs. The need for these policies arises from the increasing impact of such programs as they evolved to meet the needs of a growing and increasingly urban population. The Act provides a program of relocation payments, advisory assistance, assurance that prior to displacement there will be available for displaced persons comparable, decent, safe, and sanitary replacement housing, economic adjustments, and other assistance to owners and tenants displaced from their homes, farms, and places of business. A uniform policy is established on the real property acquisition practice for all Federal and federally assisted programs.

§ 15.3 Effective date.

Payments prescribed in this procedure shall be provided to all persons eligible on and after January 2, 1971, but, prior to July 2, 1972, in the case of a State agency, only to the extent that the State agency can comply under State laws. The procedures in this part, exclusive of payments, are effective immediately, except insofar as a State agency is unable to comply fully with all provision hereof. These procedures will become fully effective in such a State as soon as it can comply with all provisions of the Act, but in every case after July 1, 1972.

§ 15.4 Definitions.

(a) State means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territory of the Pacific Islands, and any political subdivision thereof.

(b) State agency means the National Capital Housing Authority, the District of Columbia Redevelopment Land Agency, or any department, agency, or instrumentality of a State or of a political subdivision of a State, or any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States.

(c) Federal financial assistance means a grant, loan, or contribution provided by the United States, except any annual payment or capital loan to the District of Columbia and any Federal guarantee or insurance.

(d) Person means any individual, partnership, corporation, or association.

(e) Displaced person means any person who, on or after January 2, 1971, moves from real property, or moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as the result of the written order of the acquiring agency to vacate real property, for a program or project undertaken by a Federal agency, or with Federal financial assistance; or, solely for the purposes of sections 202 (a) and (b) and 205 of the Act, as a result of the acquisition of or as a result of the written order of the acquiring agency to vacate other real property on which such person conducts a business or farm operation, for such a program or project. If a person moves on or after January 2, 1971, as the result of such a notice to vacate, it makes no difference whether the real property is acquired before or after that date or even is actually acquired, if Federal funds are used for or contribute to the cost of the program or project.

(f) Business means any lawful activity, excepting a farm operation, conducted primarily: (1) For the purchase, sale, lease, or rental of personal and real property, or for the manufacture, processing, or marketing of products, commodities, or any other personal property; (2) for the sale of services to the public; (3) by a nonprofit organization; or (4) solely for the purposes of section 202(a) of the Act, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of such activities are conducted.

(g) Farm operation means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, which customarily produce such products or commodities in sufficient quantities as to be capable of contributing materially to the operator's support.

(h) Mortgage means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby.

(i) Initiation of negotiation means the date the acquiring agency makes the first personal contact with the owner or his representative at which the price for the real property to be acquired is discussed.

(j) Displacing agency means the Federal, State, or local agency that acquires

the real property or gives a written notice to a person to vacate the real property.

(k) Secretary, as used in the regulations of this part, means the Secretary of Health, Education, and Welfare.

§ 15.5 Applicability.

Title II of the Act, relating to relocation payments and assistance, applies to all projects of the Department of Health, Education, and Welfare involving the displacement on or after January 2, 1971 of an owner or tenant of real property. The policies enunciated in Title II of the Act also apply to any program or project of a State agency (as that term is defined in § 15.4) for which financial assistance is otherwise made available from the Department of Health, Education, and Welfare to pay all or a part of its cost and which will result, or has resulted on or after January 2, 1971, in the displacement of an owner or tenant of real property. Title III of the Act, relating to real property acquisition policies, applies to real property acquisitions by the Department of Health, Education, and Welfare. Those policies also apply to any program or project of a State agency (as that term is defined in § 15.4) for which financial assistance is made available from the Department of Health, Education, and Welfare to pay all or part of its cost and which will result, or has resulted on or after January 2, 1971, in the acquisition of real property by that agency.

§ 15.6 Categorical exceptions.

The mandatory requirements of the Act do not apply to programs or projects of private entities.

Subpart B—Assurance of Adequate Replacement Housing Prior to Displacement

§ 15.10 Determination.

