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(Continued inside)

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Contents

(Continued on next page)

List of CFR Parts Affected

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

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

3 CFR

PROCLAMATIONS:

4082 19003
4083 19005

EXECUTIVE ORDERS:

6143 (revoked in part by PLO 5127) 19027
6276 (revoked in part by PLO 5127) 19027
6583 (revoked in part by PLO 5127) 19027
8927 (revoked in part by PLO 5131) 19028

5 CFR

213 19011

7 CFR

21 19007
876 19007
906 19007
908 19008
910 19008
1001 19009
1002 19010
1004 19010
1015 19010

PROPOSED RULES:

906 19036
1421 19035

12 CFR

PROPOSED RULES:

700 19041

14 CFR

71 (5 documents) 19011, 19012

PROPOSED RULES:

71 (2 documents) 19036, 19037

16 CFR

13 19012

17 CFR

PROPOSED RULES:

230 19042
240 19042
250 19042
270 19042
275 19042

19 CFR

153 19013

21 CFR

141 19013
148w 19013

24 CFR

Ch. III 19018
1914 19019
1915 19020

26 CFR

250 19017
251 19017

PROPOSED RULES:

211 19033
301 19035

29 CFR

PROPOSED RULES:

601 19037
606 19037
613 19037
616 19037
670 19037
675 19037
677 19037
678 19037
688 19037
689 19037
690 19037
720 19037
727 19037

32A CFR

OEP (Ch. I):

ES Reg. 1 19029
Circ. 16 19030

33 CFR

204 19020
205 19020

38 CFR

2 19020
3 19020
13 19021

41 CFR

114–25 19026
114–27 19026

43 CFR

PUBLIC LAND ORDERS:

1120 (revoked in part by PLO 5128) 19027
1229 (modified by PLO 5132) 19029
3529 (revoked by PLO 5130) 19028
3795 (see PLO 5126) 19027
3815 (revoked by PLO 5130) 19028
4096 (revoked by PLO 5130) 19028
4116 (revoked by PLO 5130) 19028
5072 (amended by PLO 5129) 19028
5126 19027
5127 19027
5128 19027
5129 19028
5130 19028
5131 19028
5132 19029

47 CFR

PROPOSED RULES:

73 19040
91 19040

49 CFR

571 19029

PROPOSED RULES:

571 19037

Presidential Documents

Title 3—The President

PROCLAMATION 4082

Child Health Day, 1971

By the President of the United States of America

A Proclamation

The strength and energy of a society may be measured today and predicted for tomorrow by the health of its children. Robust bodies, bright eyes, sharp minds: all of these define the quality of life in this country now and for the future.

Caring for the health of our 70 million citizens under eighteen and the nearly four million babies born each year is not merely a choice for today, but also a duty to tomorrow.

All our children deserve to be free from preventable sickness and handicaps. If they suffer illness or handicap, they should have the best care possible.

We need to insure that parents are helped to bear healthy babies; that infants receive optimal care; that the health of the children is protected and enhanced during the growing years; that abnormalities of development are prevented or ameliorated.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, pursuant to a joint resolution of May 18, 1928, as amended (36 U.S.C. 143), do hereby designate Monday, October 4, 1971, as Child Health Day.

I invite all agencies and organizations interested in child welfare to unite upon that day in such activities as will awaken the people of the Nation to the fundamental necessity of a year-round program for the protection and development of the health of the Nation's children.

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

Richard Nixon

[FR Doc.71-14245 Filed 9-23-71;1:34 pm]

PROCLAMATION 4083

Veterans Day, 1971

By the President of the United States of America

A Proclamation

There are no persons more deeply devoted to peace than those who have directly experienced the horrors of war. And there is no group of Americans who have done more to prepare the way for lasting peace than those who have actively resisted the forces of aggression and tyranny as members of our Armed Forces.

Veterans Day, 1971, affords us a special opportunity to pay tribute to our Nation's veterans, and to express our gratitude and acknowledge our debt for all they have given to their country. But our observance of Veterans Day must not stop there. For we honor their devotion best when we renew our own devotion to their ideals: to courage and selflessness and loyalty and honor—and, above all, to lasting peace.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby call upon all Americans to join in commemorating Monday, October 25, 1971, as Veterans Day. I ask that all Americans join with me in paying tribute on that day to all those who have served this country as members of its Armed Forces in the past and to all those who are performing such service at home and abroad at this hour.

As a mark of our respect for these men and women, I direct the appropriate officials of the Government to arrange for the display of the flag of the United States on all public buildings on Veterans Day and I request all Government officials to cooperate with civic and patriotic organizations in conducting appropriate public ceremonies throughout the land.

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

Richard Nixon

[FR Doc.71-14246 Filed 9-23-71;1:34 pm]

Rules and Regulations

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 21—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

On May 6, 1971, rules required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 were issued in the FEDERAL REGISTER (36 F.R. 8433). Part 19 was incorrectly assigned to this issuance. Part 21 is hereby assigned to this part, and all sections thereunder renumbered accordingly.

Dated: September 22, 1971.

T. M. BALDAUF,
Acting Director of Plant and Operations.

[FR Doc.71-14181 Filed 9-24-71;8:48 am]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 876—Interpretation]

PART 876—SUGARCANE; HAWAII

Fair and Reasonable Prices; Interpretation

Pursuant to the provisions of section 301 (c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act") the following interpretation is hereby issued of the regulation contained in the determination of fair and reasonable prices for sugarcane in Hawaii as set forth in Part 876 of Chapter VIII of Title 7 of the Code of Federal Regulations (35 F.R. 12640), published August 8, 1970, and (36 F.R. 13021) published July 13, 1971:

Interpretation. The regulation set forth in § 876.22 (b)(3) stating that "the applicable rate for processing established in this section for sugarcane of the producer shall cover * * * the cost of insuring such sugarcane against loss by fire to the same extent that sugarcane of the processor is insured", is interpreted as follows: Where the processor has sugarcane fire insurance containing a deductible clause, the deduction applicable to each loss of a producer's sugarcane shall be not more than an amount that is related to the amount deductible on the processor's sugarcane as the total acreage of the producer's growing sugarcane is to the total acreage of the processor's growing sugarcane.

STATEMENT OF BASES AND CONSIDERATIONS

Historically, sugar companies in Hawaii have carried fire insurance against loss on their own and their independent grower's growing sugarcane. A deductible clause has been introduced into the insurance policies of some companies which provides for a deduction for each loss of an amount ranging from $1,000 at one company to $5,000 at another company. The application of such a clause would exclude most independent producers from cane fire coverage.

The Department has recently been advised that at one sugar company, two fires in 1970 damaged separate lots of sugarcane of an independent producer. In each case the loss incurred was less than $500. Settlement was rejected by the company on the grounds that losses of less than $1,000 were not covered under the company's revised fire policy. The Department has also been advised that two other sugar companies having deductible type insurance, have arranged to idemnify producers for sugarcane losses of less than the deductible amount at their own expense.

In order that independent producers have protection against loss by fire to the same extent as the processor, this interpretation provides that where processors have insurance with a deductible clause, the deduction applicable to each loss of a producer's sugarcane should be not more than an amount that is related to the amount deductible on the processor's sugarcane as the total acreage of the producer's growing sugarcane is to the acreage of the processor's growing sugarcane. If the processor finds it economical to have a policy with the same deductible clause applicable to each loss of an independent producer or the processor, he may so arrange, but then must become the supplemental insurer himself to the extent necessary to provide the same degree of protection against loss on independent producer's sugarcane as he has on his own sugarcane, based on the ratio between the producer's total sugarcane acreage and his total sugarcane acreage.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; sec. 301, 61 Stat. 929, as amended; 7 U.S.C. 1132)

Effective date: Date of publication in FEDERAL REGISTER (9-25-71).

Signed at Washington, D.C., on September 21, 1971.

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

[FR Doc.71-14206 Filed 9-24-71;8:50 am]

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

[Orange Reg. 23]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

On September 8, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 18001) regarding a proposed regulation to be made effective pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This notice allowed interested persons 10 days during which they could submit written data, views, or arguments pertaining to this proposed regulation. None were submitted. The proposed regulation was recommended by the Texas Valley Citrus Committee established pursuant to the said marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The recommendations by the Texas Valley Citrus Committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of oranges from the production area are expected to begin on or about October 16, 1971. The grade and size requirements provided herein are necessary to prevent the handling on and after October 16, 1971, of any oranges of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while maximizing returns to the producers pursuant to the declared policy of the act. In addition, such oranges must be inspected and certified not more than 48 hours prior to shipment.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Texas Valley Citrus Committee, and other available information, it is hereby found and determined that the regulation as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days

after publication in the FEDERAL REGISTER (5 U.S.C. 533) in that (1) notice of proposed rule making concerning this regulation, with an effective date of October 16, 1971, was published in the FEDERAL REGISTER on September 8, 1971 (36 F.R. 18001), and no objection to this regulation or such effective date was received; (2) the recommendation and supporting information for regulation during the period specified herein were submitted to the Department after an open meeting of the Texas Valley Citrus Committee on August 24, 1971, which was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; (3) the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee; (4) information concerning such provisions and effective time has been disseminated among handlers of such oranges; (5) compliance with the regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; (6) shipments of the current crop of such oranges are expected to begin on or about the effective date hereof, and this regulation should be applicable, insofar as practicable, to all shipments of such oranges in order to effectuate the declared policy of the act.

§ 906.348 Orange Regulation 23.

(a) Order:

(1) During the period October 16, 1971, through October 15, 1972, no handler shall handle:

(i) Any oranges of any variety, grown in the production area, unless such oranges grade U.S. Fancy; U.S. No. 1; U.S. No. 1 Bright; U.S. No. 1 Bronze; U.S. Combination, with not less than 60 percent, by count, of the oranges in each container thereof grading at least U.S. No. 1 grade and the remainder grading U.S. No. 2; or U.S. No. 2;

(ii) Any oranges of any variety, grown as aforesaid, which are of a size smaller than 2⁶⁄₁₆ inches in diameter, except that not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in any individual container in such lot may be of a size smaller than 2⁶⁄₁₆ inches in diameter; or

(iii) Any oranges of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

(b) All oranges of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(c) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, have the same meaning as is given to the respective term in the U.S. Standards for Oranges (Texas and States other than Florida, California, and Arizona) (7 CFR 51.680–51.712).

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

Dated: September 22, 1971.

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

[FR Doc.71–14208 Filed 9–24–71;8:50 am]

[Valencia Orange Reg. 366, Amdt. 1]

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

Limitation of Handling

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

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

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), and (ii) of § 908.666 (Valencia Orange Regulation 366, 36 F.R. 18507) during the period September 17 through September 23, 1971, are hereby amended to read as follows:

§ 908.666 Valencia Orange Regulation 366.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 133,000 cartons;

(ii) District 2: 567,000 cartons;

* * * * *

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

Dated: September 22, 1971.

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

[FR Doc.71–14209 Filed 9–24–71;8:50 am]

[Lemon Reg. 500]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.800 Lemon Regulation 500.

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

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

be completed on or before the effective date hereof. Such committee meeting was held on September 25, 1971.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period September 21 through October 2, 1971, is hereby fixed at 190,000 cartons.

(2) As used in this section, "handled," and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: September 23, 1971.

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

[FR Doc.71-14242 Filed 9-24-71;8:47 am]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Orders 1, 2, 4, 15; Docket No. AO-14-A49-RO-1 etc.]

MILK IN BOSTON REGIONAL AND CERTAIN OTHER MARKETING AREAS

Order Amending Orders

7 CFR part	Marketing area	Docket No.
1001	Boston Regional	AO-14-A49-RO1.
1002	New York-New Jersey	AO-71-A62.
1004	Middle Atlantic	AO-160-A45.
1015	Connecticut	AO-305-A28.

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

The following findings are hereby made with respect to each of the aforesaid orders:

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

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

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

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

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

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than October 1, 1971. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued July 26, 1971 (36 F.R. 14006), and the decision of the Assistant Secretary containing all amendment provisions of the said order was issued August 27, 1971 (36 F.R. 17580). The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective October 1, 1971, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the respective designated marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended, and as hereby further amended, as follows:

PART 1001—MILK IN THE BOSTON REGIONAL MARKETING AREA

1. Section 1001.22 is revised as follows:

§ 1001.22 Fluid milk products.

"Fluid milk products" means milk, skimmed milk, flavored milk or skimmed milk, cultured skimmed milk, buttermilk, filled milk, concentrated milk, and any mixture of milk or skimmed milk and cream containing less than 10 percent butterfat. The term includes these products in fluid, frozen, fortified, or reconstituted form but does not include sterilized products in hermetically sealed containers and such products as eggnog, yogurt, whey, ice cream mix, ice milk mix, milk shake base mix, evaporated or condensed milk or skimmed milk, in either plain or sweetened form, and any product which contains 6 percent or more nonmilk fat (or oil). Fluid milk products which have been placed in containers for disposition to retail or wholesale outlets are referred to in this part as packaged fluid milk products.

2. Section 1001.23 is revised as follows:

§ 1001.23 Cream.

"Cream", for purposes of this part, means that portion of milk, containing not less than 10 percent butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term also includes soured cream, frozen cream, fortified cream, reconstituted cream, and any mixture of milk or skimmed milk and cream containing 10 percent or more of butterfat.

3. Section 1001.32 is revised as follows:

§ 1001.32 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

(a) through (i) [Reserved]

(j) He shall publicly announce (by posting in a conspicuous place in his office and by such other means as he deems appropriate):

(1) By the 5th day of the month:

(i) The Class I price for the current month;

(ii) The Class II price and the butterfat differential for the preceding month, as computed under §§ 1001.61 and 1001.71 (b), respectively;

(2) By the 13th day of each month, the zone blended prices resulting from the adjustment of the basic blended price for the preceding month, as computed under § 1001.65, by the zone differentials contained in § 1001.62(d); and

(3) [Reserved]

(4) Whenever required for purpose of assigning receipts from other Federal order plants under § 1001.56(b), his estimate of the utilization (to the nearest whole percentage) in each class during the month of butterfat and skim milk, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(k) He shall place the sums deducted under § 1001.65(c) and retained under § 1001.80 in an interest-bearing bank account or accounts in a bank or banks duly approved as a Federal depository for such sums, or invest them in short-term U.S. Government securities.

§ 1001.70 [Amended]

4. In § 1001.70 *Payments to producers*, paragraph (d) is revoked; the paragraph designation is reserved for future assignment.

5. Section 1001.71 is revised as follows:

§ 1001.71 Butterfat differential.

(a) In making the payments to producers required under § 1001.70 and the payments to cooperative associations required under § 1001.76(d), each handler shall add for each one-tenth of 1 percent of average butterfat content above 3.5 percent, or may deduct for each one-tenth of 1 percent of average butterfat content below 3.5 percent, as a butterfat differential, an amount per hundredweight which shall be computed by the market administrator under paragraph (b) of this section.

(b) Multiply by 0.115 and round to the nearest one-tenth cent the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department for the month.

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

1. Section 1002.15 is revised as follows:

§ 1002.15 Fluid milk product.

"Fluid milk product" means all skim milk and butterfat in the form of milk, fluid skim milk, filled milk, cultured or flavored milk drinks (except eggnog and yogurt), concentrated fluid milk disposed of in consumer packages, and any mixture of cream, milk, or skim milk containing less than 10 percent butterfat (other than frozen desserts, frozen dessert mixes, whipped topping mixtures, evaporated milk, plain or sweetened condensed milk or skim milk, sterilized milk or milk products in hermetically sealed containers, and any product which contains 6 percent or more nonmilk fat (or oil)). *Provided*, That when any fluid milk product is fortified with nonfat milk solids, the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

2. Section 1002.22 is revised as follows:

§ 1002.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

(a) through (h) [Reserved]

(i) Maintain a main office and such branch offices as may be necessary;

(j) Promptly notify a handler, upon receipt of the handler's written request therefor, of his determination; as to whether one or more plants exist at a specified location, as to whether any specified item constitutes a part of the handler's plant, or as to which plant a specified item is a part in the event that the particular premises in question constitutes more than one plant: *Provided*, That if the request of the handler is for revision or affirmation of a previous determination, there is set forth in the request a statement of what the handler believes to be the changed conditions which made a new determination necessary. If a handler has been notified in writing of a determination with respect to an establishment operated by him, any revision of such determination shall not be effective prior to the date on which such handler is notified of the revised determination;

(k) [Reserved]

(l) Place the sums deducted under § 1002.71(c) and retained pursuant to § 1002.83 in an interest-bearing account or accounts in a bank or banks duly approved as a Federal depository for such sums, or invest them in short-term U.S. Government securities.

(m) On or before the date specified, or the next succeeding work day in any month in which such date is a Sunday or holiday, publicly announce the following:

(1) The 5th day of each month:

(i) The Class I price for the current month and the Class II price for the preceding month computed pursuant to § 1002.50, both as applicable at the 201–210-mile zone and at the 1–10-mile zone;

(ii) The butterfat differential for the preceding month computed pursuant to § 1002.81;

(iii) [Reserved]

(iv) The average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the preceding month;

(v) The simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the U.S. Department of Agriculture for the preceding month.

(vi) The weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published by the U.S. Department of Agriculture for the period from the 26th day of the second preceding month through the 25th day of the preceding month.

(2) The 15th day of each month, the uniform price for the preceding month pursuant to § 1002.71 applicable at the 201–210-mile zone and at the 1–10-mile zone pursuant to § 1002.82.

3. Section 1002.81 is revised as follows:

§ 1002.81 Butterfat differential.

The butterfat differential for the adjustment of prices as specified in this part shall be plus or minus for each one-tenth of 1 percent of butterfat therein above or below 3.5 percent an amount computed as follows: Multiply by 0.115 and round to the nearest one-tenth cent the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department for the month.

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

1. In § 1004.16, a new paragraph (h) is added as follows:

§ 1004.16 Milk and milk products.

* * * * * * *

(h) "Exempt milk" means bulk fluid milk products received at a pool plant or a partially regulated distributing plant from the plant of a handler pursuant to § 1004.10(e) for processing and packaging and for which an equivalent quantity of packaged fluid milk products is returned to such handler during the month.

2. In § 1004.46, paragraphs (a) (2) and (5) (iv) are revised as follows:

§ 1004.46 Allocation of skim milk and butterfat classified.

* * * * * * *

(a) * * *

(2) Subtract from the total pounds of skim milk in Class I, the pounds of skim milk in receipts of certified milk in packaged form and receipts of exempt milk;

* * * * * * *

(5) * * *

(iv) Receipts (other than exempt milk) of fluid milk products from a handler pursuant to § 1004.10(e);

* * * * * * *

3. Section 1004.81 is revised as follows:

§ 1004.81 Butterfat differential.

In making the payments to producers and cooperative associations required pursuant to § 1004.80, each handler shall add for each one-tenth of 1 percent of average butterfat content above 3.5 percent, or may deduct for each one-tenth of 1 percent of average butterfat content below 3.5 percent, as a butterfat differential an amount per hundredweight which shall be computed by the market administrator as follows: Multiply by 0.115 and round to the nearest one-tenth cent the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department for the month.

PART 1015—MILK IN THE CONNECTICUT MARKETING AREA

1. Section 1015.22 is revised as follows:

§ 1015.22 Fluid milk products.

"Fluid milk products" means milk, skimmed milk, flavored milk or skimmed milk, cultured skimmed milk, buttermilk, filled milk, concentrated milk, and any mixture of milk or skimmed milk and

cream containing less than 10 percent butterfat. The term includes these products in fluid, frozen, fortified, or reconstituted form but does not include sterilized products in hermetically sealed containers and such products as eggnog, yogurt, whey, ice cream mix, ice milk mix, milk shake base mix, evaporated or condensed milk or skimmed milk in either plain or sweetened form, and any product which contains 6 percent or more nonmilk fat (or oil). Fluid milk products which have been placed in containers for disposition to retail or wholesale outlets are referred to in this part as packaged fluid milk products.

2. Section 1015.23 is revised as follows:

§ 1015.23 Cream.

"Cream", for purposes of this part, means that portion of milk containing not less than 10 percent butterfat which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term also includes soured cream, frozen cream, fortified cream, reconstituted cream, and any mixture of milk or skimmed milk and cream containing 10 percent or more of butterfat.

3. Section 1015.51 is revised as follows:

§ 1015.51 Class I milk.

Class I milk shall be all skim milk and butterfat (including that used to produce concentrated milk):

(a) Disposed of in the form of fluid milk products other than as specified in § 1015.52; or

(b) [Reserved]

(c) Not established as Class II milk under § 1015.52.

4. In § 1015.52, paragraph (a) is revised as follows:

§ 1015.52 Class II milk.

* * * * *

(a) Disposed of as cream;

* * * * *

5. Section 1015.71 is revised as follows:

§ 1015.71 Butterfat differential.

In making the payments to producers and cooperative associations required under § 1015.70 or for overages under § 1015.63(d), each handler shall add or subtract for each one-tenth of 1 percent that the average butterfat content of milk received from producers or the overage is above or below 3.5 percent, respectively, an amount per hundredweight which shall be computed by the market administrator as follows: Multiply by 0.115 and round to the nearest one-tenth cent the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department for the month.

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

Effective date: October 1, 1971.

Signed at Washington, D.C., on September 21, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-14182 Filed 9-24-71;8:48 am]

Title 5—ADMINISTRATIVE PERSONNEL

Chaprer I—Civil Service Commission

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that one additional position of Confidential Assistant to the Commissioner, Transportation and Communications Service, is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (9–25–71), subparagraph (1) of paragraph (h) of § 213.3337 is amended as set out below.