(a) DHEW agencies may not proceed with the phase of any project, or authorize a State agency to proceed with the phase of any project, which will cause the displacement of any person until it has determined, or received satisfactory assurance from the displacing agency, that within a reasonable period of time prior to displacement, there will be available on a basis consistent with the requirements of title VIII of the Civil Rights Act of 1968 (Public Law 90-284), in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means (including supplements provided by law) of the families and individuals displaced, decent, safe, and sanitary dwellings, as described in paragraph (d) of this section, for, and available to, the number of such displaced persons who require such dwellings and reasonably accessible to their places of employment.

(b) This determination or assurance shall be based on a current survey and analysis of available replacement housing by the displacing agency. Such survey and analysis must take into account the competing demands on available housing.

(c) In certain extraordinary situations where immediate possession of real property is of crucial importance, the Secretary may waive the requirements of paragraph (a) of this section. Requests for such a waiver must be substantially documented and supported by sufficient documentation to show the necessity for such a waiver.

(d) A decent, safe, and sanitary dwelling is one which is found to be in sound, clean and weathertight condition, and which meets local housing codes. The Secretary will consider the following criteria in determining whether a dwelling unit is decent, safe, and sanitary. Adjustments may only be made in the cases of unusual or unique geographical areas or circumstances:

(1) A housekeeping unit must include a kitchen with fully usable sink; a stove, or connections for same; a separate complete bathroom; hot and cold running water in both the bath and the kitchen; an adequate and safe wiring system for lighting and other electrical services; and heating as required by climatic conditions and local codes.

(2) A nonhousekeeping unit is one which meets local code standards for boarding houses, hotels, or other congregate living. If local codes do not include requirements relating to space and sanitary facilities, standards will be subject to the approval of the Secretary.

(3) Occupancy standards for replacement housing must comply with local codes or, in the absence of local codes, the requirements of the Secretary.

(4) A dwelling unit meeting the physical and occupancy standards stated above will be considered as suitable replacement housing only when it is reasonably convenient to such community facilities as schools, stores, and public transportation.

(e) Where local housing codes do not exist or do not contain certain minimum standards, the Secretary will prescribe the standards.

§ 15.11 Housing provided as a last resort.

The Secretary will provide replacement housing for Federal projects when it is determined that the required housing cannot otherwise be made available. Criteria, guidelines, and procedures to implement this section will be issued by the Secretary of Housing and Urban Development.

§ 15.12 Loans for planning and preliminary expenses.

The Act provides for seed money loans for planning and obtaining federally insured mortgage financing to stimulate the construction and rehabilitation of sale and rental housing to meet the needs of displaced families and individuals. Loans may be made to nonprofit, limited-dividend, or cooperative organizations, and to public bodies, for not more than 80 percent of the reasonable expenses, prior to construction, for such activities as preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, site title searches and appraisals, application and mortgage commitment fees and charges, legal fees, and construction loan fees and discounts. Criteria, guidelines and procedures for this section will be issued by the Secretary of Housing and Urban Development.

Subpart C—Moving and Related Expenses

§ 15.17 Actual reasonable expenses in moving.

(a) *To be allowed.* (1) Transportation of individuals, families, and personal property, including storage, to the replacement site, not to exceed a distance of 5 miles, except when the Secretary determines that relocation beyond the 50-mile area is justified.

(2) Packing and crating of personal property.

(3) Advertising for packing, crating, and transportation when the Secretary determines that such advertising is desirable.

(4) Storage of personal property for a period generally not to exceed 6 months when the Secretary determines that storage is necessary in connection with relocation.

(5) Insurance premiums covering loss and damage of personal property while in storage or transit.

(6) Removal, reinstallation, and reestablishment of machinery, equipment, appliances, and other items not acquired as real property, including reconnection of utilities, which do not constitute an improvement (except when required by law) to the replacement site, and which were not acquired by the Department. Prior to payment of any expenses for removal and reinstallation of such property, the displaced person will be required to agree in writing that the property is personal and that the Secretary is released from any payment for the property.