§ 213.3337 General Services Administration.

* * * * *

(h) *Transportation and Communications Service.* (1) Two Confidential Assistants to the Commissioner.

* * * * *

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

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

[FR Doc.71-14268 Filed 9-24-71;9:24 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71–NW–9]

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

Alteration of Transition Area

On August 11, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 14761) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Fort Lewis, Wash., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., November 11, 1971.

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

Issued in Los Angeles, Calif., on September 17, 1971.

ARVIN O. BASNIGHT,
Director, Western Region.

In § 71.171 (36 F.R. 2055) the description of the Fort Lewis control zone is amended to read as follows:

FORT LEWIS, WASH.

Within a 5-mile radius of Gray AAF, Fort Lewis, Wash. (Latitude 47°04'55" N., longitude 122°34'55" W.), excluding the portions within the Tacoma, Washington (McChord AFB) control zone and the portion east of a line 2 miles west of and parallel to the McChord AFB VOR 182° radial. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

[FR Doc.71-14169 Filed 9-24-71;8:47 am]

[Airspace Docket No. 71–NE–4]

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

Alteration of Transition Area

On page 13848 of the FEDERAL REGISTER dated July 27, 1971, the Federal Aviation Administration published a notice of proposed rule making which would alter the Rutland, Vt., transition area (36 F.R. 13848).

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

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., December 9, 1971.

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

Issued in Burlington, Mass., on September 14, 1971.

W. E. CROSBY, JR.,
Deputy Director, New England Region.

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

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center, 43°31'45" N., 72°57'00" W., of the Rutland State Airport, Rutland, Vt., and within 4.5 miles east and 6.5 miles west of the 344° bearing from the Rutland RBN, 43°33'35" N., 72°57'50" W., extending from the RBN to 11.5 miles north of the RBN.

[FR Doc.71-14167 Filed 9-24-71;8:47 am]

[Airspace Docket No. 71–WE–25]

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

Alteration of Control Zone

On August 11, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 14761) stating

that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Van Nuys, Calif., control zone.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., November 11, 1971.

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

Issued in Los Angeles, Calif., on September 15, 1971.

ARVIN O. BASNIGHT,
Director, Western Region.

In § 71.171 (36 F.R. 2055) the description of the Van Nuys, Calif., control zone is amended to read as follows:

VAN NUYS, CALIF.

Within a 5-mile radius of Van Nuys Airport (latitude 34°12'30" N., longitude 118°29'15" W.) within 3 miles north and 3.5 miles south of the 270° radial of the Van Nuys VOR/DME facility extending from the 5-mile-radius zone to 11.5 miles west of the facility, within 2.5 miles each side of the 350° radial of the Van Nuys VOR/DME facility extending from the 5-mile-radius zone to 9.5 miles north of the facility, excluding the portion east of a line from latitude 34°16'00" N., longitude 118°25'55" W. to latitude 34°09'25" N., longitude 118°25'40" W.

[FR Doc.71-14171 Filed 9-24-71;8:47 am]

[Airspace Docket No. 71-NW-8]

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

Alteration of Transition Area

On August 11, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 14761) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Portland, Oreg., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following changes:

In the proposed amendments to the 6,500 feet MSL and 8,500 feet MSL portions of the transition area change "* * * 38-mile radius arc * * *" to read "* * * 38.5-mile radius arc * * *".

Effective date. This amendment shall be effective 0901 G.m.t., November 11, 1971.

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

Issued in Los Angeles, Calif., on September 17, 1971.

ARVIN O. BASNIGHT,
Director, Western Region.

In § 71.181 (36 F.R. 2140) the description of the Portland, Oreg., transition area is amended as follows: In the 1,200-foot portion of the transition area after "* * * V-112, * * *" insert "* * * that airspace north of Portland within arcs of 30- and 38.5-mile-radius circles centered on Portland International Airport extending clockwise from the east edge of V-23 to the northwest edge of V-448 * * *"

In the 6,500-foot MSL portion of the transition area after "* * * That airspace north of Portland extending from the * * *" delete "* * * 30-mile-radius area * * *" and insert "* * * 38.5-mile-radius arc * * *" therefor.

In the 8,500-foot MSL portion of the transition area delete "* * * 30-mile-radius area * * *" and insert "* * * 38.5-mile-radius arc * * *" therefor.

In the 11,500-foot MSL portion of the transition area after "* * * 11,500 feet MSL * * *" insert "* * * Northeast of Portland extending from the 38.5-mile-radius arc * * *" therefor.

[FR Doc.71-14168 Filed 9-24-71;8:47 am]

[Airspace Docket No. 71-WE-41]

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

Alteration of Transition Area

On August 11, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 14764) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the San Jose, Calif., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., November 11, 1971.

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

Issued in Los Angeles, Calif., on September 15, 1971.

ARVIN O. BASNIGHT,
Director, Western Region.

In § 71.181 (36 F.R. 2140) the description of the San Jose, Calif., transition area is amended as follows:

In the description of the 700-foot portion of the transition area delete all before "* * * within 2 miles each side of the San Jose ILS * * *" and substitute "That airspace extending upward from 700 feet above the surface within 5 miles each side of the Moffett TACAN 157° radial extending from the TACAN to 23 miles southeast of the TACAN * * *" therefor.

[FR Doc.71-14172 Filed 9-24-71;8:47 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1985]

PART 13—PROHIBITED TRADE PRACTICES

Barton's Candy Corp.

Subpart—Advertising falsely or misleadingly: §13.15 *Business status, advantages, or connections:* 13.15-30 Connections or arrangements with others; § 13.60 *Earnings and profits;* § 13.255 *Surveys.* Subpart—Combining or conspiring: § 13.395 *To control marketing practices and conditions:* § 13.425 *To enforce or bring about resale price maintenance.* Misrepresenting oneself and goods—Goods: § 13.1615 *Earnings and profits:* § 13.1757 *Surveys.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Barton's Candy Corp., Brooklyn, N.Y., Docket No. C-1985, July 21, 1971]

In the Matter of Barton's Candy Corp., a Corporation

Consent order requiring a Brooklyn, N.Y., candy and baking goods manufacturer and franchisor with outlets in more than 40 States to cease fixing the resale price of any of its products, accepting any payment or other advantage from a supplier of fixtures to any of respondent's customers, misrepresenting that any analysis has been made of any projected sales volume of any store; it is further ordered that respondent notify each of its franchisees of the existence and terms of this order.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That respondent Barton's Candy Corp., a corporation, its officers, agents, representatives, employees, successors, and assigns, directly or indirectly, through any corporate or other device, in or in connection with the advertising, distribution, offering for sale, or sale of chocolates, other candies and confections, baked goods, nuts, and the franchise rights to deal in or handle such products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Fixing, establishing, maintaining, or enforcing pursuant to or in connection with any fair trade program the resale price of any such product charged by any wholesaler or retailer who in fact competes with Barton's either at wholesale or with retail stores or candy departments operated by the respondent.

2. Requesting, accepting, or entering into any contract, agreement or understanding providing for payment to respondent of anything of substantial value by the supplier of fixtures, signs, or other equipment and furnishings as a commission, override, "finder's fee," or other compensation for recommending or requiring any customer of respondent to deal with such supplier unless such customer of respondent is advised prior to entering into any franchise or other agreement of the fact that respondent will receive said compensation from such supplier and the approximate amount, percentage, or other means of computation thereof.

3. Representing, directly or by implication, that

a. A survey has been made of store traffic patterns or that electronic or other means of analysis of projected sales volume has been performed, unless such is a fact.

b. Sales volume of a Barton's store or department is within a range, is a stated average amount, or may achieve a stated level, unless such is a fact with respect to a representative sample of outlets of comparable size, type, and location.

II. *It is further ordered,* That respondent Barton's Candy Corp. furnish within sixty (60) days from the date hereof to all presently franchised retail outlets, wholesale distributors or other customers who in fact compete, or whose customers in fact compete, with Barton's or with retail stores or candy departments operated by respondent a letter or other notice, signed by a responsible official binding the respondent and on official Barton's Candy Corp. stationery or letterhead, which states in its first paragraph: "The Federal Trade Commission has entered an order which, among other things, prohibits Barton's Candy Corp. from fixing resale prices of its customers as more fully set forth in the relevant provisions of the order which are [stated below/enclosed]." The relevant provisions of this order which shall be included in such letters are the opening paragraph and numbered paragraph 1 of section I thereof.

III. *It is further ordered,* That respondent Barton's Candy Corp. shall forthwith distribute a copy of this order to each of its sales personnel and each of its other employees engaged in establishing and maintaining franchises.

IV. *It is further ordered,* That respondent Barton's Candy Corp. notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent which may affect compliance obligations arising out of this order, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation of or dissolution of subsidiaries or any other change in the corporation.

V. *It is further ordered,* That respondent Barton's Candy Corp. shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: July 21, 1971.

By the Commission.

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

[FR Doc.71-14152 Filed 9-24-71;8:45 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71-247]

PART 153—ANTIDUMPING

Tempered Sheet Glass From Japan

SEPTEMBER 10, 1971.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that tempered sheet glass from Japan is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of May 5, 1971 (36 F.R. 8407, F.R. Doc. 71-6313).)

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160 (a)), gives the U.S. Tariff Commission responsibility for determination of injury or likelihood of injury. The U.S. Tariff Commission has determined, and on August 3, 1971, it notified the Secretary of the Treasury that an industry in the United States is being injured by reason of the importation of tempered sheet glass from Japan, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of August 7, 1971 (36 F.R. 14682, F.R. Doc. 71-11354).)

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to tempered sheet glass from Japan.

Section 153.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Tempered sheet glass	Japan	71-247

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] EUGENE T. ROSSIDES, *Assistant Secretary of the Treasury.*

[FR Doc.71-14177 Filed 9-24-71;8:48 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 148w—CEPHALOSPORIN

Miscellaneous Amendments

Effective on publication in the FEDERAL REGISTER (9-25-71), Part 148w is republished as follows to incorporate editorial and nonrestrictive technical changes. This order revokes all prior publications.

Sec.

AUTHORITY: The provisions of this Part 148w issued under sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

§ 148w.1 Sodium cephalothin.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sodium cephalothin is the sodium salt of the compound formed by reaction of thiophene-2-acetic acid with 7-amino-cephalosporanic acid. The 7-amino-cephalosporanic acid is obtained from a kind of cephalosporin. It is so purified and dried that:

(i) Its potency is not less than 850 micrograms of cephalothin per milligram on an anhydrous basis. If it is packaged for dispensing, its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of cephalothin that it is represented to contain.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) Its loss on drying is not more than 1.5 percent.

(vi) Its pH in an aqueous solution is not less than 4.5 and not more than 7.0.

(vii) The specific rotation in an aqueous solution containing 50 milligrams of cephalothin per milliliter at 25° C. is $+129° \pm 5°$.

(viii) It gives a positive identity test.

(ix) It is crystalline.

(2) *Packaging.* In addition to the requirements of § 148.2 of this chapter, if it is packaged for dispensing and is intended for both intravenous and intramuscular use, each vial shall contain the equivalent of 1 gram of cephalothin; except that if it is packaged for dispensing

and is intended solely for intravenous use, each vial shall contain the equivalent of 4 grams of cephalothin.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 148.3 of this chapter, if it is packaged for dispensing, each package shall bear on its label and labeling, the following statement: "After reconstitution, store in a refrigerator and use within 48 hours. If kept at room temperature, use within 6 hours."

(4) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays of the batch for potency, sterility, pyrogens, safety, loss on drying, pH, specific rotation, crystallinity, and identity.

(ii) Samples of the batch:

(*a*) If the batch is packaged for repacking or for use as an ingredient in the manufacture of another drug:

(*1*) For all tests except sterility: 10 packages, each containing equal portions of approximately 500 milligrams.

(*2*) For sterility testing: 20 packages, each containing equal portions of approximately 300 milligrams.

(*b*) If the batch is packaged for dispensing:

(*1*) For all tests except sterility: A minimum of 10 immediate containers of the batch.

(*2*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Sample preparation.* Dissolve an accurately weighed sample in sufficient 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), for the microbiological agar diffusion assay, or distilled water for the iodometric assay, to give a stock solution of convenient concentration; also, if it is packaged for dispensing, reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute with either solution 1 or distilled water as specified above to give a stock solution of convenient concentration.

(ii) *Assay procedures.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive:

(*a*) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, diluting an aliquot of the stock solution with solution 1 to the reference concentration of 1.0 microgram of cephalothin per milliliter (estimated).

(*b*) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter. If it is packaged for dispensing, dilute an aliquot of the stock solution with distilled water to the prescribed concentration.

NOTE: The 10 milliliters of 0.01*N* iodine must be added within 20 seconds after the addition of the 2.0 milliliters of 1.2*N* HCl, and the assay should be completed within 1 hour after the sample and standard are first put into solution. The working standard should be dried as described in § 141.501(a) of this chapter.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 141.4(b) of this chapter, using a solution containing 50 milligrams of cephalothin per milliliter.

(4) *Safety.* Proceed as directed in § 141.5 of this chapter.

(5) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

(6) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 250 milligrams per milliliter; however, if it is packaged for dispensing, use the solution obtained after reconstituting the drug as directed in the labeling.

(7) *Specific rotation.* Dilute an accurately weighed sample with sufficient distilled water to give a concentration of approximately 50 milligrams per milliliter. Proceed as directed in § 141.520 of this chapter, using a 1.0-decimeter polarimeter tube and calculate the specific rotation on an anhydrous basis.

(8) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

(9) *Identity.* Using a 0.0025-percent solution of the sample in water and a suitable spectrophotometer, record the ultraviolet absorption spectrum from 220 to 310 nanometers. The spectrum compares qualitatively to that of the cephalothin working standard similarly tested.

§ 148w.2 Cephaloridine.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Cephaloridine is 7-[α-(2-thienyl)-acetamido]-3-(1-pyridylmethyl)-3-cephem-4-carboxylic acid betaine. It is a white to off-white powder. It is so purified and dried that:

(i) Its potency is not less than 900 micrograms of cephaloridine per milligram. If it is packaged for dispensing, its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of cephaloridine that it is represented to contain.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) Its loss on drying is not more than 2.5 percent.

(vi) Its pH in an aqueous solution is not less than 3.5 and not more than 6.

(vii) The specific rotation in an aqueous solution containing 10 milligrams of cephaloridine per milliliter at 25° C. is +48°±4°.

(viii) It is crystalline.

(ix) The ultraviolet absorption spectrum between the wavelengths of 220 and 310 nanometers compares qualitatively to that of the cephaloridine working standard. The ratio of the absorbance of the maximum at the wavelength of 240 nanometers to that of the shoulder at 255 nanometers is not less than 1.05 and not more than 1.17.

(2) *Packaging.* In addition to the requirements of § 148.2 of this chapter, if it is packaged for dispensing, each vial shall contain either 500 or 1,000 milligrams of cephaloridine.

(3) *Labeling.* It shall be labeled in accordance with the requirements prescribed by § 148.3 of this chapter.

(4) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays of the batch for potency, sterility, pyrogens, safety, loss on drying, pH, specific rotation, crystallinity, and identity.

(ii) Samples of the batch:

(*a*) If the batch is packaged for repacking or for use as an ingredient in the manufacture of another drug:

(*1*) For all tests except sterility: 10 packages, each containing at least 500 milligrams.

(*2*) For sterility testing: 20 packages, each containing equal portions of approximately 300 milligrams.

(*b*) If the batch is packaged for dispensing:

(*1*) For all tests except sterility: A minimum of 13 immediate containers of the batch.

(*2*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Sample preparation.* Dissolve an accurately weighed sample in sufficient 1.0-percent potassium phosphate buffer, pH 6.0 (solution 1), for the microbiological agar diffusion assay, or distilled water for the iodometric assay, to give a stock solution of convenience concentration; also, if it is packaged for dispensing, reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute with either solution 1 or distilled water as specified above to give a stock solution of convenient concentration.

(ii) *Assay procedures.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(*a*) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, diluting an aliquot of the stock solution with solution 1 to the reference concentration of 1.0 microgram of cephaloridine per milliliter (estimated).

(*b*) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter. If it is packaged for dispensing, dilute an aliquot of the stock solution with distilled water to the prescribed concentration.

NOTE: The 10 milliliters of 0.01*N* iodine must be added within 20 seconds after the addition of the 2.0 milliliters of 1.2*N* HCl, and the assay should be completed within 1 hour after the sample and standards are first put into solution. The working standard should be dried as described in § 141.501(a) of this chapter.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 141.4(b) of this chapter, using a solution containing 50 milligrams of cephaloridine per milliliter.

(4) *Safety.* Proceed as directed in § 141.5 of this chapter.

(5) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

(6) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 250 milligrams of cephaloridine per milliliter. If it is packaged for dispensing, however, use the solution obtained after reconstituting the drug as directed in the labeling.

(7) *Specific rotation.* Dilute an accurately weighed sample with sufficient distilled water to give a concentration of approximately 10 milligrams of cephaloridine per milliliter. Proceed as directed in § 141.520, using a 2.0-decimeter polarimeter tube.

(8) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

(9) *Identity.* Using a 0.0025-percent solution of the sample in water and a suitable spectrophotometer, record the ultraviolet absorption spectrum from 220 to 310 nanometers. The spectrum compares qualitatively to that of the cephaloridine working standard similarly tested.

§ 148w.3 Nonsterile cephaloglycin dihydrate.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Cephaloglycin dihydrate is the dihydrate form of 7-(D-α-aminophenylacetamido) cephalosporanic acid. It is a white to off-white powder. It is so purified and dried that:

(i) Its potency is not less than 900 micrograms of cephaloglycin per milligram on an anhydrous basis.

(ii) It passes the safety test.

(iii) Its moisture is not less than 8.2 and not more than 12 percent.

(iv) Its pH in an aqueous suspension containing 50 milligrams per milliliter is not less than 3.0 and not more than 5.5.

(v) Its cephaloglycin content is not less than 95 and not more than 104 percent on an anhydrous basis.

(vi) It gives a positive identity test for cephaloglycin dihydrate.

(vii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3(b) of this chapter.

(3) *Requests for certification; samples.* In addition to complying with requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, cephaloglycin content, identity, and crystallinity.

(ii) Samples required: 10 packages, each containing approximately 500 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed portion of the sample in sufficient sterile distilled water to give a stock solution of 100 micrograms of cephaloglycin per milliliter (estimated). Further dilute an aliquot of the stock solution with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 10 micrograms of cephaloglycin per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 141.5 of this chapter, except observe the mice for 7 days.

(3) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous suspension containing 50 milligrams per milliliter.

(5) *Cephaloglycin content.* Dissolve an accurately weighed sample (approximately 200 milligrams) in 40 milliliters of glacial acetic acid. Add 1 drop of crystal violet indicator (2 percent in acetic acid) and titrate the solution with standardized 0.1*N* perchloric acid ($HClO_4$). Calculate percent of cephaloglycin as follows:

$$\text{Percent cephaloglycin} = \frac{\text{Milliliters of } HClO_4 \times \text{normality of perchloric acid} \times 405.4 \times 100}{\text{Sample weight in milligrams}}$$

(6) *Identity.* Proceed as directed in § 141.521 of this chapter, using the 0.5-percent potassium bromide disc prepared as described in paragraph (b)(1) of that section.

(7) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

§ 148w.4 Cephaloglycin dihydrate capsules.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Cephaloglycin dihydrate capsules are composed of cephaloglycin dihydrate and one or more suitable lubricants and diluents enclosed in a gelatin capsule. Each capsule contains cephaloglycin dihydrate equivalent to 250 milligrams of cephaloglycin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of cephaloglycin that it is represented to contain. Its moisture content is not more than 9 percent. The cephaloglycin used conforms to the standards prescribed by § 148w.3(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The cephaloglycin dihydrate used in making the batch for potency, safety, moisture, pH, cephaloglycin content, identity, and crystallinity.

(*b*) The batch for potency, moisture, and identity.

(ii) Samples required:

(*a*) The cephaloglycin dihydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: a minimum of 30 capsules.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules into a high-speed glass blender jar with sufficient 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 4 to the reference concentration of 10 micrograms of cephaloglycin per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

§ 148w.5 Cephaloglycin dihydrate for oral suspension.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Cephaloglycin dihydrate for oral suspension is cephaloglycin dihydrate with one or more suitable diluents, buffer substances, colorings, and flavorings. When reconstituted as directed in the labeling, each milliliter contains cephaloglycin dihydrate equivalent to 50 milligrams of cephaloglycin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of cephaloglycin that it is represented to contain. Its moisture content is not more than 2 percent. When reconstituted as directed in the labeling, its pH is not less than 3.0 and not more than 5.0. It passes the identity test for the presence of the cephaloglycin moiety. The cephaloglycin dihydrate used conforms to the standards prescribed by § 148w.3(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The cephaloglycin dihydrate used in making the batch for potency, safety, moisture, pH, cephaloglycin content, identity, and crystallinity.

(*b*) The batch for potency, moisture, pH, and identity.

(ii) Samples required:

(*a*) The cephaloglycin dihydrate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch: A minimum of six immediate containers.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Place an accurately measured representative portion of the suspension into an appropriate-sized volumetric flask and dilute to volume with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4). Further dilute an aliquot of the stock solution with solution 4 to the reference concentration of 10 micrograms of cephaloglycin per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(3) *pH.* Proceed as directed in § 141.503 of this chapter, using the drug reconstituted as directed in the labeling.