(7) Personal property lost, stolen, or damaged (not caused by the fault or negligence of the displaced person, his agent or employees) in the process of moving, when insurance to cover such loss or damage is not available.

(8) Such other expenses as are determined by the Secretary to be reasonable.

(b) *Limitations.* (1) When the displaced person accomplishes the move himself, the amount paid for the move shall not exceed the estimated cost of moving commercially.

(2) When an item of personal property which is used in connection with any business or farm operation is not moved but sold and promptly replaced with a comparable item, reimbursement will not exceed the replacement cost minus the proceeds received from the sale, or the cost of moving, whichever is less.

(3) When personal property used in connection with any business or farm operation to be moved is of low value and high bulk, and when the cost of moving would be disproportionate in relation to the value, in the judgment of the Secretary, the allowable reimbursement for the expense of moving the personal property will not exceed the difference between the amount which would have been received for such item on liquidation and the cost of replacing it with a comparable item available on the market.

This provision will be applicable in the case of moving of junk yards, stockpiled sand, gravel, minerals, metals and similar type items of personal property.

§ 15.18 Actual direct losses by business or farm operation.

When the displaced person does not move personal property, he will be required to make a bona fide effort to sell it.

(a) When personal property is sold and the business or farm operation re-established, the displaced person is entitled to payment provided for in § 15.17(b)(2).

(b) When a business or farm operation is discontinued, the displaced person is entitled to the difference between the in-place value of personal property used in connection therewith and the sale proceeds, or the cost of moving, whichever is less.

(c) When personal property is abandoned, the displaced person is entitled to payment for the difference between the in-place value and the amount which would have been received from the sale of the item, or the cost of moving, whichever is less.

§ 15.19 Exclusions on moving expenses and losses.

(a) Additional expenses incurred because of living in a new location.

(b) Cost of moving structures, improvements or other real property in which the displaced person reserved ownership.

(c) Improvements to the replacement site, except when required by law.

(d) Interest on loans to cover moving expenses.

(e) Loss of goodwill.

(f) Loss of profits.

(g) Loss of trained employees.

(h) Personal injury.

(i) Cost of preparing the application for moving and related expenses.

(j) Modification of personal property to adapt it to the replacement site, except when required by law.

(k) Such other items as the Secretary determines should be excluded.

§ 15.20 Expenses in searching for replacement business or farm.

(a) *To be allowed.* (1) Travel costs.

(2) Extra costs for meals and lodging.

(3) Cost of searching, at the rate of the displaced person's salary or earnings but not in excess of $10 per hour.

(4) Brokerage or realtor fees to locate a replacement business or farm operation under approved circumstances.

(b) *Limitation.* The total amount which a displaced person may be paid for searching expenses shall not exceed $500, unless the displacing agency determines that a greater amount is justified on the basis of the circumstances involved.

§ 15.21 Payments in lieu of moving and related expenses.

(a) *Dwellings—schedules.* The Act provides that agencies may pay a moving expense allowance based on established schedules. Such schedules shall be based on moving allowance schedules maintained by the individual State highway departments or such other schedules as the Secretary may recognize, shall be current and shall provide for adequacy of reimbursement in every locality.

(b) *Business—(1) Eligibility.* To be eligible for payment, the business being considered must contribute materially to the income of the displaced owner. This standard eliminates those part-time family occupations which do not contribute materially to a displaced person's income.

(2) *Loss of existing patronage.* A fixed payment may be made to a business if the Secretary determines (i) that the business cannot be relocated without a substantial loss of existing patronage and (ii) that the business is not part of a commercial enterprise having another establishment which is engaged in a similar business but which is not being acquired. The determination of loss of existing patronage will be made by the displacing agency only after consideration of all pertinent circumstances, including the following factors:

(*a*) The type of business conducted by the displaced concern.

(*b*) The nature of the clientele of the displaced concern.

(*c*) The relative importance of the present and proposed location to the displaced business.

(c) *Farms—partial taking.* In the case in which an entire farm operation is not displaced, the payment will be made only if the Secretary determines that the farm met the definition of a farm operation prior to the displacement and that the remaining property is no longer economically operable.

§ 15.22 Replacement housing payments for home owners.

(a) A displaced owner-occupant is eligible for a replacement housing payment if he meets the following requirements:

(1) Actually ownership and occupancy of the acquired dwelling for not less than 180 days prior to the initiation of negotiations for the property.

(2) Relocation and occupancy in a decent, safe, and sanitary dwelling occurs within a 1-year period from the date on which he was required to move.

(3) The displacing agency, which will also process the relocation, inspects the replacement dwelling and determines that it meets the standards for decent, safe, and sanitary housing.

(b) A displaced owner-occupant who is determined to be ineligible under this section may be eligible for a replacement housing payment under § 15.35.

§ 15.23 Comparable replacement dwelling.

A comparable replacement dwelling is one which is:

(a) Decent, safe, and sanitary.

(b) Functionally equivalent and substantially the same as the acquired dwelling with respect to:

(1) Number of rooms.

(2) Area of living space.

(3) Age.

(4) State of repair.

(c) Open to all person regardless of race, color, religion, sex, or national origin and consistent with the requirements of title VIII of the Civil Rights Act of 1968.

(d) In areas not generally less desirable than the dwelling to be acquired in regard to:

(1) Public utilities.

(2) Public and commercial facilities.

(e) Reasonably accessible to the relocatee's place of employment.

(f) Available on the market to the displaced person.

(g) Within the financial means, considering subsidy payments, of the displaced family or individual.

§ 15.24 Computation of replacement housing payment.

(a) *Differential payment for replacement housing.* The Secretary will determine the amount necessary to purchase a comparable replacement dwelling by either establishing a schedule or by using a comparative method.

(1) *Schedule method.* The Secretary will establish the reasonable acquisition cost for comparable replacement dwellings in the various types of dwellings to be acquired and available determined on a current analysis of the market for each type of dwelling to be acquired. When more than one Federal agency is causing the displacement in a community or an area, the Secretary will cooperate with the heads of the other agencies on the method of computing the replacement housing payment and will apply uniform schedules of sale housing in the community or areas.

(2) *Comparative method.* The Secretary may determine the price of a comparable replacement dwelling by selecting a dwelling or dwellings most representative of the dwelling unit acquired, available to the displaced person, and meeting the definition of comparable replacement dwelling. Asking prices are to be adjusted to reflect the market sale experience. A single dwelling will be used only when additional comparable dwellings are not available.

(3) *Alternate to subparagraphs (1) and (2) of this paragraph.* When neither method is feasible the Secretary will compute the amount of the payment.

(4) *Limitations.* The amount established as the differential payment for the replacement housing sets the upper limit of this payment. To qualify for the full amount the displaced person must purchase and occupy a decent, safe, and sanitary dwelling equal to or higher in price than the acquisition price of the acquired dwelling.

(i) If the displaced person voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than that established under subparagraph (2) of this subparagraph, the comparable replacement housing payment will be reduced to that amount required to pay the difference between the acquisition price of the acquired dwelling and the actual purchase price of the replacement dwelling.

(ii) If the displaced person voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the acquisition price of the acquired dwelling, no differential payment shall be made.

(b) *Interest payment.* The interest payment will be based on the current cost of the interest differential including points paid by the purchaser on the amount refinanced but not exceeding the amount of the unpaid debt for its remaining term at the time of acquisition of the real property.

(c) *Incidental expenses.* (1) Reimbursable incidental expenses are the amounts necessary to reimburse the homeowner for actual costs incurred by him incident to the purchase of the replacement dwelling such as:

(i) Legal, closing, and related costs including title search, preparing conveyance contracts, notary fees, surveys, preparing drawings of plats, and charges incident to recordation.

(ii) Lenders', FHA or VA, appraisal fees.

(iii) FHA application fee.

(iv) Certification of structural soundness when required by lender, FHA or VA

(v) Credit report.

(vi) Title policies or abstracts of title.