(4) *Identity.* Dilute a representative portion of the sample with sufficient distilled water to give a concentration of 2.5 milligrams of cephaloglycin per milliliter (estimated). Shake vigorously on a mechanical shaker for 30 minutes. Filter through Whatman No. 1 filter paper, discarding the first few milliliters of filtrate. Further dilute an aliquot of the filtrate with sufficient distilled water to give a concentration of 0.05 milligram of cephaloglycin per milliliter (estimated). Using a suitable spectrophotometer, record the ultraviolet absorption spectrum of this solution from 230 to 320 nanometers. The spectrum compares qualitatively to that of the cephaloglycin working standard similarly treated.

§ 148w.6 Nonsterile cephalexin monohydrate.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Cephalexin monohydrate is the monohydrate form of 7-(D-2-amino-2-phenylacetamido)-3-methyl-3-cephem-4-carboxylic acid. It is so purified and dried that:

(i) Its potency is not less than 900 micrograms of cephalexin per milligram on an anhydrous basis.

(ii) It passes the safety test.

(iii) Its moisture content is not less than 4.0 nor more than 8.0 percent.

(iv) Its pH in an aqueous solution containing 50 milligrams per milliliter is not less than 3.0 nor more than 5.5.

(v) When calculated on an anhydrous basis, its absorptivity at 262 nanometers is not less than 95 percent and not more than 104 percent of that of the cephalexin standard similarly treated and corrected for potency.

(vi) It gives a positive identity test.

(vii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3(b) of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, absorptivity, identity, and crystallinity.

(ii) Samples required: 10 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution containing 1.0 milligram per milliliter (estimated). Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 20 micrograms of cephalexin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter.

NOTE: The 10 milliliters of 0.01*N* iodine must be added within 20 seconds after the addition of the 2.0 milliliters of 1.2*N* hydrochloric acid, and the assay should be completed within 1 hour after the sample and standard are first put into solution.

(2) *Safety.* Proceed as directed in § 141.5 of this chapter, except observe the mice for 7 days.

(3) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous suspension containing 50 milligrams per milliliter.

(5) *Absorptivity.* Determine the absorbance of the sample and standard solutions in the following manner: Dissolve accurately weighed portions of approximately 50 milligrams each of the sample and standard in 250 milliliters of distilled water. Transfer a 10-milliliter aliquot to a 100-milliliter volumetric flask and dilute to volume with distilled water. Using a suitable spectrophotometer and distilled water as the blank, determine the absorbance of each solution at 262 nanometers. Determine the percent absorptivity of the sample relative to the absorptivity of the standard using the following calculations:

$$\text{Percent relative absorptivity} = \frac{\text{Absorbance of sample} \times \text{milligrams standard} \times \text{potency of standard in micrograms per milligram} \times 10}{\text{Absorbance of standard} \times \text{milligrams sample} \times (100 - m)}$$

where m = percent moisture in the sample.

(6) *Identity.* Proceed as directed in § 141.521 of this chapter, using the 0.5 percent potassium bromide disc prepared as described in paragraph (b)(1) of that section.

(7) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

§ 148w.7 Cephalexin monohydrate for oral suspension.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sephalexin monohydrate for oral suspension is cephalexin monohydrate with one or more suitable and harmless diluents, buffer substances, colorings, and flavorings. When reconstituted as directed in the labeling, each milliliter contains cephalexin monohydrate equivalent to 25 milligrams, 50 milligrams, or 100 milligrams of cephalexin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of cephalexin that it is represented to contain. Its moisture content is not more than 2 percent. When reconstituted as directed in the labeling, its pH is not less than 3.0 and not more than 6.0. The cephalexin used conforms to the standards prescribed by § 148w.6(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The cephalexin used in making the batch for potency, safety, moisture, pH, absorptivity, identity, and crystallinity.

(*b*) The batch for potency, moisture, and pH.

(ii) Samples required:

(*a*) The cephalexin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of six immediate containers.

(b) *Tests and methods of assay—*(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Transfer an accurately measured representative portion of the suspension into an appropriate-sized volumetric flask and dilute to volume with 1-percent potassium phosphate buffer, pH 6.0 (solution 1). Further dilute an aliquot of this solution with solution 1 to the reference concentration of 20.0 micrograms of cephalexin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, preparing the sample as follows: Reconstitute the sample as directed in the labeling. Transfer an accurately measured representative portion to a volumetric flask and bring to volume with distilled water. Further dilute an aliquot of this solution with distilled water to the prescribed concentration of cephalexin.

NOTE: The 10 milliliters of 0.01*N* iodine must be added within 20 seconds after the addition of the 2.0 milliliters of 1.2*N* hydrochloric acid, and the assay should be completed within 1 hour after the sample and standard are first put into solution.

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(3) *pH.* Proceed as directed in § 141.503 of this chapter, using the drug reconstituted as directed in the labeling.

§ 148w.8 Cephalexin monohydrate capsules.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Cephalexin monohydrate capsules are composed of cephalexin monohydrate and one or more suitable and harmless lubricants and diluents enclosed in a gelatin capsule. Each capsule contains cephalexin monohydrate equivalent to either 125 or 250 milligrams of cephalexin. Its potency is satisfactory if it is not less than 90 percent and not more the 120 percent of the number of milligrams of cephalexin that it is represented to contain. Its moisture content is not more than 10 percent. The cephalexin used conforms to the standards prescribed by § 148w.6(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The cephalexin monohydrate used in making the batch for potency, safety, moisture, pH, absorptivity, identity, and crystallinity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The cephalexin monohydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay*—(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules into a high-speed glass blender jar with sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 1 to the reference concentration of 20.0 micrograms of cephalexin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, preparing the sample as follows: Blend a representative number of capsules in a high-speed glass blender with sufficient distilled water to give a stock solution of convenient concentration. Further dilute with distilled water to the prescribed concentration of cephalexin.

NOTE: The 10.0 milliliters of 0.01*N* iodine must be added within 20 seconds after the addition of the 2.0 milliliters of 1.2*N* hydrochloric acid, and the assay should be completed within 1 hour after the sample and standard are first put into solution.

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

B. Also regarding cephalosporin and also effective upon publication (9–25–71) editorial and minor technical changes are made in § 141.506(b) by alphabetically inserting two new items in the table in subparagraph (1) and two more in the table in subparagraph (2), as follows:

§ 141.506 Iodometric assay.

* * * * *

(b) * * *

(1) * * *

Antibiotic	Initial solvent	Diluent (solution number as listed in § 141.102 (a))	Final concentration in units or milligrams of activity per milliliter of standard solution
* * *	* * *	* * *	* * *
Cephaloridine	None	Distilled water.	2 milligrams.
Cephalothin	do	do	Do.
* * *	* * *	* * *	* * *

(2) * * *

Antibiotic	Initial solvent	Diluent (solution number as listed in § 141.102(a))	Final concentration in units or milligrams of activity per milliliter of sample
* * *	* * *	* * *	* * *
Cephaloridine	None	Distilled water.	2 milligrams.
* * *	* * *	* * *	* * *
Sodium cephalothin	None	Distilled water.	2 milligrams.
* * *	* * *	* * *	* * *

* * * * *

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: September 10, 1971.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc.71-14110 Filed 9-24-71;8:45 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO AND OTHER EXCISE TAXES

[T.D. 7143]

PART 250—LIQUORS AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS

PART 251—IMPORTATION OF DISTILLED SPIRITS, WINES, AND BEER

Overprinting and Reporting of Strip Stamps, and Case Markings

On June 23, 1971, a notice of proposed rule making to amend 26 CFR Parts 250 and 251 was published in the FEDERAL REGISTER (36 F.R. 11940). In accordance with the notice, interested persons were afforded an opportunity to submit written comments or suggestions pertaining thereto. After consideration of all relevant matter presented and further study of the proposed amendments, the regulations in 26 CFR Parts 250 and 251 as so published, are hereby adopted, subject to the following changes:

PARAGRAPH 1. Paragraph A7 is changed by striking the words "collector of customs" wherever they appear in § 250.242, and by inserting instead the words "director of customs".

PAR. 2. Paragraph B1 is changed by striking the words "collector of customs" wherever they appear in § 251.68, and by inserting instead the words "director of customs."

This Treasury decision shall become effective on the first day of the first month which begins not less than 30 days after the date of its publication in the FEDERAL REGISTER.

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

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

MYLES J. AMBROSE,
Commissioner of Customs.

Approved: September 21, 1971.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

In order to (1) simplify requirements for the overprinting of red strip stamps to be affixed to bottles of distilled spirits for importation, including distilled spirits to be brought into the United States from the Virgin Islands, and eliminate similar requirements for strip stamps affixed to Puerto Rican spirits to be brought into the United States; (2) eliminate the requirement for marking cases of such spirits to show that red strip stamps have been affixed to the enclosed bottles; (3) provide that the report of bottle strip stamps, Form 2260, shall be filed quarterly instead of monthly by revenue agents in Puerto Rico; and (4) eliminate the reference to internal revenue stamps on cases of distilled spirits, the regulations in 26 CFR Parts 250 and 251 are amended as follows:

PARAGRAPH A. Title 26 CFR Part 250 is amended as follows:

1. Section 250.84 is amended to delete the requirement for the overprinting of red strip stamps. As amended, § 250.84 reads as follows:

§ 250.84 Stamping bottles.

Every bottle of distilled spirits of Puerto Rican manufacture to be shipped to the United States must have affixed thereto a red strip stamp of proper size. Red strip stamps will be procured and used as provided in Subpart G of this part.

(72 Stat. 1358; 26 U.S.C. 5205)

2. The heading and text of § 250.143 are amended to include provisions for the custody of red strip stamps by revenue agents. As amended, § 250.143 reads as follows:

§ 250.143 Procurement and custody of red strip stamps.

The distiller, rectifier, or bottler, or his duly authorized agent, shall submit the original and two copies of the approved Form 428 to the U.S. Internal Revenue Service office, which office will issue the number of stamps covered by the approved requisition, enter the serial numbers of the stamps issued, and stamp the date of issue on all copies of Form 428. The issuing office will retain the original for its files, send one copy with the strip stamps to the revenue agent at the bottling plant, and one copy to the Secretary. The revenue agent will issue stamps to the bottler for affixing to bottles of taxpaid distilled spirits as desired upon application from the proprietor.

(72 Stat. 1358; 26 U.S.C. 5205)

§§ 250.144, 250.145 [Revoked]

3. Sections 250.144 and 250.145 are revoked.

4. Section 250.146 is amended to provide that the report of bottle strip stamps be filed quarterly instead of monthly. As amended, § 250.146 reads as follows:

§ 250.146 Record and report of red strip stamps.

Revenue agents having custody of red strip stamps shall maintain for each day a transaction in red strip stamps occurs a daily record of such stamps by size (small or standard), showing the number received, used, lost, mutilated, destroyed or otherwise disposed of, and on hand at the beginning and at the end of the day. The record shall also show the number and size of bottles to which the stamps were affixed, except that bottles of less than ½-pint capacity shall be recorded as one item. No form is prescribed for the daily records but such records shall be retained to support the quarterly report. Within 10 days following the close of business March 31, June 30, September 30, and December 31, of each year, the revenue agent will prepare a report, in triplicate, of the strip stamps received and used during the period on Form 2260, properly modified. The agent will retain one copy and forward two copies to the Secretary; the Secretary will retain one copy and forward one copy to the assistant regional commissioner.

(72 Stat. 1358; 26 U.S.C. 5205)

5. Section 250.185 is amended to eliminate the reference to the overprinting of red strip stamps. As amended, § 250.185 reads as follows:

§ 250.185 Stamps.

U.S. internal revenue red strip stamps which are to be affixed to containers of spirits intended for shipment to the United States shall be procured from the U.S. Internal Revenue Service office. Where the tax is to be paid in accordance with the provisions of this subpart, the stamps may be affixed to the containers prior to taxpayment. The provisions of §§ 250.135 through 250.143 and § 250.146 shall govern the procurement, affixing, reporting, etc., of red strip stamps procured and used under this subpart. Where taxpaid distilled spirits intended for shipment to the United States are in containers of more than 1 gallon, distilled spirits stamps shall be procured and affixed, and the containers released, as provided in §§ 250.88 through 250.91.

(72 Stat. 1358; 26 U.S.C. 5205)

6. Section 250.208 is amended to eliminate the reference to internal revenue stamps on cases of distilled spirits. As amended, § 250.208 reads as follows:

§ 250.208 Destruction of stamps.

All stamps must remain on packages until the contents are emptied. When a package of distilled spirits is emptied, all internal revenue stamps thereon must be completely effaced and obliterated.

(72 Stat. 1358; 26 U.S.C. 5205)

7. Section 250.242 is amended to simplify the requirements for information to be overprinted on strip stamps. As amended, § 250.242 reads as follows:

§ 250.242 Overprinting of red strip stamps.

The importer, or his duly authorized agent, or the subsequent purchaser of the distilled spirits, as the case may be, shall have the red strip stamps indelibly and legibly overprinted, at his own expense, with the permit number of the importer in whose name the stamps were requisitioned: *Provided*, That if the importer is an agency of a State or a political subdivision thereof, or the District of Columbia, the stamps will be overprinted with the name of the State or with "District of Columbia," or with a recognized abbreviation thereof. He shall submit the stamps to the director of customs, who will verify the overprinting and make an endorsement showing the verification on Form 428 or on the retained original of Form 1627 where such form is submitted: *Provided*, That the director of customs may so endorse the Form 428 or Form 1627 on presentation of other evidence satisfactory to him that the stamps have been properly overprinted when, in his opinion, physical submission of the stamps is impractical. The director of customs will then authorize the importer or his duly authorized agent to send the stamps to the bottler or exporter in the Virgin Islands.

(72 Stat. 1358; 26 U.S.C. 5205)

§§ 250.243, 250.259 [Revoked]

8. Sections 250.243 and 250.259 are revoked.

PAR. B. Title 26 CFR Part 251 is amended as follows:

1. Section 251.68 is amended to simplify the requirements for information to be overprinted on strip stamps. As amended, § 251.68 reads as follows:

§ 251.68 Overprinting of red strip stamps.

The importer, or his duly authorized agent, or the subsequent purchaser of the distilled spirits, as the case may be, shall have the red strip stamps indelibly and legibly overprinted, at his own expense, with the permit number of the importer in whose name the stamps were requisitioned: *Provided*, That if the importer is an agency of a State or a political subdivision thereof, or the District of Columbia, the stamps will be overprinted with the name of the State or with "District of Columbia," or with a recognized abbreviation thereof. He shall submit the stamps to the director of customs who will verify the overprinting and make an endorsement showing the verification on Form 428, or on the retained original of Form 1627 where such form is submitted: *Provided*, That the director of customs may so endorse the Form 428 or Form 1627 on presentation of other evidence satisfactory to him that the stamps have been properly overprinted when, in his opinion, physical submission of the stamps is impractical. The director of customs will then authorize the importer or his duly authorized agent to send the stamps to the bottler or exporter abroad, as provided in Subpart F of this part; or authorize the importer or his duly authorized agent, or the subsequent purchaser of the distilled spirits, as the case may be, to affix the stamps to containers under customs supervision, as prescribed in Subparts G and H of this part.

(72 Stat. 1358; 26 U.S.C. 5205)

§§ 251.84, 251.113 [Revoked]

2. Sections 251.84 and 251.113 are revoked.

3. Section 251.122 is amended to eliminate the description of the overprinting of red strip stamps. As amended, § 251.122 reads as follows:

§ 251.122 Red strip stamps.

Red strip stamps overprinted as prescribed by § 251.68 or stamps without any overprinting prescribed for domestic use (Part 201 of this subchapter), may be affixed to containers of imported distilled spirits bottled in a class 8 customs bonded warehouse. Stamps without any overprinting prescribed for domestic use (Part 201 of this subchapter) shall be affixed by the bottler to containers of imported distilled spirits bottled after withdrawal from customs custody.

(72 Stat. 1358; 26 U.S.C. 5205)

[FR Doc.71-14176 Filed 9-24-71;8:48 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter III—Housing Assistance Administration, Department of Housing and Urban Development

[Docket No. R-71-144]

PROTOTYPE COST LIMITS FOR PUBLIC HOUSING

In the FEDERAL REGISTER issued for Saturday, May 1, 1971 (36 F.R. 8213-8232), prototype per unit cost schedules were published pursuant to section 209 (a) of the Housing and Urban Development Act of 1970. While these schedules are currently being evaluated in light of public comments received pursuant to invitation in the issuing order, consideration of subsequent factual project cost data received from the Newark, N.J., Area Office indicates that the appropriate prototype per unit cost schedule should be revised.

Inasmuch as the new prototype cost schedule cannot be utilized until the costs themselves become effective by publication in the FEDERAL REGISTER, continuity of contract approvals requires the immediate publication of this material. Accordingly, it is impracticable to provide notice and public procedure with respect to those cost limits in accordance with the Department's recently adopted

Publication Policy (24 CFR Part 10), and good cause exists for making them effective on the date of publication in the FEDERAL REGISTER.

For the foregoing reasons the following changes are made to the schedules as originally published in volume 36 of the FEDERAL REGISTER (36 F.R. 8213–8232):

1. On page 8215 delete Newark, Asbury Park, North Bergen, and Freehold, N.J., schedules under region II and substitute the revised prototype per unit cost schedule shown on appendix I set forth below, Prototype Per Unit Cost Schedule.

(Sec. 7(d) of Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Effective date. This rule is effective upon the date of publication in the FEDERAL REGISTER (9–25–71).

EUGENE A. GULLEDGE,
Assistant Secretary-Commissioner.

PROTOTYPE PER UNIT COST SCHEDULE

REGION II

	Number of bedrooms						
	0	1	2	3	4	5	6
Newark, N.J.:							
Detached and semidetached	10,900	13,000	14,450	17,200	20,700	23,000	24,100
Row dwellings	10,450	12,400	13,750	16,350	19,700	21,950	22,950
Walk-up	10,350	12,850	14,600	17,300	20,050	22,100	23,250
Elevator-structure	13,200	15,350	19,400				
Asbury Park, N.J.:							
Detached and semidetached	10,900	13,000	14,450	17,200	20,700	23,000	24,100
Row dwellings	10,450	12,400	13,750	16,350	19,700	21,950	22,950
Walk-up	10,350	12,850	14,600	17,300	20,050	22,100	23,250
Elevator-structure	12,650	14,700	18,600				
North Bergen, N.J.:							
Detached and semidetached	10,900	13,000	14,450	17,200	20,700	23,000	24,100
Row dwellings	10,450	12,400	13,750	16,350	19,700	21,950	22,950
Walk-up	10,350	12,850	14,600	17,300	20,050	22,100	23,250
Elevator-structure	13,200	15,350	19,400				
Freehold, N.J.:							
Detached and semidetached	10,900	13,000	14,450	17,200	20,700	23,000	24,100
Row dwellings	10,450	12,400	13,750	16,350	19,700	21,950	22,950
Walk-up	10,350	12,850	14,600	17,300	20,050	22,100	23,250
Elevator-structure	12,650	14,700	18,600				

[FR Doc.71-14133 Filed 9-24-71;8:45 am]

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Eligible Communities

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

§ 1914.4 List of eligible communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Connecticut	Hartford	West Hartford	I 09 003 0823 03 through I 09 003 0823 09	Connecticut Water Resources Commission, Capitol Ave., Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, CT 06115.	Office of the Town Clerk, Town Hall, West Hartford, Conn. 06107.	Sept. 24, 1971.
Florida	Pasco	Unincorporated areas.				Do.
Indiana	Dubois	Jasper				Do.
Do	Jay	Portland				Do.
Do	Perry	Tell City				Do.
Iowa	Buchanan	Independence				Do.

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

Issued: September 24, 1971.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.71-14112 Filed 9-24-71;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

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

§ 1915.3 List of communities with special hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Connecticut	Hartford	West Hartford	H 09 003 0823 03 through H 09 003 0823 09	Connecticut Water Resources Commission, Capitol Ave., Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, CT 06115.	Office of the Town Clerk, Town Hall, West Hartford, Conn. 06107.	June 17, 1970.
Florida	Pasco	Unincorporated areas.				Sept. 24, 1971.
Indiana	Dubois	Jasper				Do.
Do	Jay	Portland				Do.
Do	Perry	Tell City				Do.
Iowa	Buchanan	Independence				Do.

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

Issued: September 24, 1971.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.71-14113 Filed 9-24-71;8:45 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Lake Michigan, Ill.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.179 governing the use and navigation of danger zones at the Belmont Harbor entrance to Lake Michigan at Chicago, Ill., is hereby revoked, effective upon publication in the FEDERAL REGISTER (9–25–71), since the areas are no longer needed, as follows:

§ 204.179 Lake Michigan, Belmont Harbor Entrance, Chicago, Ill.; danger zones. [Revoked]

[Regs., September 8, 1971, 1522–01 (Lake Michigan, Belmont Harbor Entrance, Chicago, Ill.) ENGCW–ON] (Sec. 7, 40 Stat. 266, 33 U.S.C. 1)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.71-14150 Filed 9-24-71;8:45 am]

PART 205—DUMPING GROUNDS REGULATIONS

San Francisco Bay, Calif.

Pursuant to the provisions of section 4 of the River and Harbor Act of March 3, 1905 (33 Stat. 1147; 33 U.S.C. 419), § 205.60 establishing and governing the use of dumping grounds in San Francisco Bay, Calif., is hereby revoked effective upon publication in the FEDERAL REGISTER (9–25–71), as follows:

§ 205.60 San Francisco Bay, Calif. [Revoked]

[Regs., 3 Sep 1971] (Sec. 4, 33 Stat. 1147; 33 U.S.C. 419)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.71-14149 Filed 9-24-71;8:45 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

Attorneys and Field Examiners in Office of Chief Attorney

Section 2.74 is revised to read as follows:

§ 2.74 Attorneys and field examiners in Office of Chief Attorney and other employees who are qualified and designated by station head are authorized, when assigned, to conduct investigations (field examinations) and examine witnesses upon any matter within jurisdiction of Veterans Administration, to take affidavits, to administer oaths and affirmations, to certify copies of public or private documents and to aid claimants in preparation of claims.

This delegation of authority is identical to § 13.2(a) of this chapter.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71-14188 Filed 9-24-71;8:49 am]

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

DETERMINATIONS OF INCOMPETENCY AND COMPETENCY

These are amendments to an existing regulation which states the criteria and procedures incidental to a Veterans Administration determination that a beneficiary's mental condition is such that a fiduciary should manage his affairs and safeguard his funds. The significant change is a reference to § 13.56 of this chapter which permits the Chief Attorney of jurisdiction broadened discretion in choosing the means through which payment is made and providing the control most suited to the needs of the particular beneficiary.

In § 3.353, paragraphs (a), (b), and (c) are amended to read as follows:

§ 3.353 Determinations of incompetency and competency.

(a) *Definition of mental incompetency.* A mentally incompetent person is one who because of injury or disease lacks the mental capacity to contract or to manage his own affairs, including disbursement of funds without limitation.

(b) *Authority.* Rating agencies are authorized to make official determinations of competency and incompetency for the purpose of existing laws, VA regulations

and VA instructions. Such determinations will be controlling for purposes of insurance (38 U.S.C. 722), the discontinuance and payment of amounts withheld because of an estate in excess of $1,500 (§ 3.557(b)), and, subject to § 13.56 of this chapter, direct payment of current benefits, unless the claimant is under legal disability. Where the veteran is rated incompetent the Chief Attorney of jurisdiction will be informed of the possible necessity for the appointment or recognition of a fiduciary. The Chief Attorney will develop information as to the veteran's social, economic and industrial adjustment. If the Chief Attorney upon review of this evidence concurs in the rating of incompetency he will proceed to effect the appointment of a fiduciary, or if the veteran is married, to recommend release of payments to the veteran's wife as provided in § 13.57 of this chapter (38 U.S.C. 3202(f)), or recommend payment in accordance with § 13.56 of this chapter. The recommendation will be effectuated. If the Chief Attorney is of the opinion that the veteran is capable of administering the funds payable without limitation, the evidence on which that opinion is based will be referred to the rating agency with a statement as to his conclusion. The rating agency will consider this evidence together with all other evidence of record in determining whether its prior decision should be revised or continued. Reexamination may be requested as provided in § 3.327(d) if necessary to properly evaluate the extent of disability.

(c) *Medical opinion.* Unless the medical evidence is clear, convincing and leaves no doubt as to the person's incompetency, the rating agency will make no determination of incompetency without a definite expression regarding the question by the responsible medical authorities. Considerations of medical opinions will be in accordance with the principles in paragraph (a) of this section. Determinations relative to incompetency should be based upon all evidence of record and there should be a consistent relationship between the percentage of disability, facts relating to commitment or hospitalization and the holding of incompetency.

* * * * *

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

This VA regulation is effective the date of approval.

Approved: September 20, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71-14189 Filed 9-24-71;8:49 am]

PART 13—DEPARTMENT OF VETERANS BENEFITS, CHIEF ATTORNEY

Miscellaneous Amendments

1. Section 13.1 is revised to read as follows:

§ 13.1 Authority.

The regulations in this part are issued pursuant to 38 U.S.C. 210 to reflect action under 38 U.S.C. 212 and to implement 38 U.S.C. 1820(a)(4), 3101, 3102, 3201, 3202, 3203, 3311, and 5220. The duties, the delegations of authority, and all actions required of the Chief Attorney set forth in §§ 13.1 through 13.217 inclusive, are to be performed under the direction of, and authority vested in, the Director of the field station.

2. In § 13.2, paragraphs (a) and (b)(1) and (7) are amended to read as follows:

§ 13.2 Field examinations.

(a) *Authority to conduct.* Attorneys and field examiners in the Office of the Chief Attorney and other employees who are qualified and designated by the station head are authorized, when assigned, to conduct investigations (field examinations) and examine witnesses upon any matter within the jurisdiction of the Veterans Administration, to take affidavits, to administer oaths and affirmations, to certify copies of public or private documents and to aid claimants in the preparation of claims.

(b) *Scope of field examinations.* Field examinations include but are not limited to the following:

(1) Matters involving the administration of estates and the welfare of beneficiaries of the Veterans Administration who are under legal disability or in need of supervision by the Chief Attorney.

* * * * *

(7) Administrative investigations involving loan guaranty matters under 38 U.S.C. ch. 37 and education and training matters under 38 U.S.C. chs. 31, 34, 35, and 36.

* * * * *

3. Section 13.3 is revised to read as follows:

§ 13.3 State legislation.

Chief Attorneys are authorized to cooperate with the affiliated organizations, legislative committees, and with local and State bar associations to the end that deficiencies of the State laws relating to Veterans Administration operations may be removed. No action to commit the Veterans Administration regarding any proposed legislation will be taken without the approval of the:

(a) Chief Benefits Director (or his designee) on legislation relating to guardianship, mental health and commitment of the mentally ill.

(b) The General Counsel in other areas of Veterans Administration operations.

4. Former § 13.50 is redesignated § 13.4 and a new § 13.50 is added so that the redesignated and added material reads as follows:

§ 13.4 Authority to employ local attorneys.

In any case wherein the Chief Attorney is authorized to take legal action and to authorize the payment of costs and necessary expenses incident thereto and it is impracticable for him to perform the legal services because of distance, time, cost, etc., he may employ a local attorney to perform the legal services and authorize the payment of a fee not to exceed the customary fee charged for the service rendered.

§ 13.50 Commitment and restoration proceedings—State institutions.

Chief Attorneys are authorized to cooperate with State courts, including the production of required records, in the commitment of veterans to State hospitals or their restoration when restoration is a condition precedent to direct payment.

5. Section 13.51 is revised to read as follows:

§ 13.51 Commitment and restoration proceedings; Veterans Administration institutions.

(a) *Assistance to courts in commitment proceedings.* The Chief Attorney will render assistance to the courts in cases involving the commitment of mentally ill veterans to the Veterans Administration. To this end, the Chief Attorney may:

(1) Produce Veterans Administration records.

(2) Appear in court and present material facts.

(3) When authorized to institute commitment proceedings under paragraph (b) of this section:

(i) Prepare and present all necessary legal papers.

(ii) Authorize payment of costs (§ 13.53).

(iii) Arrange transportation of veteran and attendants at Veterans Administration expense (§ 13.54).

(b) *Commitment proceedings.* If a mentally ill veteran will accept hospitalization voluntarily, no action will be initiated by any Veterans Administration employee to commit such veteran. If he will not accept hospitalization, or after being voluntarily hospitalized by the Veterans Administration demands his release, and hospitalization is necessary for his safety or the safety of others, the Chief Attorney may (if a relative of the veteran or other interested person has not done so) institute proceedings to commit the veteran to the Veterans Administration subject to the following conditions:

(1) That he has obtained the written consent of the veteran's nearest relative. If the nearest relative cannot be readily contacted or refuses to consent, coupled with inability or refusal to offer adequate alternative care, the Chief Attorney may initiate the action if the petition is signed by another relative, a civil official or representative of a cooperating agency or other person authorized by State law.

(2) If timely action cannot be taken under subparagraph (1) of this paragraph, the Clinic Director, or his designees, or, if already hospitalized in a Veterans Administration hospital, the Hospital Director or Chief of Staff, or their designees, may sign the petition if permissible under State law, and the Chief Attorney will then take any action necessary to bring the matter before the appropriate court.

(c) *Illegal commitment.* When a hospitalized veteran previously committed to

the Veterans Administration demands his release and continued hospitalization is necessary for his safety or the safety of others, and the Chief Attorney determines the commitment to be illegal, he will at once take action to obtain a legal commitment.

(d) *Restoration proceedings.* When a veteran has been a committed patient in a Veterans Administration hospital and is subsequently rated competent by the Veterans Administration, the Chief Attorney may, upon request, institute proceedings necessary to restore the veteran to full civil rights.

6. In § 13.52, paragraphs (b)(1) and (c) are amended to read as follows:

§ 13.52 Medical testimony in commitment or restoration proceedings.

* * * * *

(b) *Restoration.* (1) When permissible under State law, Veterans Administration physicians, upon the request of the Chief Attorney, will testify in proceedings brought for the purpose of restoring a committed veteran to full civil rights when the veteran was a committed patient in a Veterans Administration hospital.

* * * * *

(c) *Employment of private physicians.* When testimony of Veterans Administration physicians is prohibited or in unavailable by reason of other duty assignments, comparative expense or other valid reason, the Director, upon recommendation of the Chief Attorney, may employ any qualified physician for preliminary examination of the veteran and for testimony in any commitment or restoration proceeding which the Chief Attorney is authorized to institute under § 13.51, and authorize the payment of a fee not to exceed the prescribed fee, or in the absence thereof, the customary fee charged for the service rendered.

7. In § 13.53, paragraph (b) is amended to read as follows:

§ 13.53 Costs in commitment or restoration proceedings.

* * * * *

(b) The Chief Attorney also may authorize the payment of necessary costs and expenses for which the veteran is legally liable incident to his restoration to full civil rights in any case in which he is authorized to institute restoration proceedings under § 13.51(d).

8. Section 13.54 is revised to read as follows:

§ 13.54 Authorization of transportation necessary for commitment of a veteran beneficiary.

When a mentally ill veteran who should be committed is hospitalized by the Veterans Administration and under the law of the State wherein the hospital is located a commitment may not be had locally, the veteran may be returned temporarily to the jurisdiction of the appropriate court in order that the commitment can be accomplished. If the veteran is in a Veterans Administration hospital, the Hospital Director may authorize travel of the veteran and an attendant or attendants, if necessary, upon request of the Chief Attorney. If the veteran is being maintained in a non-Veterans Administration hospital, the Director of the regional office concerned may authorize such travel upon request of the Chief Attorney.

9. Sections 13.55, 13.56, 13.57, 13.58, 13.59, 13.60, 13.61, 13.62, and 13.63 are revised to read as follows:

§ 13.55 Chief Attorney to determine type and qualifications of payee.

(a) The Chief Attorney will determine the proper payee of Veterans Administration benefits for beneficiaries who are mentally ill (incompetent) or under legal disability by reason of minority or court action, and their dependents; and the suitability of the person or legal entity to receive Veterans Administration benefits in a fiduciary capacity. Authorized methods of payment include:

(1) Directly to a beneficiary (§ 13.56);

(2) To the wife of an incompetent veteran (§ 13.57);

(3) To the legal custodian of a beneficiary (§ 13.58);

(4) To the court-appointed fiduciary of a beneficiary (§ 13.59);

(5) To the chief officer of the institution in which the veteran is receiving care and treatment (§ 13.61);

(6) To the bonded officer of an Indian reservation (§ 13.62);

(7) To a custodian-in-fact of the beneficiary (§ 13.63);

(8) By apportionment to dependents of the veteran (§ 13.70).

(b) The Chief Attorney's certification is authority to make payments to the designated payee.

§ 13.56 Direct payment.

(a) *Veterans.* Veterans Administration benefits payable to a veteran rated incompetent but not under court-adjudicated legal disability, may be paid directly to the veteran in such amount as the Chief Attorney determines he is able to manage with continuing supervision by the Chief Attorney, provided, a fiduciary is not otherwise required.

(b) *Other adults.* Veterans Administration benefits payable to a mentally ill or infirm adult not under court-adjudicated legal disability, may be paid directly to the beneficiary in such amount as the Chief Attorney determines he is able to manage with continuing supervision by the Chief Attorney, provided a fiduciary is not otherwise required.

(c) *Minors.* Veterans Administration benefits payable to a minor:

(1) May be paid direct when arising in connection with a program of education or training under 38 U.S.C ch. 35.

(2) Will be paid direct when:

(i) The beneficiary's only legal disability is minority and he or she is in active military, naval or air service, or the widow of a veteran.

(ii) The minor is deemed otherwise emancipated under State law.

§ 13.57 Payment to the wife of incompetent veteran.

Compensation, pension or emergency officers' retirement pay of a veteran rated or judicially declared incompetent who does not have a court-appointed fiduciary to whom payments may properly be made, may be paid to his wife, provided she is qualified to administer the funds payable and agrees to use the amounts paid for the veteran and his dependents.

§ 13.58 Legal custodian.

(a) *Authority.* The Chief Attorney is authorized to make determinations as to the person or legal entity legally vested with the care of the person or estate of a beneficiary who is incompetent or under legal disability by reason of minority or court action. The person or legal entity so recognized will be termed a legal custodian and may include persons or entities meeting the conditions of paragraph (b) of this section.

(b) *Payment to.* Veterans Administration benefits may be paid to a legal custodian subject to the following conditions:

(1) A fiduciary has not been appointed by a court of competent jurisdiction to administer the beneficiary's estate and it would be for the best interest of the beneficiary to recognize a legal custodian.

(2) The proposed legal custodian is qualified to administer the benefits payable and will agree to:

(i) Apply the benfits paid for the best interests of the beneficiary,

(ii) Invest surplus funds as provided by Veterans Administration regulations,

(iii) Furnish, upon request, evidence of compliance with agreement as to usage and investment of Veterans Administration benefits, and

(iv) Inform the Chief Attorney of any change in custody of the person or estate of the beneficiary.

§ 13.59 Court-appointed fiduciary.

(a) *Payment to.* Any Veterans Administration benefit may be paid to the fiduciary appointed by a State court for a beneficiary who is a minor, or incompetent or under other legal disability adjudged by a court of competent jurisdiction.

(b) *Chief Attorney's authority.* The Chief Attorney shall:

(1) Determine and recommend to the court the person or legal entity best fitted for appointment as fiduciary for the particular beneficiary.

(2) Sign certifications of need for a fiduciary because of minority or rating of incompetency by the Veterans Administration of the beneficiary required by State legislation.

(3) Appear in State trial courts as attorney for the Administrator of Veterans Affairs in all Veterans Administration beneficiary estate matters and in appellate courts when authorized.

(4) Require formal or informal accountings from fiduciaries with or without judicial proceedings.

(5) Take such other action, including institution of appropriate legal proceedings, as may be necessary, to assure that

the needs of the beneficiary are provided for and Veterans Administration benefits are prudently administered and adequately protected.

(6) Upon request, represent the fiduciary and beneficiary in court proceedings in cases coming within § 13.65.

§ 13.60 Authority to file petitions for appointment of fiduciaries in State courts.

(a) *Adult beneficiary.* The Chief Attorney is authorized to file or cause to be filed on behalf of a petitioner in a case coming within § 13.65(a) a petition for the appointment of a fiduciary for an adult beneficiary only when he has determined that alternative methods of payment would not be to the best interests of the beneficiary and when he has obtained the written consent of:

(1) The beneficiary's spouse.

(2) The beneficiary's adult child, parent, adult brother or sister if the beneficiary is unmarried, or consent of the spouse is immaterial because of estrangement or mental incapacity or refusal to consent coupled with failure to offer adequate alternative means for providing for the beneficiary's needs.

(3) A civil official or representative of a cooperating agency when consent of one of the relatives listed in subparagraphs (1) and (2) of this paragraph cannot be obtained because none can be located after reasonable inquiry or those located are not mentally competent to consent or refuse without offering adequate alternative means for providing for the needs of the beneficiary.

(b) *Minor beneficiaries.* The Chief Attorney is authorized to file or cause to be filed on behalf of a petitioner in a case coming within § 13.65(a) a petition for the appointment of a fiduciary for a minor, if permissible under the law of the jurisdiction concerned when he determines the protection of the minor's rights under laws administered by the Veterans' Administration requires the appointment, provided: He has obtained the written consent of the minor's natural or adoptive parent or parents or the person or persons occupying the relationship of "in loco parentis" as defined by the law of the jurisdiction in which they reside. The Chief Attorney will not institute a court proceeding for the appointment of a fiduciary over the objections of such parent or parents if they are sui juris unless the parents have abandoned the minor or otherwise refused to meet their parental obligations toward the minor or they have previously been appointed or recognized as the minor's fiduciary and failed to properly execute the duties of their trust. If the minor has no parent or the parent or parents are not sui juris, the Chief Attorney may file the petition without the consent of any relative.

§ 13.61 Payment to Chief Officer of institution.

The Chief Attorney may recommend the payment of all or part of the pension, compensation or emergency officers' retirement pay payable in behalf of a veteran rated incompetent by the Veterans' Administration to the Chief Officer of the institution wherein the veteran is being furnished hospital treatment or institutional, nursing or domiciliary care, for his use and benefit, when the Chief Attorney has determined such payment (called an institutional award) will adequately provide for the needs of the veteran and obviate need for court appointment of a fiduciary.

§ 13.62 Payment to bonded officer of Indian reservation.

Any benefits due an incompetent adult or minor Indian, who is a recognized ward of the Government and for whom no fiduciary has been appointed by a court, may be awarded to the superintendent or other bonded officer designated by the Secretary of the Interior to receive funds under 25 U.S.C. 14.

§ 13.63 Payment to custodian-in-fact.

All or any part of a benefit due a minor or incompetent adult, payment of which is suspended or withheld because payment may not be properly made to an existing fiduciary, may be paid temporarily to the person having custody and control of the beneficiary.

10. Sections 13.65 and 13.67 are revised to read as follows:

§ 13.65 Legal services.

(a) Chief Attorneys may furnish legal services in behalf of minor and incompetent beneficiaries of the Veterans Administration in fiduciary appointment and estate administration matters involving Veterans Administration benefits or property derived therefrom when the beneficiary's estate or income is not sufficient to justify the employment of an attorney.

(b) Chief Attorneys may also furnish legal services in hardship situations when restoration from legal disability is a condition precedent to direct payment of Veterans Administration benefits.

(c) Where the fiduciary does not in due course institute the necessary action to terminate the trust relationship and the beneficiary requests the Chief Attorney to represent him, or in any such case where there is in question the proper administration of the estate, the Chief Attorney may file the necessary action and supply legal services. Costs, unless assessed against the fiduciary, should be charged to the estate of the beneficiary.

§ 13.67 Authorization of transportation of a veteran beneficiary for appointment of a fiduciary.

When the appointment of a fiduciary is required for an incompetent veteran hospitalized by the Veterans Administration and under the law of the State wherein the hospital is located the appointment cannot be had locally, the veteran may be returned temporarily to the jurisdiction of the appropriate court in order that the appointment can be accomplished. If the veteran is in a Veterans Administration hospital, the Hospital Director may authorize travel of the veteran and an attendant or attendants, if necessary, upon request of the Chief Attorney. If the veteran is being maintained in a non-Veterans Administration hospital, the Director of the regional office concerned may authorize such travel, upon request of the Chief Attorney.

11. In § 13.68, the title, introductory portion of paragraph (a) and paragraph (a)(1) are amended to read as follows:

§ 13.68 Costs and other expenses incident to appointment of fiduciary.

(a) The Chief Attorney may authorize the payment of costs and other necessary expenses incident to the appointment of an initial or successor fiduciary for a Veterans Administration beneficiary when:

(1) Authorized to render legal services under § 13.65.

* * * * *

12. Section 13.69 is revised to read as follows:

§ 13.69 Limitation of wards to individual fiduciary.

For purposes of payment of Veterans Administration benefits, the number of wards for whom an individual fiduciary may act will be limited to the number he may be reasonably expected to properly serve. When, in the judgment of the Chief Attorney, a fiduciary has been appointed or is seeking appointment in a case in excess of that number, the Chief Attorney will initiate action to substitute a suitable fiduciary.

13. In § 13.70, paragraphs (a) and (c) are amended to read as follows:

§ 13.70 Apportionment of benefits to dependents.

(a) *Incompetent veterans being furnished hospital treatment, institutional or domiciliary care by United States or political subdivision thereof.* (1) When compensation, pension or emergency officers' retirement pay is payable in behalf of a veteran who is incompetent or under other legal disability by court action, the Chief Attorney may recommend such apportionment to or in behalf of the veteran's wife, child or dependent parent as may be necessary to provide for their needs.

(2) When payment of compensation, pension, or emergency officers' retirement pay, in behalf of a veteran who is rated incompetent by the Veterans Administration by reason of mental illness has no wife or child and is being furnished hospital treatment, institutional or domiciliary care by the United States or a political subdivision thereof, has been stopped because his estate equals or exceeds $1,500, the Chief Attorney may recommend the payment of so much of the benefit otherwise payable as is necessary to provide for the needs of dependent parent or parents. See §§ 13.74(b) and 13.108(b).

* * * * *

(c) *Payments withheld because of fiduciary's failure to properly administer veteran's estate.* When payments of compensation, pension or emergency officers' retirement pay in behalf of a veteran have been stopped because of his fiduciary's failure or inability to properly account or otherwise administer

the estate, the Chief Attorney may recommend the apportionment to the veteran's wife, child or dependent parent of any benefit not paid under an institutional award or to a custodian-in-fact.

14. In § 13.71, paragraphs (a)(1)(i) and (b) are amended to read as follows:

§ 13.71 Payment of cost of veteran's maintenance in institution.