(vii) Escrow agent's fee.

(viii) State revenue stamps or sale or transfer taxes.

(2) No fee, cost, charge, or expense is reimbursable which is determined under the Truth in Lending Act, title I of Public Law 90-231 and Regulation "Z" issued pursuant thereto by the Board of Governors of the Federal Reserve System (12 CFR Part 226), to be a part of the finance charge.

§ 15.25 Replacement housing payment for tenants and certain others.

(a) A displaced tenant or owner-occupancy of less than 180 days is eligible for a replacement housing payment if he meets both of the following requirements:

(1) Actually occupied the dwelling for not less than 90 days prior to the initiation of negotiations for the property. Tenants and other persons occupying the property will be advised when negotiations for the property are initiated with the owner thereof.

(2) Rented and occupied a decent, safe, and sanitary dwelling within the 1-year period from the date on which he was required to move.

(b) An owner-occupant otherwise eligible for a payment under § 15.22 who rents instead of purchasing a replacement dwelling is eligible for replacement housing as a tenant.

§ 15.26 Computation of replacement housing payment for displaced tenants.

A displaced tenant is eligible for a rental replacement housing payment; or, if he purchases replacement housing, he is eligible for a downpayment including closing costs.

(a) *Rental replacement housing payment.* The Secretary will determine the amount necessary to rent a comparable replacement dwelling by either establishing a schedule or by using a comparative method.

(1) *Schedule method.* The Secretary will establish a rental schedule for renting comparable replacement dwellings as described in § 15.24 in the various types of dwellings to be acquired and available on the private market. The payment should be computed by determining the amount necessary to rent a comparable replacement dwelling for 4 years (the average monthly cost from the schedule) and subtracting from such amount 48 times the average month's rent paid by the displaced tenant in the last 3 months prior to initiation of negotiation if such rent was reasonable. The schedule will be based on a current analysis of the market for each type of dwelling required. When more than one Federal agency is causing the displacement in a community or an area, the Secretary will cooperate on the method for computing the replacement housing payment and will use uniform schedules of average rental housing in the community or area.

(2) *Comparative method.* The Secretary will determine the average month's rent by selecting one or more dwellings most representative of the dwelling unit acquired, which is available to the displaced person and meets the definition of a comparable replacement dwelling as described in § 15.24. The payment will be computed by determining the amount necessary to rent a comparable replacement dwelling for 4 years and subtracting from such amount 48 times the average month's rent prior to initiation of negotiations, if such rent was reasonable.

(3) *Exceptions.* The Secretary may establish the average month's rent by using more than 3 months, if he deems it advisable. If rent is being paid to the displacing agency, economic rent shall be used in determining the amount of the payment to which the displaced tenant is entitled.

(4) *Alternate to subparagraphs (1) and (2) of this paragraph.* When neither method is feasible, the Secretary will apply appropriate and reasonable criteria for computing the payment.

(5) *Disbursement of rental replacement housing.* All rental replacement housing payments in excess of $500 will be made in four equal annual installments. Before making each installment payment, the displacing agency must verify that the tenant is in decent, safe, and sanitary housing.

(b) *Purchases—replacement housing payment.* If the tenant elects to purchase instead of renting, the payment will be computed by determining the amount necessary to enable him to make a downpayment and to cover incidental expenses on the purchase of replacement housing.

(1) The downpayment shall be the amount necessary to make a downpay- dwelling. Determination of the amount necessary for such a downpayment will be based on the amount of downpayment that would be required for a conventional loan.

(2) Incidental expenses of closing the transaction are those as described in § 15.24(c).

(3) The full amount of the downpayment must be applied to the purchase price and such a downpayment and incriment on a comparable replacement dental costs shown on the closing statement.

(c) *Other payment.* If the displaced person cannot be paid or payment computed under paragraph (b) of this section, payment should be computed as provided under § 15.27.

§ 15.27 Computation of replacement housing payments for certain others.