(a) *By institutional award.* (1) The payment of part of compensation, pension or emergency officers' retirement pay for the cost of a veteran's hospital treatment, institutional or domiciliary care in an institution operated by a political subdivision of the United States may be authorized as provided in subparagraph (2) of this paragraph when:

(i) The veteran is rated incompetent by the Veterans Administration,

* * * * *

(b) *By direct payment.* When payment of compensation, pension or emergency officers' retirement pay in behalf of a veteran rated incompetent by the Veterans Administration by reason of mental illness, who has no wife or child and is being furnished hospital treatment, institutional or domiciliary care by a political subdivision of the United States, has been stopped because his estate has reached $1,500, the Chief Attorney may certify to the adjudication agency the amount to be released to the responsible official to pay for the cost of the veteran's current care and maintenance. The amounts paid in such cases shall not exceed the amount of the benefit otherwise payable less any amounts apportioned to dependent parents and in no event exceed the amount which the Chief Attorney shall determine to be the proper charge as fixed by statute or administrative regulation. See §§ 13.74(b) and 13.108(b).

15. Section 13.73 is revised to read as follows:

§ 13.73 Transfer of funds from Funds Due Incompetent Beneficiaries.

Chief Attorneys may, when required for the benefit of the veteran and/or his dependents, authorize the transfer of amounts credited to veterans in Funds Due Incompetent Beneficiaries to Veterans Administration Personal Funds of Patients accounts or to chief officers of non-Veterans Administration institutions for the accounts of institutionalized veterans.

16. In § 13.74, paragraph (b) is amended to read as follows:

§ 13.74 Recommendation for payment.

* * * * *

(b) *Needy dependent parent.* If the veteran's estate is $4,000 or more, the Chief Attorney may authorize payment from Personal Funds of Patients or recommend payment from the veteran's estate for the needs of the dependent parent and for the care and maintenance of the veteran if hospitalized by the United States or a political subdivision thereof other than a Veterans Administration institution. If the estate is $2,500 or more but less than $4,000, the Chief Attorney may recommend an apportionment from appropriated funds to the dependent parent or parents, predicated upon need, not to exceed the veteran's discontinued award, and authorize an award to the hospital from Personal Funds of Patients if available, otherwise, the hospital must look to the veteran's estate for payment. If the veteran's estate is less than $2,500, the Chief Attorney may recommend an apportionment to the department parents, predicated upon need, and an award of so much of the balance, if any, of the veteran's discontinued award as is necessary for the current care and maintenance of the veteran, to the hospital.

* * * * *

17. Section 13.75 is revised to read as follows:

§ 13.75 Beneficiaries in penal institutions.

(a) *All beneficiaries; 38 U.S.C. 505(a).* No Veterans Administration pension may be paid to or for any individual imprisoned in a penal institution as a result of conviction of a felony or misdemeanor for the period beginning 61 days after imprisonment and ending when imprisonment ends.

(b) *Incompetent veterans; 38 U.S.C. 3203(b)(2).* In addition to paragraph (a) of this section as to payment in pension cases, the provisions of 38 U.S.C. 3203(b)(2) governing payment of compensation, pension or emergency officers' retirement pay to an incompetent veteran are applicable during his confinement in a penal institution whether awaiting trial, sentence, or after conviction.

18. In § 13.76, paragraph (b) is amended to read as follows:

§ 13.76 Appeals from Chief Attorney's determination under 38 U.S.C. 3203 (b)(3).

* * * * *

(b) *Appeals.* Part 19 of this chapter will be followed in connection with appeals to the Board of Veterans Appeals from determinations of the Chief Attorney. Appeals may be initiated by a dependent parent on questions of need and payments for his or her support from appropriated funds, and by a fiduciary for the disallowance of the use of appropriated funds for the veteran's institutional care and maintenance.

* * * * *

19. Section 13.100 is revised to read as follows:

§ 13.100 Supervision of fiduciaries.

(a) In any case where a fiduciary fails to render a satisfactory account or has collected or paid, or is attempting to collect or pay, fees, commissions, or allowances that are illegal or inequitable or in excess of those allowed by law, or has failed to use Veterans Administration funds for the benefit of the ward or his dependents, or has otherwise failed or neglected to properly execute the duties of his trust, the Chief Attorney will take effective action to protect the interests of the beneficiary. In such cases he may have all Veterans Administration benefits suspended.

(b) In court-appointed fiduciary cases he may appear in the court of appointment or in any court having original, concurrent, or appellate jurisdiction, and make proper presentation relating to the matters in paragraph (a) of this section. His authority includes but is not limited to:

(1) Petitioning the court to cite a fiduciary to account;

(2) Filing exceptions to accountings;

(3) Requiring fiduciaries to file bonds or make any necessary adjustments;

(4) Requiring investments;

(5) Filing petitions to vacate or modify court orders;

(6) Appearing or intervening in any State court as attorney for the Administrator of Veterans Affairs in litigation instituted by the Administrator or otherwise affecting money paid to such fiduciary by the Veterans Administration;

(7) Incurring necessary court costs and other expenses, including witness fees, appeal bonds, advertising in any newspaper or other publication, preparing briefs or transcripts, purchase of records of trial or other records;

(8) Instituting any other action necessary to secure proper administration of the estate of a Veterans Administration beneficiary, such as filing petitions for the removal of a fiduciary and appointment of a successor;

(9) Taking appropriate action to recover funds improperly disbursed.

(c) In custodianship and wife-payee cases, the Chief Attorney may require an accounting, formal or informal, as he deems necessary, of Veterans Administration benefits paid; terminate recognition of the Federal fiduciary; institute proceedings for the appointment of a court fiduciary, and render legal services for such fiduciary in any action against the former Federal fiduciary necessary for the protection of the ward's interests.

(d) Unless a trial is de novo, no appeal shall be taken to an appellate court and no costs incurred in connection therewith without the prior approval of the Chief Benefits Director or his designee.

(e) When the evidence shows a prima facie case of misappropriation, embezzlement or violation of the Federal statutes, the Chief Attorney shall refer the case to the U.S. attorney.

20. Sections 13.102 and 13.103 are revised to read as follows:

§ 13.102 Accountability of legal custodians.

(a) *Institutionalized veterans without wife or child.* The legal custodian of any incompetent veteran who has neither wife nor child and who is being furnished hospital treatment, institutional or domiciliary care by the United States or a political subdivision thereof, will account upon request to the Veterans Administration for funds received from the Veterans Administration for the beneficiary and will submit a statement of all other income received and the total

assets from any source held for the beneficiary.

(b) *All other beneficiaries.* Compliance with the agreement as to benefit use and any authorized modifications due to changed need, proof of existence of funds surplus to immediate needs and proper investment thereof, if appropriate, will be established by personal contact.

§ 13.103 Investments by legal custodians.

Veterans Administration benefits paid legal custodians in a beneficiary's behalf may be invested only in U.S. savings bonds, or in interest or dividend paying accounts in State or federally insured institutions whichever is to the beneficiary's advantage. When funds are invested in bonds, they will be registered in this form:

_____, minor, under cus-
(Beneficiary's name)
todianship by designation of the Veterans Administration. _____
(Beneficiary's address)

21. In § 13.104, the title and paragraph (a) are amended and paragraph (c) is revoked.

§ 13.104 Accounts of court-appointed fiduciaries.

(a) The Chief Attorney will require accounts from court-appointed fiduciaries as provided by State law, but in no event less frequently than once every 3 years. Arrangements will be made with the courts whereby notices of filing of all petitions, accounts, etc., and of hearings on same, relative to court-appointed fiduciary cases wherein the Veterans Administration is interested, will be sent to the Chief Attorney. If this is done, the court will be notified in due time whether the Veterans Administration has any objections to offer.

* * * * *

(c) [Revoked]

22. Sections 13.105, 13.106, and 13.107 are revised to read as follows:

§ 13.105 Surety bonds.

(a) *Court-appointed fiduciary.* (1) It is the policy of the Veterans Administration to require, where possible under State laws and rules of the court, corporate surety bonds in all court-appointed fiduciary cases where the fiduciary is an individual and the estate is sufficient to justify the expense of procuring a corporate surety bond. Corporate bonds may be required of corporate fiduciaries in accordance with State laws. In cases wherein fiduciaries neglect or refuse to furnish corporate bonds, as requested by the Chief Attorney, the Chief Attorney may decline to continue or open payments to such fiduciaries and take necessary court action.

(2) When it is not practical or feasible to require a fiduciary to furnish a corporate surety bond, the Chief Attorney is authorized to accept bonds with such number of personal sureties as is permissible under State law, but in no event less than one. To be acceptable for Veterans Administration purposes, each personal surety must be worth at least the penal sum named in the bond over and above all debts, liabilities and exemptions and qualify in accordance with the requirements of State law. The Chief Attorney will request suitable evidence of financial responsibility whenever there is any question as to the ability of a personal surety to meet any probable liability. When suitable evidence is not furnished as requested, or financial responsibility is found to be insufficient to meet the penal sum of the bond, the Chief Attorney may decline to continue or open payments to the fiduciary, and may take necessary court action.

(3) It is the policy of the Veterans Administration to require surety bonds in an amount commensurate with value of the personal estate derived from Veterans Administration benefits plus the anticipated net income from Veterans Administration benefits received during the ensuing accounting period. In cases where the fiduciaries neglect or refuse to furnish surety bonds in the amount requested by the Chief Attorney, the Chief Attorney may decline to continue or open payments to such fiduciaries, and may take appropriate court action. When permissible under State law, the Chief Attorney may accept, without objection, a lesser degree of protection approved by the court when he determines such action will adequately protect the beneficiary's estate.

(b) *Federal fiduciary.* The Chief Attorney may require a custodian, custodian-in-fact or chief officer of a private institution recognized to administer Veterans Administration benefits on behalf of a beneficiary, to furnish a corporate surety bond in an amount determined to be sufficient to protect the interest of the beneficiary. Such bond shall run to the Administrator of Veterans Affairs for the use and benefit of the beneficiary.

(c) *Substitution of surety; claims against defunct companies.* If any surety company is placed in receivership or ceases to do business in the particular State, the Chief Attorney will take the necessary action to have proper bonds substituted in each case. In the case of receivership, bankruptcy, or other proceedings to conserve the assets, or wind up the affairs of a corporate surety, the Chief Attorney will ascertain the termination date for filing claims with local and general receivers or other designated officials and see that all adjudicated and contingent claims are filed in time to receive proper classification and allowances.

§ 13.106 Investments by court-appointed fiduciaries.

The Chief Attorney will determine the legality and prudence of investments involving Veterans Administration income or estate. It is Veterans Administration policy to invest income or estate derived from Veterans Administration benefits only in legal investments which have safety, assured income, stability of principal and ready convertibility for the requirements of the beneficiary and his dependents. When notice of a contemplated or actual illegal or imprudent investment comes to the attention of the Chief Attorney, he will take remedial action, including court action if necessary, to protect the beneficiary's estate.

§ 13.107 Accounts of chief officers of public or private institutions.

(a) *Veterans Administration benefits.* The chief officer of an institution, other than a Federal institution, shall, when requested, render an account to the Veterans Administration for funds received from the Veterans Administration on account of an incompetent veteran.

(b) *All income and assets.* The chief officer of the aforementioned institutions shall, when requested, furnish a statement of all income received in behalf of a Veterans Administration beneficiary under legal disability and the total assets held for the beneficiary.

23. In § 13.108, the title and paragraph (a) are amended to read as follows:

§ 13.108 Estate $1,500; incompetent veteran, without wife or children, is being furnished hospital treatment, institutional or domiciliary care by the United States or a political subdivision thereof.

(a) Where a veteran, rated incompetent by the Veterans Administration by reason of mental illness, without wife or child as defined in 38 U.S.C. 101(4), is receiving hospital treatment, domiciliary or institutional care in a public institution other than a Veterans Administration institution or has a fiduciary and is receiving hospital treatment or domiciliary care in a Veterans Administration institution, and his estate equals or exceeds $1,500, the Chief Attorney shall immediately notify the Adjudication activity so that payments, other than insurance, may be discontinued. In those cases in which the payment has been discontinued, the Chief Attorney shall, when such estate has been reduced to $500, immediately notify the Adjudication activity of that fact.

* * * * *

24. In § 13.109, the title is amended to read as follows:

§ 13.109 Determination of value of estate; 38 U.S.C. 3203(b)(2).

* * * * *

25. Sections 13.110 and 13.111 are revised to read as follows:

§ 13.110 Escheat; post fund.

(a) *Escheat; 38 U.S.C. 3202(e).* Upon death of a beneficiary for whom payment of Veterans Administration benefits was made to a court-appointed fiduciary, legal custodian, custodian-in-fact, or by institutional award, the fiduciary (or the deceased beneficiary's personal representative) shall, upon request, account for and return to the Veterans Administration any remaining assets derived from Veterans Administration benefits which would under State law escheat to the State, less legal expenses of any administration necessary to determine that an escheat is in order.

(b) *General post fund; 38 U.S.C. 5220(a).* Upon the death of a veteran

intestate while a member or patient in any facility while being furnished care or treatment therein by the Veterans Administration, who is not survived by a spouse, next of kin, or theirs entitled under the laws of his domicile, his fiduciary, if any, or his personal representative shall account for and turn over to the Veterans Administration all personal property, including money and choses in action owned by the veteran at the time of his death. See also § 14.514(c) of this chapter.

(c) *Refusal of fiduciary or personal representative to cooperate.* If the fiduciary or personal representative, if any, refuses to voluntarily comply with the provisions of paragraph (a) or (b) of this section, the Chief Attorney will submit a complete report to the General Counsel.

§ 13.111 Claims of creditors.

Under 38 U.S.C. 3101(a), payments made to or on account of a beneficiary under any of the laws relating to veterans are exempt, either before or after receipt by the beneficiary, from the claims of creditors and State and local taxation. The fiduciary should invoke this defense where applicable. If he does not do so, the Chief Attorney will raise the issue by a proper plea and protect the record for possible appeal unless the amount involved is inconsequential, or if he deems it inequitable.

26. In § 13.200(c), subparagraph (2) is amended to read as follows:

§ 13.200 Central Office Board on Waivers and Compromises; field station Committees.

* * * * *

(c) *Committee on Waivers and Compromises.* * * *

(2) *Selection.* The Director shall designate the employees to serve as Chairman, members and alternates. Except upon specific authorization of the Chief Benefits Director, when workload warrants a full-time committee, such designation will be part-time additional duty upon call of the Chairman.

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

These VA regulations are effective the date of approval.

Approved: September 20, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71-14190 Filed 9-24-71;8:49 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 114—Department of the Interior

PART 114-25—GENERAL

Use Standards

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 (Supp. V, 1965-1969) and sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), a new Subpart 114-25.3 is added to Chapter 114, Title 41 of the Code of Federal Regulations, as set forth below.

This new subpart shall become effective on the date of its publication in the FEDERAL REGISTER (9-25-71).

WARREN F. BRECHT,
Deputy Assistant Secretary of the Interior.

SEPTEMBER 21, 1971.

Subpart 114-25.3—Use Standards

Sec.
114-25.302 Office furniture, furnishings and equipment.
114-25.302-1 Executive type office furniture and furnishings.

AUTHORITY: The provisions of this Subpart 114-25.3 issued under Secretary of the Interior, 5 U.S.C., Supp. V, 1965-1969; sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 114-25.3—Use Standards

§ 114-25.302 Office furniture, furnishings, and equipment.

§ 114-25.302-1 Executive type office furniture and furnishings.

(a) The head of each bureau and office, or his designee, and the Director of Management Operations are authorized to make the determinations contemplated by FPMR 101-25.302-1(a).

(c) New executive and unitized wood office furniture may be procured for personnel entitled to it on the basis of the standards in FPMR 101-25.302-1 (a) and (b) if the required furniture is not available from Bureau-owned unassigned inventory, and reassignment of furniture in accordance with FPMR 101-25.302-1 (c) is determined to be uneconomical.

[FR Doc.71-14160 Filed 9-24-71;8:46 am]

PART 114-27—INVENTORY MANAGEMENT

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 (Supp. V, 1965-1969) and sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), a new Part 114-27 is added to Chapter 114, Title 41 of the Code of Federal Regulations, as set forth below.

This new part shall become effective on the date of its publication in the FEDERAL REGISTER (9-25-71).

WARREN F. BRECHT,
Deputy Assistant Secretary of the Interior.

SEPTEMBER 21, 1971.

Subpart 114-27.2—Management of Shelf-Life Materials

Sec.
114-27.206 Control and inspection.
114-27.206-1 Agency controls.

Subpart 114-27.3—Maximizing Use of Inventories

114-27.301 Definitions.
114-27.303 Reducing long supply.

AUTHORITY: The provisions of this Part 114-27 issued under Secretary of the Interior, 5 U.S.C. 301, Supp. V, 1965-1969; sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c).

Subpart 114-27.2—Management of Shelf-Life Materials

§ 114-27.206 Control and inspection.

§ 114-27.206-1 Agency controls.

The head of each bureau and office shall establish procedures and controls as necessary to:

(a) Identify those items carried in inventories which have a shelf life of 36 months or less.

(b) Insure that items identified in accordance with paragraph (a) of this section are readily identifiable from inventory records.

(c) Insure that items having a shelf life are stored in such a way that the oldest stock will be issued first.

(d) Provide for periodic analyses of shelf-life materials to determine whether or not quantities on hand will be issued prior to expiration of the designated shelf life.

(e) Install procedures which will insure maximum utilization of shelf-life items prior to deterioration, either by the holding office or through available or excess property utilization channels.

(f) Schedule, insofar as practicable, procurement of self-life items so as to minimize the risk of losses through deterioration.

Subpart 114-27.3—Maximizing Use of Inventories

§ 114-27.301 Definitions.

(a) "Long supply" as defined in FPMR 101-27.301(a) is further defined as that portion of the inventory which meets all of the following conditions:

(1) Is in excess of normal requirements for a given period;

(2) Is being retained because it will ultimately be used;

(3) Is more economical to retain than to dispose and reacquire when and as needed; but

(4) which the holding bureau or office is willing to transfer to fill specific needs within the bureau or within the Department.

§ 114-27.303 Reducing long supply.

(a) The head of each bureau and office is responsible for establishing procedures to identify "long supply" items as herein defined. Such procedures shall include, as a minimum:

(1) Periodic review of inventories or inventory records to identify those items falling into the "long supply" category.

(2) Circularization of "long supply" items to other bureaus and offices in accordance with IPMR 114-43.1, except that such circularization should be without regard to whether the items are reportable or nonreportable property and should be limited to those offices known to use the items being circularized.

(3) The circularization notice should indicate that the items listed are in "long supply" and whether or not reimbursement is required. Bureaus and offices may elect to require reimbursement at transfer values agreed to by the transferor and transferee offices.

(4) Bureaus and offices should not request transfer of any "long supply" items circularized as above, unless they have a specific need for the property and acquisition will not create a "long supply" inventory at the transferee office.

(5) Bureaus and offices to which "long supply" inventory circularization notices are sent shall maintain a file of such notices. In the event a subsequent need arises for any items listed, inquiry shall be made of the holding bureau or office to determine whether the items are still available for transfer before initiating new procurement.

[FR Doc.71-14161 Filed 9-24-71;8:46 am]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5126]

[Anchorage 5694]

ALASKA

Powersite Cancellation No. 284; Cancellation of Powersite Classifications No. 257, 398, and 419

By virtue of the authority contained in section 24 of the Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. section 818 (1964), and pursuant to a determination of the Federal Power Commission in DA-103-Alaska, and its order dated April 8, 1958, it is ordered as follows:

1. The departmental order of August 20, 1930, creating Powersite Classification No. 257, as described by Interpretation No. 162 of December 1, 1930, and the orders of the Geological Survey of August 30, 1948, creating Powersite Classification No. 398, and November 2, 1951, creating Powersite Classification No. 419, so far as they affect the following described lands, are hereby canceled:

TONGASS NATIONAL FOREST
REVILLAGIGEDO ISLAND
(UNSURVEYED LANDS)

Powersite Classification No. 257
Interpretation No. 162

All lands within one-quarter mile of Lake Perseverance, area about 300 acres and elevation about 525 feet, located 1½ miles southeasterly from the head of Ward Cove and 5 miles northerly from Ketchikan, Alaska.

All lands within 400 feet of the middle of the course of that section of Ward Cove Creek extending from its outlet at Ward Cove to the outlet of "Second Lake", a distance of about 3 miles, and all lands within 400 feet of the shore line of "First Lake" and "Second Lake" on said stream.

Containing approximately 1,600 acres.

Powersite Classification No. 398

All lands not heretofore withdrawn in connection with Federal Power Project No. 1135 and in a strip extending 1,000 feet each side of a centerline beginning at a point on the southwest shore of Lake Perseverance, Revillagigedo Island, Alaska, south 43° West 1,400 feet from the lake outlet; thence north 59° west 3,000 feet; thence south 58° west 900 feet; thence south 68° west 1,500 feet to the shore of Ward Lake, all in Ward Creek watershed.

The area described aggregates 251.6 acres.

Powersite Classification No. 419

All lands not heretofore withdrawn in Powersite Classification Nos. 257 and 398, within one-fourth mile of the centerline of Ward Cove Creek from the intersection of the centerline of the creek with the boundary of the Tongass National Forest upstream to a point 2¼ miles above the upper end of Lake Ingraham or Third Lake; all land within one-fourth mile of Perseverance Creek from its mouth to Lake Perseverance and all land within one-fourth mile of Ward Lake, Lake Connell, and Lake Ingraham, vicinity latitude 55°25' N., longitude 131°40' W.

The area described aggregates about 2,500 acres.

2. In an order issued April 8, 1958, the Federal Power Commission vacated the power withdrawal created pursuant to the filing of an application on November 25, 1930, for a preliminary license for Power Project No. 1135 involving the following described lands:

TONGASS NATIONAL FOREST

REVILLAGIGEDO ISLAND

All lands within one-fourth mile of Lake Perseverance and all lands within 500 feet on either side of a proposed tunnel from that lake to Ketchikan Lake; all as shown on a map designated "Lake Perseverance Project, Topographic Map" (FPC No. 1135-1), and filed in the office of the Federal Power Commission on November 25, 1930.

A portion of the lands described under Powersite Classification No. 257 above, is withdrawn by Public Land Order No. 3795 of August 17, 1965, in connection with a national forest recreation area.

3. At 10 a.m. on October 26, 1971, the above-described national forest lands, not otherwise withdrawn or appropriated, shall be open to all forms of disposition as may by law be made of such lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 20, 1971.

[FR Doc.71-14153 Filed 9-24-71;8:45 am]

[Public Land Order 5127]

[New Mexico 13465]

NEW MEXICO

Partial Revocation of Executive Orders 6143, 6276, and 6583

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

1. Executive Orders No. 6143 of May 23, 1933, No. 6276 of September 8, 1933, and No. 6583 of February 3, 1934, withdrawing lands to enable the State of New Mexico to make exchange selections, as provided for by the Act of June 15, 1926, 44 Stat. 746-748, are hereby revoked so far as they affect the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 11 S., R. 7 W.,
Sec. 6, lots 6 and 7;
Sec. 17, S½NW¼, SW¼;
Sec. 20, lots 5 and 6.
T. 10 S., R. 8 W.,
Sec. 30, lots 1, 2, E½NW¼, NE¼SW¼, NW¼SE¼.
T. 12 S., R. 8 W.,
Sec. 3, lots 3 and 4;
Sec. 14, SW¼NE¼, SE¼SW¼;
Sec. 15, lot 9;
Sec. 17, lot 7;
Sec. 21, SW¼NW¼, E½SE¼;
Sec. 22, E½SE¼.
T. 8 S., R. 9 W.,
Sec. 12, S½N½, S½;
Sec. 13.

The areas described aggregate 2,207.25 acres in Catron and Sierra Counties.

The topography varies from rolling hills to rough and mountainous. The soils are light grey to reddish colored sandy, clay loams to gravelly and rocky in the higher elevations. The vegetation consists of blue grama and tobosa grasses, mesquite cholla, creosote bush, oak brush, prickly pear cacti, pinon, and juniper trees, and there are several small pockets of Ponderosa pine on the lands in Sierra County.

2. At 10 a.m. on October 26, 1971, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 26, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands shall be open to location for nonmetalliferous minerals at 10 a.m. on October 26, 1971. They have been and continue to be open to applications and offers under the mineral leasing laws and to location under the U.S. mining laws for metalliferous minerals.

Inquiries concerning the lands should be addressed to Chief, Division of Technical Services, Bureau of Land Management, Santa Fe, N. Mex. 87501.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 20, 1971.

[FR Doc.71-14154 Filed 9-24-71;8:46 am]

[Public Land Order 5128]

[New Mexico 7571]

NEW MEXICO

Withdrawal of Land for National Forest Recreation Areas; Partial Revocation of Public Land Order 1120

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

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

CARSON NATIONAL FOREST

NEW MEXICO PRINCIPAL MERIDIAN

Cabresto Campground

T. 29 N., R. 14 E.,
Sec. 19, S½N½SW¼, N½S½SW¼, except HES 340 (unsurveyed).

Santa Barbara Campground

T. 21 N., R. 12 E.,
Sec. 1, E½E½NE¼, partially unsurveyed section 1.
T. 22 N., R. 12 E.,
Sec. 36, SW¼SE¼NE¼, W½NE¼SE¼ (unsurveyed).
T. 21 N., R. 13 E. (unsurveyed),
Sec. 6, W½W½NW¼.

Sangre de Cristo Winter Sports Area

T. 27 N., R. 14 E. (unsurveyed),
Secs. 1 and 12.
T. 28 N., R. 14 E. (unsurveyed),
Sec. 36, S½SW¼, SE¼, except that portion lying within HES 102.
T. 27 N., R. 15 E. (unsurveyed),
Sec. 6, W½W½E½, W½, except that portion lying within HES 102;
Sec. 7, W½W½E½, W½;
Sec. 18, W½W½NE¼, NW¼.
T. 28 N., R. 15 E. (unsurveyed),
Sec. 31, SW¼, except that portion lying within HES 102.

La Jara Campground

T. 25 N., R. 15 E.,
Sec. 9, SW¼NE¼SE¼, SE¼NW¼SE¼, NE¼SW¼SE¼, NW¼SE¼SE¼.

Silver Bell Campground

T. 28 N., R. 13 E.,
Sec. 1, SE¼NE¼SE¼SW¼, SE¼SE¼SW¼, SE¼SW¼NW¼SE¼, SE¼NW¼SE¼, N½SW¼SE¼, N½SW¼SW¼SE¼ (unsurveyed).

The areas described above aggregate approximately 2,844.47 acres in Taos County.

2. Public Land Order 1120 of April 12, 1955, reserving lands within the Carson National Forest for use of the Forest Service as administrative sites, recreation areas, or for other public purposes, is hereby revoked so far as it affects the following described lands:

CARSON NATIONAL FOREST

NEW MEXICO PRINCIPAL MERIDIAN

Santa Barbara Forest Camp

T. 22 N., R. 12 E.,
Sec. 36, SW¼NE¼NE¼, N½SE¼NE¼ (unsurveyed).
T. 22 N., R. 13 E.,
Sec. 31, NW¼SW¼, N½SW¼SW¼, SE¼SW¼SW¼ (unsurveyed).

The areas described aggregate approximately 100 acres in Taos County.

3. At 10 a.m. on October 26, 1971, the lands described in paragraph 2 shall be subject to such forms of disposition as may by law be made of national forest land.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 20, 1971.

[FR Doc.71-14155 Filed 9-24-71;8:46 am]

[Public Land Order 5129]

[Fairbanks 031001]

ALASKA

Partial Revocation of Air Navigation Site Withdrawal; Amendment of Public Land Order 5072

Public Land Order No. 5072 of June 10, 1971, appearing in 36 F.R. 11731 of the issue of June 18, 1971, partially revoking Air Navigation Site Withdrawal No. 161, as enlarged, is hereby amended by adding to the land description of parcel No. 2 in paragraph 1 of said order, immediately following the course and distance which reads "thence meandering west along said river bank 2100 feet more or less to a point" the following course and distance: "thence north 950 feet more or less to a point."

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 20, 1971.

[FR Doc.71-14156 Filed 9-24-71;8:46 am]

[Public Land Order 5130]

[Sacramento 3568]

CALIFORNIA

Revocation of Public Land Orders 3529, 3815, 4096, and 4116

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

1. Public Land Order No. 3529 of January 25, 1965, as amended by Public Land Order No. 3815 of July 7, 1965, Public Land Order No. 4096 of September 26, 1966, and Public Land Order No. 4116 of November 8, 1966, withdrawing lands under the jurisdiction of the Secretary of the Interior for protection of stands of redwoods, are hereby revoked:

MOUNT DIABLO MERIDIAN

T. 10 N., R. 10 W.,
Sec. 32, SE¼NE¼, E½SE¼, and SW¼SE¼.
T. 9 N., R. 11 W.,
Sec. 26, S½NW¼.
T. 9 N., R. 13 W.,
Sec. 9, NE¼NE¼.
T. 10 N., R. 13 W.,
Sec. 2, lots 9 and 10;
Sec. 3, W½SW¼, SE¼SW¼;
Sec. 9, NE¼NE¼;
Sec. 10, NW¼NW¼.
T. 14 N., R. 14 W.,
Sec. 2, SW¼NW¼;
Sec. 3, lot 3.
T. 16 N., R. 14 W.,
Sec. 25, W½NW¼;
Sec. 26, NE¼NE¼, S½N½;
Sec. 27, SE¼NE¼;
Sec. 28, SW¼NE¼, SE¼NW¼.
T. 17 N., R. 14 W.,
Sec. 14, lots 15, 22, 23, 24;
Sec. 23, lots 1, 2, 3, 4, 7, 8, NE¼NW¼;
Sec. 24, lots 3, 5, 6, 7, 8, 9, 10, 12.
T. 11 N., R. 15 W.,
Sec. 1, lots 1, 2, 13;
Sec. 3, E½ lot 6.
T. 12 N., R. 15 W.,
Sec. 35, SW¼SE¼.
T. 14 N., R. 15 W.,
Sec. 30, NE¼.
T. 14 N., R. 16 W.,
Sec. 21, SE¼SW¼;
Sec. 28, NE¼NW¼.
T. 20 N., R. 16 W.,
Sec. 7, lot 4.
T. 20 N., R. 17 W.,
Sec. 1, lots 5 and 6 (formerly lots 3 and 4).
T. 24 N., R. 18 W.,
Sec. 2, SW¼SW¼.
T. 24 N., R. 19 W.,
Sec. 3, SW¼SE¼.

HUMBOLDT MERIDIAN

T. 5 S., R. 2 E.,
Sec. 9, SW¼SW¼;
Sec. 27, SW¼SW¼;
Sec. 28, S½NE¼, SW¼NW¼, W½SE¼;
Sec. 33, NE¼NW¼;
Sec. 34, NW¼NW¼.

The areas described aggregate approximately 2,691.38 acres in Sonoma, Humboldt, and Mendocino Counties.

All of the lands described in T. 10 N., R. 13 W., have been patented under the Point Reyes Exchange Act of September 13, 1962, 76 Stat. 538, 16 U.S.C. section 459c (1964). The remaining are public lands, of which about 504 acres are withdrawn for classification by Executive Order No. 5237 of December 10, 1929, and about 400 acres are included in a proposed withdrawal for geothermal resource development pursuant to an application filed by the Bureau of Land Management.

2. At 10 a.m. on October 26, 1971, the unreserved, unappropriated public lands described above shall be open to the operation of the public land laws generally, including the U.S. mining laws, subject to valid existing rights, the provisions of existing withdrawals, classifications, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 26, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. These lands have been and continue to be open to the filing of applications and offers under the mineral leasing laws.

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

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 20, 1971.

[FR Doc.71-14157 Filed 9-24-71;8:46 am]

[Public Land Order 5131]

[Nevada 051792]

NEVADA

Revocation of Executive Order 8927

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

1. Executive Order 8927 of October 29, 1941, reserving certain lands in Nevada

under the jurisdiction of the Secretary of the Interior for use in connection with the production of magnesium metals and magnesium alloys, is hereby finally revoked so far as it affects the remaining lands reserved thereby described as follows:

MOUNT DIABLO MERIDIAN

T. 22 S., R. 63 E.,
Sec. 19, S½S½NE¼NW¼, S½N½NW¼NW¼, S½NW¼NW¼, S½NW¼, S½.

The area described aggregates 435 acres of patented land and 5 acres of public land in Clark County.

2. At 10 a.m. on October 26, 1971, the 5 acres of public land, described as the S½SE¼SE¼SE¼, sec. 19, T. 22 S., R. 63 E., shall be open to the operation of the public land laws generally, including the U.S. mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law and procedures. All valid applications received at or prior to 10 a.m. on October 26, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The land has been and continues to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, Reno, Nev. 89502.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 20, 1971.

[FR Doc.71-14158 Filed 9-24-71;8:46 am]

[Public Land Order 5132]

[Arizona 05427]

ARIZONA

Modification of Public Land Order 1229

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

1. Public Land Order 1229 of September 27, 1955, which withdrew from all forms of appropriation under the public land laws, including the mining laws, certain national forest lands for campgrounds, picnic grounds, and roadside zones, is hereby modified to the extent necessary to open the following described lands to all forms of appropriation under the public land laws applicable to national forest lands, except under the U.S. mining laws.

GILA AND SALT RIVER MERIDIAN

TONTO NATIONAL FOREST

Jones Water Forest Camp

T. 3 N., R. 16 E. (unsurveyed),
Sec. 23, SW¼NE¼NE¼, S½NW¼NE¼, NE¼SW¼NE¼, W½SW¼NE¼, S½SE¼NW¼, N½NE¼SW¼, except that portion (6.80 acres) already withdrawn by the Act of May 29, 1924, 43 Stat. 242.

Oak Flat Picnic and Campground

T. 1 S., R. 13 E.,
Sec. 28, S½S½;
Sec. 29, SE¼SE¼;
Sec. 32, E½NE¼;
Sec. 33, N½, N½S½.

Pioneer Pass Picnic Grounds

T. 2 S., R. 15 E.,
Sec. 3, E½SW¼SE¼, W½W½SE¼SE¼;
Sec. 10, W½W½NE¼NE¼, SW¼NW¼NE¼, E½NW¼NE¼, SW¼NE¼.

Federal Highway 9-K Roadside Zone

A strip of land 200 feet on each side of the centerline of Federal Highway 9-K through the following legal subdivisions:

T. 9 N., R. 10 E.,
Sec. 3, lots 3 and 4, S½NW¼;
Sec. 4, lots 1 to 4, incl., S½N½;
Sec. 5, lots 1 and 2, S½NE¼, SE¼;
Sec. 8, N½, SW¼.
T. 10 N., R. 10 E.,
Sec. 28, NE¼, S½;
Sec. 33, NW¼, S½;
Sec. 34, SW¼.

The areas described aggregate approximately 1,056.60 acres in Gila and Pinal Counties.

2. At 10 a.m. on October 26, 1971, the lands described in paragraph 1 will be open to such forms of disposal as may by law be made of national forest lands except appropriation under the U.S. mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 20, 1971.

[FR Doc.71-14159 Filed 9-24-71;8:46 am]

Title 49—TRANSPORTATION

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

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Hydraulic Brake Fluids

On June 24, 1971, Motor Vehicle Safety Standard No. 116, "Motor Vehicle Hydraulic Brake Fluids," was amended to substitute standard styrene-butadiene rubber (SBR) brake cups for natural rubber cups in certain test procedures (36 F.R. 11987). The amendment was issued on the basis of information to the effect that natural rubber cups had not been manufactured for some time and were commercially unavailable.

Toyota Motor Co., Ltd., however, has manufactured its own natural rubber cups for use in compliance testing, and has informed the NHTSA that a complete retest cycle will be necessitated if it is restricted to use of SBR cups only, prior to March 1, 1972, the effective date of revised Standard No. 116. The NHTSA does not object to reinstating natural rubber cups, to be an alternate to SBR cups, and Standard No. 116 is being amended accordingly. References to "rubber" cups in SAE Standard J70b, "Hydraulic Brake Fluid," incorporated in part into Standard No. 116, may be read as "rubber and SBR" cups.

In consideration of the foregoing, 49 CFR 571.21, Motor Vehicle Safety Standard No. 116, "Motor Vehicle Hydraulic Brake Fluids," is amended by adding the words "rubber or" before the expression "SBR" in paragraphs S4.1(f), S4.1(1), S4.1(m)(3), S4.1(m)(4), S4.1(m)(9), S4.2(f)(3), S4.2(1)(1), S4.2(1)(2), S4.2(m)(3), S4.2(m)(4), and S4.2(m)(9).

Because this order reinstates the use of materials in certain test procedures, previously permissible, it is found for good cause shown that an effective date sooner than 180 days after issuance of this order is in the public interest.

Effective date: 30 days after publication of this notice in the FEDERAL REGISTER.

(Sec. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392, 1407; delegation of authority from the Secretary of Transportation to the National Highway Traffic Safety Administrator, 49 CFR 1.51)

Issued on September 21, 1971.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.71-14212 Filed 9-24-71;8:50 am]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Emergency Preparedness

[Economic Stabilization Reg. No. 1, Amdt. 4]

ES REG. 1—STABILIZATION REGULATIONS FOR PRICES, RENTS, WAGES, AND SALARIES

Customer Access to Price Records

SECTION 1. The purpose of the amendment contained in section 2 is to add a new paragraph (b) to section 8 of OEP Economic Stabilization Regulation No. 1, as amended, hereinafter referred to as the regulation, to provide guidance with respect to customer access to price records.

SEC. 2. Section 8 of the regulation is hereby amended to read as follows:

Sec. 8 Record keeping.

(a) All records in existence reflecting prices which were charged for the commodities or services during the base period, together with all other pertinent records of any kind or description shall be preserved and there shall be maintained available for public inspection a record of the highest prices charged during the base period. All records hereafter required to be kept pursuant to regulations or directives issued hereunder shall be maintained and preserved.

(b) In order to facilitate access to price records of sellers, the seller must maintain and have available a list of his ceiling prices for inspection by the customer. If the customer questions the

ceiling price, he may ask the seller to produce his supporting records. If the seller is unwilling to produce these records, the customer should provide evidence of the alleged violation to the local office of the Internal Revenue Service and file a complaint. The Internal Revenue Service will then investigate the complaint.

(c) All persons subject to this regulation shall maintain and preserve all records which are necessary to show the manner by which the ceiling rentals were determined and the record of payments made by persons in occupancy of real property or any part thereof and shall maintain available for public inspection a record of the highest rents charged during the base period.

(d) All employers shall maintain and preserve all records which reflect the rates of wages, salaries, or other forms of compensation paid during the base period.

(e) All persons covered by this regulation, upon demand of the Council, the OEP, or their authorized representatives, shall make available for inspection and copying such books and records as may be deemed necessary by the Council or the OEP to carry out the purpose and provisions of the Executive order and the rules and regulations promulgated thereunder. The requirements of this subsection shall be in addition to those imposed by paragraph (b) of this section.

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

Dated: September 24, 1971.

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

[FR Doc.71-14299 Filed 9-24-71;2:28 pm]

[OEP Economic Stabilization Reg. 1, Circular No. 16]

SUPPLEMENTARY GUIDANCE FOR APPLICATION

Economic Stabilization Circular No. 16

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

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

This 16th circular covers determinations and policy statements by the Council through September 23, 1971.

APPENDIX I

ECONOMIC STABILIZATION CIRCULAR NO. 16

100. *Purpose.* (1) On August 15, 1971, President Nixon issued Executive Order No. 11615, as amended, providing for stabilization of prices, rents, wages, and salaries and establishing the Cost of Living Council, a Federal agency. The order delegated to the Council all of the powers conferred on the President by the Economic Stabilization Act of 1970, as amended. The effective date of the order was 12:01 a.m., August 16, 1971.

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

(3) The purpose of this circular, the 16th in a series to be issued, is to furnish further guidance to Federal officials and the public in order to promote the program.

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

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

300. *General guidelines.* (1) The guidance provided in this circular is in the nature of additions to or clarifications of previous determinations and policy statements by the Cost of Living Council covered in previous OEP Economic Stabilization Circulars.

(2) The numbering system used in this circular corresponds to that used in OEP Economic Stabilization Circular No. 101.

302. *Transactions.* (1) The price at which an order was taken and secured by a deposit prior to August 15 does not constitute a transaction price for purposes of establishing the seller's ceiling price. There must be shipment of the merchandise to constitute a transaction.

NOTE: This paragraph supersedes 401(g) in OEP Economic Stabilization Circular No. 14.

(2) When a service contract involves either performance in several stages (some of which may be preparatory to performing the final service, performance of a continuous nature, or performance periodically, a transaction is considered to have taken place when the buyer actually receives the first unit of final service called for under the contract. Work in progress preparatory to provision of the final service does not qualify as a transaction.

400. *Price guidelines.*

402. *Price ceilings*—(1) *Calculation of ceiling prices-supplemental guidance.* If different prices were charged to different classes of customers (e.g. retail, wholesale, manufacturer, etc.) in the base period, the effective ceiling price is determined for each such class of customer separately. Furthermore, if different quantity discounts were granted to different classes of customers during the base period, each quantity discount group is to be treated as a separate price.

For each distinct set of transactions (quantity discount groups within classes), list the number of units shipped during the base period in order to determine the price at which the shipments accounted for 10 percent of the units shipped. The price charged for the lowest priced shipment in this top 10 percent group is the ceiling price.

SAMPLE CALCULATION OF CEILING PRICES

Example No. 1	*Retailers No. of units*	*Percent of total*	*Price*
Class of customer:			
Highest price sales	200	7.7	$12.00
Next highest price sales	1,800	60.0	11.80
Next highest price sales	1,000	33.3	(ceiling) 11.55
	3,000	100.0	

Example No. 2	*Wholesalers No. of units*	*Percent of total*	*Price*
Class of customer:			
Highest price sales	1,000	12.5	$9.50
Next highest price sales	7,000	87.5	(ceiling) 9.25
	8,000	100.0	

NOTE: If different quantity discounts are offered within each class of customer, a separate ceiling would be calculated for each quantity-discount grouping.

407. *Commodities and services*—(1) *School bus contracting—supplemental guidance.* School bus contractors, like all other sellers of services, are subject to the freeze. They may not perform their services during the freeze at prices in excess of base period ceilings. Contracts bid for or negotiated prior to August 15 calling for student busing after that date at prices in excess of price levels received for substantial transactions in the 30-days ending August 14 may not be paid at the increased rate during the period of the freeze.