(a) A displaced owner-occupant who is not eligible under § 15.22 because he elects not to purchase a replacement dwelling but who wishes to rent may receive a rental replacement housing payment not in excess of $4,000. The payment will be computed in the manner prescribed in § 15.26(a) with the following additional criteria:

(1) The present rental rate for the acquired dwelling will be economic rent as determined on the basis of market data, and

(2) The payment may not exceed the amount which he would have received had he elected to receive a replacement housing payment under § 15.22.

(b) A displaced owner-occupant who does not qualify for a replacement housing payment under § 15.22 because of the 180-day occupancy requirement and elects to rent is eligible for a rental replacement housing payment nct in excess of $4,000. The payment will be computed in the same manner as shown in § 15.26 except that the present rental rate for the acquired dwelling will be economic rent as determined on the basis of market data.

(c) A displaced owner-occupant who does not qualify for a replacement housing payment under § 15.22 because of the 180-day occupancy requirement and elects to purchase a replacement dwelling is eligible for a replacement housing down payment and closing costs not in excess of $4,000. The payment will be computed in the same manner as shown in § 15.26(b).

§ 15.28 Relocation assistance advisory services.

The Secretary through contracting with other Federal agencies or State or local agencies shall provide a relocation assistance advisory program that will:

(a) Determine the needs of displaced persons and business concerns for relocation assistance.

(b) Provide current, complete, and continuing information on the availability of suitable relocation resources, both residential and commercial.

(c) Assure that suitable replacement housing units will be available, prior to displacement, to persons displaced (§ 15.23).

(d) Assist displaced business concerns in obtaining and becoming established in a suitable replacement location.

(e) Supply information to those displaced concerning Federal and State housing programs, disaster loan programs, and other Federal and State programs offering assistance to displaced persons and business concerns.

(f) Provide other advisory services to displaced persons and business concerns in order to minimize hardships.

Additionally, relocation assistance advisory services are also to be provided to persons and business concerns occupying

property adjacent to the area where project or program activities are being carried out, when it is determined that they have suffered substantial economic injury as result of such activities. When more than one Federal agency is involved in the displacement, the Secretary may contract for such services with the agency that will provide the maximum coordination.

Subpart D—Federally Assisted Programs

§ 15.33 Assurances from State agencies.

(a) The Secretary will, through the cognizant DHEW agency, obtain from State agencies applying for grants with respect to programs or projects which will result in the displacement of any owner or tenant of real property, the following assurances:

(1) That fair and reasonable relocation payments and assistance will be provided to or for displaced persons as provided for in Subpart C of this Part;

(2) That relocation assistance programs offering the advisory services described in § 15.28 will be provided to such displaced persons; and

(3) That, as provided for in Subpart B of this Part, within a reasonable period of time prior to displacement, decent, safe, and sanitary housing will be available to such displaced persons.

(b) The Secretary will, through the cognizant DHEW agency, obtain from each State agency applying for a grant with respect to a program or project which will result in the acquisition of real property an assurance that the agency acquiring real property will be guided, to the greatest extent practicable under State law, by the policies prescribed in Subpart E of this Part and will pay the owner of real property his necessary expenses in connection with the transfer of title or litigation expenses in the event the property is not finally acquired.

(c) The State agency assurances will be accompanied by a statement in which it specifies any provision of the assurances required by paragraph (a) and (b) which it is unable to provide, in whole or in part, under its laws or as to which its laws require payments which it believes have substantially the same purpose and effect as the relocation payments and assistance provided for herein. In the event that a State agency maintains that it is legally unable to provide all or any part of the required assurances, its statement shall be supported by an opinion of the chief legal officer of the State, or other appropriate legal officer. The opinion shall contain a full discussion of the conclusion of legal inability to provide any part of the required assurances.

(d) The State agency assurances shall also state the extent, if any, to which it is unable to pay all or part of the expenses referred to in paragraph (b) of this section. In the event the State agency maintains that it is legally unable to pay such expenses, its statement shall be supported by an opinion of the chief legal officer of the State, or other appropriate legal officer. The opinion shall contain a full discussion of the conclusion of legal inability to do so.