School systems may not pay bus contractors in excess of ceiling prices. Bus contractor ceilings are to be determined on the basis of the highest price at or above which substantial transactions occurred for that bus contractor's class of customers equating with school busing, in the 30-days ending August 14. If there were no transactions for that class of customer in the 30-day period ending August 15, the base period will be the nearest preceding 30-day period in which

a transaction did occur. The nearest preceding "30-day period" is defined as a 30-day block of time prior to July 16. Hence, moving back from July 16, the nearest 30-day period would be June 16–July 15, and preceding that, May 17–June 15, and so on. As provided in the Economic Stabilization Act of 1970, the bus contractor's ceiling price is not lower than his prevailing price on May 25, 1970.

Although bus contractors may have performed work and expended resources preparatory to actual busing of students, the only service that qualifies for substantial transactions determination purposes is the actual busing of students. This busing may or may not have been done under long-term contract. As already stated, the major factor is the rate charged for the performance of busing service to that class of customer in the above defined base period. Although bus contract ceilings may be increased for added services, they may not be increased solely for the purpose of compensating bus contractors for added labor costs, taxes, costs involved in complying with added health or safety requirements, etc.

500. *Wage and salary guidlines.*

501. *General.* (1) No formal exemptions have been provided solely because of low income. However, the following provisions do afford substantial relief to persons of low income:

(a) Wages are not frozen below minimum wage standards of general application;

(b) Wages are not frozen where increases are necessary to eliminate unlawful discriminatory wage practices;

(c) There is no freeze on welfare payments; and

(d) There is no freeze on increases in coverage or benefits under Social Security.

502. *Specific.* (1) Compensation paid abroad in dollars to Americans working abroad for U.S. incorporated companies may be increased to reflect appreciation in a foreign currency in relation to the dollar.

However, the compensation (including base salary, or any allowance, such as a hardship allowance) may not be increased beyond its foreign currency value before the suspension of the gold convertibility of the dollar.

(2) Employees paid on a piece work basis may not have their piece rates adjusted in any form to provide earnings in excess of those received during the base period. This is true even where a firm introduces an innovation that increases productivity.

503. *Promotions and increased training.* (1) The ruling on "probationary employees" applies to workers changing jobs within the same company. Ceilings go with the job, not the man. Pay raises may be granted to workers who change jobs within the same company and enter a probationary period in the new job if this probationary period is less than 90 days, and the practice was established prior to the freeze.

504. *Fringe benefits.* (1) Fringe benefits cannot be increased during the freeze. However, some benefit programs, according to established practice, require that an employee exercise the right to join a program or to increase his benefits at a single specified time during the year or lose the opportunity to do so for at least a year. In such an instance, the employee may exercise his right even though the specified enrollment time falls within the freeze period.

(2) A church which has not previously offered social security coverage wishes to initiate such coverage. It is permitted to do so.

Social security is optional for church organizations. It is considered a problem area since it has both insurance and pension benefits and thus falls into both categories. It calls for both employer and employee contributions, and offers a long-term federally sanctioned benefit with clear guidelines. In addition, it is analogous to a pension benefit, and as such would not be subject to the freeze.

(3) Given a valid premium increase, an employer can pay an increased weekly premium on the same basis that he shared costs prior to August 15, as long as there has been no change in the formula for computing the employer's contribution.

700. *Record keeping.*

701. *General*—(1) *Customer access to price records.* In order to facilitate access to price records of sellers, the seller must maintain and have available a list of his ceiling prices for inspection by the customer. If the customer questions the ceiling price, he may ask the seller to produce his supporting records. If the seller is unwilling to produce these records, the customer should provide evidence of the alleged violation to the local office of the Internal Revenue Service and file a complaint. The Internal Revenue Service will then investigate the complaint.

1000. *Information.* (1) Except for simple requests for information which are handled by telephone without written record, all requests for examinations, interpretations or changes in the Council's rulings or procedures are required to be made in writing.

(2) Basic decisions of the Cost of Living Council are initially published in the form of questions and answers as well as declarative statements. These decisions are subsequently published in the FEDERAL REGISTER as Economic Stabilization Regulations and Circulars. As required, interpretations of such regulations and circulars as they apply to specific fact situations are made by the Office of Emergency Preparedness in accordance with established procedures. Copies of such interpretations are made available to the parties concerned.

(3) The procedures of the Cost of Living Council for handling exemptions and other requests provide for a careful analysis by the Office of Emergency Preparedness, with field investigation by the Internal Revenue Service where required. Cases not essentially duplicative of earlier cases are reviewed by the National Office of Emergency Preparedness and the Cost of Living Council staff. When appropriate, exemption requests are referred to the Council for decision. A request for reconsideration of a decision on the basis of additional information may be submitted through the same organization channels as the initial request and will receive prompt consideration.

(4) All persons seeking information with respect to the provisions of this circular or the administration of this program should contact the local office of the Internal Revenue Service, or the Regional Service and Compliance Center of the Office of Emergency Preparedness in their geographical area, or such other local Federal offices as may be hereafter designated. Persons requesting exemptions, or adjustments should direct their request, in writing, to the Director of the appropriate Regional Service and Compliance Center. OEP Regional Service and Compliance Centers are located as follows:

Regions	Address and telephone	States served
Boston (1)	JFK Federal Bldg., Room 2003L, Boston, Mass., 02203, Telephone (900) 223–4750, area code 617.	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
New York City (2)	26 Federal Plaza, Room 1355, New York, NY 10007, telephone (900) 264–8987, area code 212.	New Jersey, New York, Puerto Rico, Virgin Islands.
Philadelphia (3)	Industrial Valley Bank Bldg., Suite 1600, 1700 Market St., Philadelphia, PA 19103, telephone (900) 597–9360, area code 215.	Delaware, Maryland, Pennsylvania, Virginia, West Virginia, District of Columbia.
Atlanta (4)	Continental Insurance Bldg., Suites 514, 518, 520, 161 Peachtree St. NE., Atlanta, GA 30303, telephone (900) 526–4401 or 4545, area code 404.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.

Regions	Address and telephone	States served
Chicago (5)	33 East Congress Pkwy., Room 410, Chicago, IL 60605, telephone (900) 353–1500, area code 312.	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.
Dallas (6)	Federal Bldg., 1100 Commerce St., Room 4C–38, Dallas, TX 75202, telephone (900) 749–1112, area code 214.	Arkansas, Louisiana, Oklahoma, New Mexico, Texas.
Kansas City (7)	Federal Office Bldg., 911 Walnut St., Room 2902, Kansas City, MO 64106, telephone (900) 374–5915, area code 816.	Iowa, Kansas, Missouri, Nebraska.
Denver (8)	7200 W. Alameda Ave., Denver, Colo. 80226, telephone (900) 837–4981, area code 303. Rent—837–3981. Price—837–4856. Wage—837–3876. Administration—837–4812.	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.
San Francisco (9)	New Federal Office Bldg., 450 Golden Gate Ave., Room 2029, San Francisco, CA 94102, telephone (900) 556–7746, area code 415. Rent—556–7027. Price—556–6260. Wage—556–2452.	Arizona, California, Hawaii, Nevada, American Samoa, Guam.
Seattle (10)	Federal Office Bldg., Room 1095, 909 First Ave., Seattle, WA 98104, telephone (900) 442–4552, area code 206.	Alaska, Idaho, Oregon, Washington.

NOTE: This paragraph is a correction to section 1000 in OEP Economic Stabilization Circular No. 101.

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

Dated: September 24, 1971.

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

[FR Doc.71–14298 Filed 9–24–71;2:28 pm]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 211]

DENATURED ALCOHOL AND RUM

Proposed Distribution and Use

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol, Tobacco and Firearms Division, Internal Revenue Service, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director, Alcohol, Tobacco and Firearms Division, within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954.

(68A Stat. 917; 26 U.S.C. 7805)

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

In order to (1) provide for the production of rubbing alcohol base, the shipment thereof, and the production of rubbing alcohol therefrom, (2) reduce the number of samples of articles and perfume oils to be submitted to the Director, (3) make less restrictive the requirement pertaining to the maximum alcohol content of solvents made from a special industrial solvent, and (4) make it clear that users of specially denatured spirits producing products not containing specially denatured spirits in the finished product shall keep the records specified in 26 CFR 211.265, the regulations in 26 CFR Part 211 are amended as follows:

PARAGRAPH 1. Section 211.11 is amended to insert, in alphabetical order, a definition for rubbing alcohol base. The new definition in § 211.11 reads as follows:

§ 211.11 Meaning of terms.

* * * * *

Rubbing alcohol base. An article which, except for the addition of water, is manufactured with specially denatured alcohol in accordance with the formulas for rubbing alcohol provided in this part.

* * * * *

PAR. 2. Section 211.23 is amended to authorize the assistant regional commissioner to approve formulas for rubbing alcohol base. As amended, § 211.23 reads as follows:

§ 211.23 Formulas and processes.

Except as otherwise provided in this section, the Director is authorized to approve all formulas and processes submitted on Form 1479–A. The assistant regional commissioner is authorized to approve all formulas for rubbing alcohol and rubbing alcohol base submitted on Form 1479–A.

(72 Stat. 1372; 26 U.S.C. 5273)

PAR. 3. Section 211.102 is amended to provide for the submission of quantitative formulas by permittees producing rubbing alcohol base and by persons producing rubbing alcohol from such base. As amended, § 211.102 reads as follows:

§ 211.102 Formulas for rubbing alcohol.

A person desiring to produce rubbing alcohol or rubbing alcohol base shall submit a quantitative formula on Form 1479–A to the assistant regional commissioner for each such product to be produced by him. The label to be used on bottles of rubbing alcohol shall be attached to each copy of the Form 1479–A.

(72 Stat. 1372; 26 U.S.C. 5273)

PAR. 4. Section 211.107 is amended to provide that samples of rubbing alcohol base need not be submitted with Form 1479–A covering its proposed manufacture, and to reduce the number of samples of various articles and ingredients submitted to the Director. As amended, § 211.107 reads as follows:

§ 211.107 Samples of articles and ingredients.

In connection with the submission of Form 1479–A covering the proposed manufacture of an article (except a rubbing alcohol, a rubbing alcohol base, a proprietary solvent, or a special industrial solvent) containing specially denatured spirits, the applicant shall submit to the Director an 8-ounce sample of the article (except that a 4-ounce sample will be sufficient for a perfume which contains more than 6 ounces of perfume oils per gallon). For all toilet preparations containing specially denatured spirits, the applicant shall also submit a 1-ounce sample of the perfume oils (or of purchased mixtures consisting of perfume oils with other ingredients) to be used. The Director may at any time require the submission of samples of (a) any ingredients included in a formula, and (b) proprietary antifreeze solutions containing completely denatured alcohol.

(72 Stat. 1372; 26 U.S.C. 5273)

PAR. 4a. Section 211.169 is amended to include a reference to "rubbing alcohol base." As amended, § 211.169 reads as follows:

§ 211.169 General.

Uses of specially denatured spirits shall be as authorized under Part 212 of this chapter. Specially denatured spirits shall not be used until Form 1479–A showing the intended use, process, formula, or article has been approved, as required by Subpart G of this part: *Provided*, That Form 1479–A will not be required to cover the use of specially denatured alcohol Formulas No. 3–A and No. 30, by a permittee on his permit premises, exclusively for laboratory purposes not involving the development of a product and for mechanical purposes, if the quantity to be so used during a 12-month period will not exceed 60 gallons. Specially denatured spirits shall not be used in the manufacture of medicinal preparations or flavoring extracts for internal human use where any of the spirits remain in the finished product. Liquid products containing specially denatured spirits shall be unfit for beverage or internal human use. The essential oils and chemicals used in their manufacture shall make the finished products conform to the samples and formulas for such products submitted by the applicant with Form 1479–A and approved by the Director or, in the case of rubbing alcohol or rubbing alcohol base, by the assistant regional commissioner. Whenever the assistant regional commissioner has reason to believe that the spirits in any articles are being reclaimed or diverted to beverage or internal human use, the permittee shall be directed to appear on a day named and show cause why the authorized formula and article should not be so changed and modified as to prevent such reclamation or diversion. In the event the permittee should fail to appear, or appearing should fail to prove to the satisfaction of the assistant regional commissioner that the spirits in the authorized article are not reclaimable and are not being diverted to beverage or internal human use, he shall, at the direction of the assistant regional commissioner, discontinue the use of the formula until it has been modified and again approved.

(72 Stat. 1372; 26 U.S.C. 5273)

PAR. 5. Section 211.182 is amended to increase to 50 percent the maximum alcohol content that may be present in a solvent made from a special industrial solvent. As amended, § 211.182 reads as follows:

§ 211.182 Use in manufacturing articles for sale.

When a special industrial solvent is used in the manufacture of an article for sale, sufficient ingredients shall be added to definitely change the composition and character of the special industrial solvent; such an article shall not be manufactured until a Form 1479–A covering its production has been submitted to, and approved by, the Director. The formulation letter (see § 211.180) of the special industrial solvent to be used shall be stated in the Form 1479–A. Special industrial solvents shall not be reprocessed into other solvents intended for sale where the other solvent would contain more than 50 percent alcohol by volume.

PAR. 6. Section 211.186 is amended to make it clear that a person making an alcohol rub from a rubbing alcohol base shall be deemed to be the manufacturer thereof. As amended, § 211.186 reads as follows:

§ 211.186 General.

All preparations which are to be labeled or represented to be alcohol rubs, without any qualification as to type of alcohol contained therein, shall be manufactured with specially denatured alcohol in accordance with § 211.187. The labeling of a preparation as "Rubbing Alcohol" or with a substantially similar name, without such a qualification, is held to connote that it was manufactured with specially denatured alcohol. Accordingly, an alcohol rub produced from any other material (such as isopropyl alcohol) shall not be labeled "Rubbing Alcohol" or with a name substantially similar thereto, unless such name is appropriately modified to effectively inform the public that the preparation was not made with specially denatured alcohol. Alcohol rubs made with specially denatured alcohol shall be packaged and labeled only by the manufacturer who made the product and shall not be repackaged or relabeled by any other person. For the purposes of this section and of § 211.188, the person making an alcohol rub from a rubbing alcohol base shall be deemed to be the manufacturer who made the product. Such alcohol rubs shall be packaged in containers not exceeding one pint in capacity.

PAR. 7. Section 211.188 is amended to provide requirements relating to the labeling of rubbing alcohol by a person not holding an industrial use permit and to clarify requirements regarding approval of labels. As amended, § 211.188 reads as follows:

§ 211.188 Labeling.

The manufacturer shall label each container of rubbing alcohol with a brand label showing:

(a) The brand name (if any) of the product;

(b) The words "Rubbing Alcohol" (in letters of the same color and size);

(c) His name and address; or his industrial use permit number and the name and address of the particular wholesale or retail druggist for whom he packaged the product: *Provided*, That for rubbing alcohol produced and bottled under § 211.190d by a manufacturer not holding an industrial use permit, the label shall show the permit number of the permittee who manufactured the rubbing alcohol base, and the words "Bottled by" followed by the bottler's name and address;

(d) The legend "Contains 70 percent alcohol by volume", "Contains 70 percent ethyl alcohol by volume", or "Contains 70 percent absolute alcohol by volume"; and

(e) The warning "For external use only. If taken internally, will cause serious gastric disturbances."

The manufacturer may include additional statements on the brand label, or on a separate label appearing in conjunction with the brand label, if such statements do not contradict, or obscure the meaning of, the required labeling. The labels shall not contain any statement which may give the impression that the product is pure alcohol or that it is susceptible of beverage use. No label shall be used on any container of rubbing alcohol made with specially denatured alcohol unless it has first been submitted to the assistant regional commissioner in accordance with § 211.102 and approved by him.

PAR. 8. To authorize, and provide procedures for, the manufacture, shipment, and use of rubbing alcohol base, a new center heading and new §§ 211.190a through 211.190e are inserted, immediately following § 211.190, to read as follows:

RUBBING ALCOHOL BASE

§ 211.190a Manufacture of rubbing alcohol base.

Persons qualified under Subpart D of this part to use specially denatured alcohol may, pursuant to an approved formula, produce rubbing alcohol base from specially denatured alcohol Formula No. 23–H by adding thereto, except for water, the ingredients authorized in Formula A or B as provided in § 211.187. A quantitative formula to cover the manufacture of the rubbing alcohol base shall be filed on Form 1479–A with the assistant regional commissioner of the region in which the permittee is located. The formula shall describe the manufacturing process, and shall also show the kind and quantity of each ingredient to be added to Formula No. 23–H, and the quantity of water needed to complete the formulation.

§ 211.190b Removals.

Rubbing alcohol base may be shipped only in bulk conveyances or in packages having a capacity of 50 gallons or more, and only to persons holding permits to use specially denatured alcohol, or to manufacturing and wholesale druggists and pharmaceutical supply houses holding applications on Form 2622 approved by the assistant regional commissioner. There shall be shown on each container, or on a label attached thereto, the words "rubbing alcohol base," the permit number and the name and address of the producer, the contents of the container in wine gallons, and the date of removal or shipment. The label for bulk conveyances shall be affixed to a route board or other suitable device. Bulk conveyances shall be sealed at the time of filling by the consignor with railroad or other appropriate seals dissimilar in marking from cap seals used by the Internal Revenue Service.

§ 211.190c Premises and equipment.

Persons receiving rubbing alcohol base shall have premises and equipment which are, in the opinion of the assistant regional commissioner, suitable for the business to be conducted and adequate for the protection of the revenue.

§ 211.190d Application to procure and reprocess rubbing alcohol base.

Persons holding permits to use specially denatured alcohol, and manufacturing and wholesale druggists and pharmaceutical supply houses desiring to procure the rubbing alcohol base described in § 211.190a, and to produce, and then bottle, rubbing alcohol from such base, may be authorized to do so pursuant to an application on Form 2622 filed with and approved by the assistant regional commissioner of the region in which the operations will be conducted. Formulas and labels shall be submitted to the assistant regional commissioner as provided in § 211.102. The applicant's formula shall show the date of approval of the supplier's formula under which the rubbing alcohol base was produced, and shall describe the process to be followed in finishing the rubbing alcohol, giving the quantity of water and the kind and quantity of each other ingredient, if any, to be added.

§ 211.190e Records.

Persons holding approved applications, Form 2622, to receive rubbing alcohol base and complete the formulation for rubbing alcohol, shall keep records of the receipt of rubbing alcohol base, the production and bottling of rubbing alcohol, and the disposition of the finished product in such manner as will enable internal revenue officers to verify and trace each operation or transaction to ascertain whether there has been compliance with law and regulations. Persons required to keep such records shall retain copies of invoices applicable thereto. Rubbing alcohol produced from rubbing alcohol base shall be disposed of in accordance with the provisions of § 211.190.

PAR. 9. Paragraph (b) of § 211.265 is amended to make it clear that users of specially denatured spirits producing products not containing specially denatured spirits in the finished product shall keep the records specified in this section. As amended, § 211.265(b) reads as follows:

§ 211.265 Records of users of specially denatured spirits.

* * * * *

(b) *Persons manufacturing other articles.* Permittees using specially denatured spirits for other purposes (i.e.,

other than in the manufacture of those products specified in § 211.191 which contain specially denatured spirits) shall keep records which accurately and clearly reflect the details of all specially denatured spirits received, used, and recovered, and of articles recovered. Such records shall contain all data necessary (1) to enable the permittee to prepare Form 1482, and (2) to enable any internal revenue officer to verify and trace each operation or transaction, to verify claims, and to ascertain whether there has been compliance with law and regulations. The records shall include the following information:

(i) The quantity of each formula of specially denatured spirits received, and the name and address of the consignor;

(ii) The quantity, by formula and code number, of specially denatured spirits used and each purpose for which used (if used in the manufacture of an article, the name of each such article and the quantity used in its manufacture);

(iii) The quantity of each article manufactured; and

(iv) Details of the disposition of each article, showing names, addresses, and quantities.

Where the estimated average monthly requirement of specially denatured spirits as stated on the withdrawal permit does not exceed 25 gallons, the records required by this paragraph (b) need not be maintained.

* * * * *

(72 Stat. 1373; 26 U.S.C. 5275)

[FR Doc.71-14178 Filed 9-24-71;8:48 am]

[26 CFR Part 301]

SEIZURE OF PROPERTY FOR COLLECTION OF TAXES

Proposed Exemptions

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by October 26, 1971. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by October 26, 1971. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

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

In order to conform the regulations on Procedure and Administration (26 CFR Part 301) under section 6334(a) of the Internal Revenue Code of 1954 to section 945 of the Tax Reform Act of 1969 (83 Stat. 729), such regulations are amended as follows:

PARAGRAPH 1. Section 301.6334 is amended by adding new paragraph (8) to section 6334(a) and by revising the historical note to read as follows:

§ 301.6334 Statutory provisions; property exempt from levy.

SEC. 6334. *Property exempt from levy*—(a) *Enumeration.* * * *

(8) *Salary, wages, or other income.* If the taxpayer is required by judgment of a court of competent jurisdiction, entered prior to the date of levy, to contribute to the support of his minor children, so much of his salary, wages, or other income as is necessary to comply with such judgment.

* * * * *

[Sec. 6334 as amended by section 406, Social Security Amendments 1958 (72 Stat. 1047); sec. 812, Excise Tax Reduction Act of 1965 (79 Stat. 170); sec. 104(c), Federal Tax Lien Act 1966 (80 Stat. 1137); sec. 945, Tax Reform Act 1969 (83 Stat. 729)]

PAR. 2. Section 301.6334-1(a) is amended by adding new subparagraph (8) which reads as follows:

§ 301.6334-1 Property exempt from levy.