§ 15.34 Grantees' additional responsibilities.

(a) Cognizant DHEW agencies will require of public grantees that affected individuals be notified in person or by first class mail of the fact that they will be displaced.

(b) Reimbursement or participation by DHEW in the State agencies' costs will be limited to those payments which are made to persons who have received notice to vacate or whose residence or property has in fact been acquired.

(c) If the displacing State agency elects to contract with any Federal, State, local, or private agency to administer relocation payments and assistance on the displacing agency's behalf, a copy of the contract must be made a part of the grant or loan document. Such contracts must contain, in addition to the performance requirements and other terms, the following provisions, and must be otherwise consistent with these regulations.

(1) That payments or services will be provided in accordance with DHEW regulations.

(2) That records required by DHEW regulations will be retained for a period of at least 3 years and shall be available for inspection by representatives of the Federal Government.

(3) That there will be compliance with the clauses prescribed by DHEW regulations (Part 80 of this subtitle) implementing Title VI of the Civil Rights Act of 1964 (Public Law 88-352).

§ 15.35 Records and reports.

The displacing agency shall maintain and submit such reports and records as may be prescribed by the Secretary.

§ 15.36 Appeals.

The non-Federal displacing agency shall establish procedures consistent with State and local law for the review of appeals under this procedure.

§ 15.37 Effect on project funding.

(a) DHEW program officials will immediately notify public agencies who may be preparing project applications that relocation payments and services will be an eligible project expense. Applications must contain an estimate of the total cost of relocation assistance and a description of the method by which the cost estimate was derived.

(b) Section 211(c) of the Act requires that any existing grant or other financial assistance agreement be amended to reflect the cost of providing payments or services to persons who were or will be displaced after January 2, 1971. All existing assisted projects or programs (regardless of the stage of completion) which are presumed to involve the acquisition of real property will be reviewed to ascertain whether any persons were or will be displaced after January 2, 1971. If so, project budgets will be revised to incorporate the estimated costs of relocation payments and services.

(c) If Federal funds have already been obligated, the obligation will be increased (within the limits of available funds) to provide Federal participation in relocations costs on the terms specified in section 211(a) of the Act. Applicants or grantees will be requested to certify that additional applicant funds are or will be available to cover the non-Federal portion of relocation expenses. In the event that neither the Federal nor the non-Federal financial resources are adequate to meet the estimated costs of relocation payments and assistance, the project must be relocated.

NOTE: It is unlikely that a project where construction is underway on January 2, 1971, and is thus impossible to relocate would have caused displacement of persons after January 2, 1971.

§ 15.38 Advance DHEW payments.

Section 211(c) of the Act allows the Secretary to advance Federal funds to State agencies to cover the costs of relocation payments or assistance if he determines that advance payments are necessary for the expeditious completion of a program or project. Requests for application of this provision to individual projects will be evaluated by the Secretary in terms of the time considerations, methods being used by the displacing agency to finance the project or program, and whether the relocation assistance is being rendered direct or by contract.

§ 15.39 Records.

The displacing agency must keep careful and complete records of all relocation payments made and relocation assistance furnished on and after January 2, 1971, including a record of notifications made to persons and business concerns displaced and to be displaced. Detailed accounting instructions, the relocation reporting system, and related information will be issued later.

Subpart E—Uniform Real Property Acquisition Policy

§ 15.45 Acquisition policies.

The Secretary will establish an amount which he believes to be just compensation for the acquisition of pertinent real property. When negotiations are initiated, the owner of such real property will be provided with a written statement of, and summary of the basis for, the amount estimated as the just compensation. The summary statement of the basis for the determination of just compensation will include:

(a) Identification of the real property and the estate or interest therein to be acquired including the buildings, structures, and other improvements on the land as well as the fixtures considered to be a part of the real property.

(b) The amount of the estimated just compensation as determined by the acquiring agency and a statement of the basis therefor.

(c) If only a portion of the property is to be acquired, a separate statement of the estimated just compensation for the real property interest to be acquired and, where appropriate, damages and benefits to the remaining real property.

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