(a) *Enumeration.* There shall be exempt from levy—

* * * * *

(8) *Salary, wages, or other income.* If the taxpayer is required under any type of order or decree (including an interlocutory decree or a decree of support pendente lite) of a court of competent jurisdiction, entered prior to the date of levy, to contribute to the support of his minor children, so much of his salary, wages, or other income as in necessary to comply with such order or decree. The taxpayer must establish the amount necessary to comply with the order or decree. The district director is not required to release a levy until such time as he is satisfied that the amount to be released from levy will actually be applied in satisfaction of the support obligation. The district director may make arrangements with a delinquent taxpayer to establish a specific amount of such taxpayer's salary, wage, or other income for each pay period which shall be exempt from levy. Any request for such an arrangement shall be directed to the Chief, Special Procedures Staff, for the internal revenue district in which the taxpayer resides. Where the taxpayer has more than one source of income sufficient to satisfy the support obligation imposed by the order or decree, the amount exempt from levy may at the discretion of the district director be allocated entirely to one salary, wage, or source of other income or be apportioned between the several salaries, wages, or other sources of income. This subparagraph applies with respect to levies made on or after January 30, 1970.

* * * * *

[FR Doc.71-14213 Filed 9-24-71;8:51 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR Part 1421]

GRAIN AND SIMILARLY HANDLED COMMODITIES

1971-Crop Peanut Farm-Stored Loans and Purchases

Pursuant to the authority contained in sections 4 and 5 of the Commodity Credit Corporation Charter Act (62 Stat. 1070, as amended; 15 U.S.C. 714 b and c), and sections 101, 401, 403, and 405 of the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended, 7 U.S.C. 1441, 1421, 1423, and 1425), the Commodity Credit Corporation proposes to issue a 1971 crop supplement to the regulations governing the 1970 and Subsequent Crops Peanut Farm-Stored Loan and Purchase Program regulations (7 C.F.R. 1421.280–1421.289). The supplement would prescribe loan rates, availability dates, and maturity date relating to 1971-crop peanuts.

Interested persons may submit written comments, suggestions, or objections relating to the proposed supplement to Edward D. Hews, Director, Commodity Loan and Service Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than 30 days following the date of publication of this notice in the FEDERAL REGISTER. The comments, suggestions, or objections will be open to public inspection pursuant to 7 CFR 1.27(b).

The proposed supplement reads as follows:

The General Regulations Governing Price Support for the 1970 and Subsequent Crops of Grain and Similarly Handled Commodities (35 F.R. 7363) and any amendments thereto (hereinafter referred to as "the general regulations") and the 1970 and Subsequent Crops Peanut Farm-Stored Loan and Purchase Supplement (35 F.R. 12706) and any amendments thereto (hereinafter referred to as "the continuing supplement"), which contain regulations of a general nature with respect to price support operations, are further supplemented by revising §§ 1421.291–1421.294 to read as follows, effective as to the 1971 crop of peanuts. The material previously appearing in these sections remains in full force and effect as to the crops to which it was applicable.

Sec.
1421.291 Purpose.
1421.292 Availability.
1421.293 Maturity of loans.
1421.294 Price support rates.

§ 1421.291 Purpose.

This supplement, together with the applicable provisions of the general regulations and the provisions of the continuing supplement, apply to farm-stored loans and purchases for the 1971 crop of peanuts.

§ 1421.292 Availability.

(a) *Farm-stored loans.* Producers must request a loan on 1971 crop eligible peanuts on or before March 31, 1972.

(b) *Purchases.* Producers desiring to offer eligible peanuts not under loan for purchase must execute and deliver to the appropriate ASCS county office, on or before April 30, 1972, a Purchase Agreement (Form CCC-614) indicating the approximate quantity of 1971-crop peanuts he may sell to CCC.

§ 1421.293 Maturity of loans.

Unless demand is made earlier, farm-stored loans on farmers' stock peanuts will mature on April 30, 1972.

§ 1421.294 Price support rates.

(a) *Loan rate.* Subject to the discounts specified in paragraph (b) of this section, the loan rates for farmers' stock peanuts placed under farm-stored loan shall be the following rates by types per ton:

Type:	Dollars per ton
Virginia	279
Runner	261
Southeast Spanish	268
Southwest Spanish	263
Valencia (suitable for cleaning and roasting in southwest) [1]	279

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

(b) *Location adjustments to support prices.* The loan rates specified in paragraph (a) of this section shall be subject to the following discounts for farmers' stock peanuts placed under a farm-stored loan in the States specified where peanuts are not customarily shelled or crushed:

State:	Dollars per ton
Arizona	25
Arkansas	10
California	33
Louisiana	7
Mississippi	10
Missouri	10
Tennessee	25

(c) *Settlement values.* The support prices, premiums, and discounts for use in computing the settlement value, under § 1421.289(b)(2) of the continuing supplement, of peanuts acquired by CCC under loan or purchase shall be those specified in § 1446.44 of the 1971-crop peanut warehouse storage loan and sheller purchase supplement, including the location adjustments specified therein for peanuts delivered to CCC in States where peanuts are not customarily shelled or crushed.

Signed at Washington, D.C., on September 20, 1971.

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

[FR Doc.71-14207 Filed 9-24-71;8:50 am]

Consumer and Marketing Service

[7 CFR Part 906]

ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Proposed Handling Limitations

Consideration is being given to the following proposal, which would limit the handling of grapefruit by establishing grades and sizes recommended by the Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

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

The proposed grade requirements are the same as those currently in effect, while the proposed size requirements for the periods specified are comparable to those in effect during the past season, except that the more stringent size requirements would apply for a shorter period of time this season. The proposed more stringent size requirement, for the period November 8, 1971, through February 27, 1972, is designed to prevent a weakening of the market during a period of normally heavy shipments, and to maintain the competitiveness of Texas grapefruit when other areas are shipping greater volumes of larger grapefruit. Grade and size requirements are currently in effect under § 906.347 *Grapefruit Regulation 22*, published September 10, 1970, in the FEDERAL REGISTER (35 F.R. 14254), and Amendment 1 thereto, published April 1, 1971, in the FEDERAL REGISTER (36 F.R. 5962). The proposed requirements would become effective October 16, 1971, while those currently in effect expire October 15, 1971.

Such proposal reads as follows:

§ 906.349 Grapefruit Regulation 23.

(a) Order: During the period October 16, 1971, through October 15, 1972, no handler shall handle:

(1) Any grapefruit of any variety, grown in the production area, unless such grapefruit grade U.S. Fancy; U.S. No. 1 Bright; U.S. No. 1; U.S. No. 1 Bronze; or U.S. No. 2.

(2) Any grapefruit of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

(3) Any grapefruit of any variety, grown as aforesaid, unless such grapefruit meet all the applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during the period.

(b) During the period October 16 through November 7, 1971, and the period February 28 through October 15, 1972, no handler shall handle:

(1) Any grapefruit of any variety, grown in the production area, which are of a size smaller than $3^{5}/_{16}$ inches in diameter, except that not more than 10 percent, by count, of such grapefruit in any lot of containers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot, may be of a size smaller than $3^{5}/_{16}$ inches in diameter.

(c) During the period November 8, 1971, through February 27, 1972, no handler shall handle:

(1) Any grapefruit of any variety, grown in the production area, which are of a size smaller than $3^{9}/_{16}$ inches in diameter, except that not more than 10 percent, by count, of such grapefruit in any lot of containers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot, may be of a size smaller than $3^{9}/_{16}$ inches in diameter.

(d) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (7 CFR 51.620-51.658).

Dated: September 22, 1971.

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

[FR Doc.71-14210 Filed 9-24-71;8:50 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-SO-148]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71

of the Federal Aviation Regulations that would alter the St. Petersburg, Fla. (Albert-Whitted Airport), control zone.

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

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

The St. Petersburg control zone described in § 71.171 (36 F.R. 2055) would be redesignated as:

Within a 5-mile radius of the Albert-Whitted Airport (lat. 27°45'53" N., long. 82°37'39" W.); within 1.5 miles each side of the St. Petersburg VORTAC 159° radial, extending from the 5-mile radius zone to 1 mile south of the VORTAC, excluding the portion within the St. Petersburg and MacDill AFB control zones. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

The proposed alteration is required to provide controlled airspace protection for IFR aircraft executing VOR RWY 18 Instrument Approach Procedure, utilizing the St. Petersburg VORTAC, to Albert-Whitted Airport.

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

Issued in East Point, Ga., on September 15, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-14170 Filed 9-24-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-WE-46]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Fort Ord, Calif., control zone.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Boulevard, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. 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, 5651 West Manchester Boulevard, Los Angeles, CA 90045.

Frequent changes in the effective time of the control zone are anticipated to coincide with the effective hours of the control tower. These changes are necessary due to personnel authorizations and operational requirements. Therefore, to eliminate the lengthy rule making process, it is proposed to utilize the NOTAM to publish the frequent changes anticipated in the effective times of the control zone.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.171 (36 F.R. 2055) the description of the Fort Ord, Calif., control zone is amended as follows:

Delete the last sentence of the control zone description and substitute therefor, "This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual."

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

Issued in Los Angeles, Calif., on September 17, 1971.

ARVIN O. BASNIGHT,
Director, Western Region.

[FR Doc.71-14173 Filed 9-24-71;8:47 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 71-15; Notice 2]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Termination of Rule Making

On July 14, 1971, the National Highway Traffic Safety Administration published a notice proposing an amendment of Motor Vehicle Safety Standard No. 108, "Lamps, Reflective Devices, and Associated Equipment" (36 F.R. 13100), that would permit a higher voltage drop for solid-state flashers.

The closing date for comments on the proposal was August 13, 1971. The comments received have been evaluated, and the Administration has decided to terminate rule making on the proposal without amendment of Standard No. 108.

A substantial number of comments opposed the proposal as detrimental to motor vehicle safety. The NHTSA found especially persuasive the comment that the use of an aftermarket flasher with a voltage drop of 1.6 volts, as a replacement in a 0.40/0.45 volt system, will result in a reduction of the light output (in lumens) of at least 30 percent—a significantly lower level of performance, and one which could result in a critical impairment of turn signal function during daylight hours. The comments also indicated that solid-state flashers are currently being manufactured that conform to the present 0.40/0.45 voltage drop requirement, so that an amendment of Standard No. 108 is unnecessary to allow the consumer the choice of a flasher with superior performance and durability than thermal flashers. For these reasons the proposal has not been adopted, nor has serious consideration been given to comments suggesting that the increase in voltage drop be extended to all flashers.

This notice is issued under the authority of sections 103, and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392, and 1407) and the delegation of authority at 49 CFR 1.51.

Issued on September 21, 1971.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.71-14211 Filed 9-24-71;8:50 am]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 601, 606, 613, 616, 670, 675, 677, 678, 688, 689, 690, 720, 727]

[Administrative Order 622]

INDUSTRY COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

Appointment To Investigate Conditions and Recommend Minimum Wages; Notice of Hearings

1. Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and 29 CFR Part 511, I hereby appoint the following industry committees for the indicated industries:

Committee No.	*Industry*
107-A	Shoe and related products industry in Puerto Rico.
107-B	Rubber products industry in Puerto Rico.

Committee No.	Industry
108-A	Jewelry, decorations, brushes and novelties industry in Puerto Rico (formerly the artificial flower, decoration and party favor industry; the button, jewelry and lapidary work industry; and the straw, hair, and related products industry).
108-B	Fabricated plastic products industry in Puerto Rico.
109-A	Sugarcane farming industry in Puerto Rico.
109-B	Sugar manufacturing industry in Puerto Rico.
110-A	Lumber and Wood products industry in Puerto Rico.
110-B	Stone, clay, glass, cement, and related products industry in Puerto Rico.
110-B	Electrical, instrument, and related products industry in Puerto Rico.
110-B	Paper, paper products, printing, and publishing industry in Puerto Rico.
110-B	Chemical, petroleum, and related products industry in Puerto Rico.

2. These industries are defined as follows:

(a) The shoe and related products industry in Puerto Rico, to which this part shall apply, is defined as follows: The manufacture or partial manufacture of footwear from any material and by any process, except footwear made by knitting, crocheting, vulcanizing of the entire article, vulcanizing of soles to uppers other than leather, or molding of plastic; including, but without limitation, shoes, slippers, sandals, moccasins, boots, boot tops, puttees (except spiral puttees), athletic shoes, burial shoes, and shoes completely rebuilt in a shoe factory; the manufacture from any material (except rubber, composition of rubber, or plastic molded to shape) of cut stock and findings for footwear, including, but without limitation, heels (except wood heel blocks), linings, vamps, quarters, outsoles, midsoles, insoles, taps, lifts, rands, toplifts, bases, shanks, box toes, counters, stays, stripping, sock linings, heel pads, pasted shoe stock, and bows, ornaments, and trimmings designed primarily for use on shoes; and the manufacture of boot and shoe patterns.

(b) The rubber products industry in Puerto Rico, to which this part shall apply, is defined as follows: The manufacture of all products made chiefly of natural, synthetic, or reclaimed rubber or latex, including, among others: Industrial and mechanical rubber goods, rubber specialties, and sundries, new, rebuilt, and retreaded tires and tubes, rubber tile, and reclaimed rubber; and the manufacture or partial manufacture of footwear made by vulcanizing the entire article or made by vulcanizing soles to uppers other than leather: *Provided, however,* That the industry shall not include any activity included in the chemical, petroleum, and related products industry, the children's dress and related products industry, the corsets, brassieres, and allied garments industry, the men's and boys' clothing and related products industry, the women's outerwear, needlework and fabricated textile products industry, and the textile and textile products industry, as defined in the wage orders for those industries.

(c) The jewelry, decorations, brushes, and novelties industry in Puerto Rico is defined as the manufacture of flowers, buds, berries, foliage, leaves, fruits, plants, stems, and branches which are made from materials other than molded plastics and which are commonly or commercially known as artificial; the manufacture of party favors and ornaments and decorations for holidays, except those made of molded plastic or metal other than metallic chenille, foil, or tinsel; the manufacture from any material of buttons, buckles, jewelry (including rosaries), jewelry findings (including beads) and hair ornaments and accessories; the processing of natural or synthetic stones for jewelry or industrial use; and the manufacture of products made wholly or chiefly of straw, raffia, sisal, maguey, palm leaves, rushes, grasses, hair, hair bristles, feathers, and similar materials: *Provided, however,* That the industry shall not cover products of activities included in the children's dress and related products industry (29 CFR 610), the men's and boys' clothing and related products industry (29 CFR 615), the shoe and related products industry (29 CFR 601), the textile and textile products industry (29 CFR 699), the metal, machinery, transportation equipment, and allied products industry (29 CFR 604), or the fabricated plastic products industry (29 CFR 690).

(d) The fabricated plastic products industry in Puerto Rico is defined as follows: The molding, extrusion, lamination, or other forming, and the fabrication of plastic products: *Provided, however,* That the industry shall not include the manufacture from plastic materials (except plastic molded to shape) of footwear and cut stock and findings for footwear; the manufacture of apparel and apparel furnishings and accessories; and any activity included in the jewelry, decorations, brushes and novelties industry (29 CFR Part 613), the leather, leather goods, and related products industry (29 CFR Part 602), the women's outerwear, needlework, and fabricated textile products industry (29 CFR Part 612), and the chemical, petroleum, and related products industry (29 CFR Part 670), as defined in the wage orders for those industries in Puerto Rico.

(e) The sugarcane farming industry is defined as all activities within the sugarcane classification recommended by Industry Committee No. 80 and given effect at 34 F.R. 17732 (Nov. 1, 1969), which are the following: The preparation of the soil, the planting and cultivating of sugarcane (all work related to the growing and maturing of the crop), the harvesting of sugarcane (cutting, piling, loading, transloading, and all transportation by or for the account of the grower to the point at which title to the sugarcane passes to others), and any other work related to the production and delivery of sugarcane by the grower performed on a farm as an incident to or in conjunction with the farming operations of the grower.

(f) The sugar manufacturing industry in Puerto Rico is defined as follows: The production of raw sugar, cane juice, molasses, and refined sugar, and incidental byproducts; all railroad transportation activities carried on by a producer of any of these products (or by any firm owned or controlled by, or owning and controlling such producer, or by any firm owned or controlled by the parent company of such producer) where the railroad transportation activities are in whole or in part used for the production or shipment of the products of the industry; and any transportation activities by truck, vessel, or other vehicle performed by a producer of products of the industry in connection with the production or shipment of such products by such producer: *Provided, however,* That the industry shall not include any transportation activity covered by the wage order for the communications, utilities, and transportation industry (29 CFR Part 671), or any transportation activity to which the agricultural exemption contained in section 13(a) of the Act was applicable prior to February 1, 1967.

(g) The lumber and wood products industry in Puerto Rico is defined as follows: The logging, wood preserving, and the manufacture of all products made from lumber and wood and related materials, including, but without limitation, sawmill products; planing and plywood mill products; furniture; office and store fixtures; boxes and containers; cooperage; window and door screens and blinds; caskets and coffins; matches; trays, bowls, and other woodenware; excelsior, cork, bamboo, rattan, and willowware articles such as hampers, baskets, coasters, and table pads; and charcoal: *Provided, however,* That the industry shall not include any product or activity in the metal, machinery, transportation equipment, and allied products industry (29 CFR Part 604), the jewelry, decorations, brushes, and novelties industry (29 CFR Part 613), the construction industry (29 CFR Part 726), or the paper, paper products, printing, and publishing industry (29 CFR Part 677).

(h) The stone, clay, glass, cement, and related products industry in Puerto Rico is defined as follows: The mining, quarrying, or other extraction and the further processing of all minerals (other than metal ores, chemical and fertilizer minerals, coal, petroleum, or natural gases) and the manufacture of products from such minerals, including, but without limitation, structural clay products, china, pottery, tile, and other ceramic products and refractories; glass and glass products (except lenses); dimension and cut stone; crushed stone; sand and gravel; hydraulic cement; abrasives; lime, concrete, gypsum, mica, plaster, and asbestos products; and the manufacture of products from bone, horn, ivory, shell, and similar natural materials; *Provided, however,* That the industry shall not include any product or activity included in the button, jewelry,

decorations, brushes, and novelties industry (29 CFR Part 613); the construction industry (29 CFR Part 726); the metal, machinery, transportation equipment, and allied products industry (29 CFR Part 604); or the chemical, petroleum, and related products industry (29 CFR Part 670).

(i) The electrical, instrument, and related products industry in Puerto Rico is defined as follows: The manufacture, assembling, and repair of machinery, apparatus, equipment and supplies for the generation, storage, transmission, transformation, and utilization of electrical energy; and the manufacture, assembly, and repair of instruments, lenses, apparatus, and equipment for scientific, professional, industrial measurement, photographic, ophthalmic, musical, and horological purposes: *Provided, however,* That the industry shall not include industrial and commercial machinery powered by electric motors; measuring-and-dispensing pumps; ophthalmic frames; or any activity included in the stone, clay, glass, cement, and related products industry (29 CFR Part 678).

(j) The paper, paper products, printing, and publishing industry in Puerto Rico is defined as follows: The manufacture of pulp from woods, rags, bagasse, and other fibers; the conversion of such pulp into paper, paperboard, and building board; the manufacture of paper, paperboard, and pulp into bags, boxes, containers, tags, cards, envelopes, pressed and molded pulp goods, and all other converted paper products; the printing performed on the foregoing and on allied products; the printing or publishing of newspapers, books, periodicals, maps, and music; and all manufacturing and service operations performed by typesetters, advertising typographers, electrotypers, stereotypers, photoengravers, steel and copper plate engravers, commercial printers, lithographers, gravure printers, private printing plants of concerns engaged in other business, binderies, and news syndicates: *Provided, however,* That the industry shall not include any product or activity included in the leather, leather goods, and related products industry (29 CFR Part 602).

(k) The chemical, petroleum, and related products industry in Puerto Rico to which this part shall apply, is defined as follows:

(1) The manufacture or packaging of chemicals, drugs, medicines, toilet preparations, cosmetics, and related products; the mining or other extraction or processing of any mineral used in the production of the foregoing; and the mining or other extraction of petroleum, coal, or natural gases and the manufacture of products therefrom: *Provided, however,* That the industry shall not include any activity included in the alcoholic beverage and industrial alcohol industry, and the food and related products industry, as defined in the wage orders for those industries, and any activity performed in the capacity of a public utility.

(2) The products of this industry include, among others: Primary plastic materials such as sheets, rods, tubes, filaments, granules, powders, and liquids; soap and glycerin; cleaning and polishing preparations; paints, varnishes, colors, dyes, inks, putty, and fillers; wood distillation and naval stores; fertilizers; vegetable and animal oils and fats; candles; glue and gelatin; compressed and liquefied gases, insecticides and fungicides; salt; explosives, fireworks and pyrotechnics; coke and coke-oven by-products; paving mixtures and blocks containing asphalt, creosote, or tar; fuel briquettes; roofing felts and coatings; and asphalt tile and linoleum.

3. Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), and 29 CFR Part 511, I hereby:

(a) Convene the above-appointed industry committees;

(b) Refer to the industry committees the question of the minimum rates of wages to be fixed for those classifications in the above-mentioned industries in Puerto Rico for which the minimum rate of $1.60 an hour has not been heretofore reached.

(c) Give notice of the hearings to be held by the several committees at the times and place indicated below. The committees shall investigate conditions in the industries, and the committees, or any authorized subcommittee thereof, shall hear witnesses and receive such evidence as may be necessary or appropriate to enable the committees to perform their duties and functions under the aforementioned Act.

Industry Committee No. 107–A will meet in executive session to commence its investigation at 9:30 a.m. and begin its public hearing at 10:30 a.m. on Monday, February 7, 1972. Following this hearing, Industry Committee No. 107–B will immediately convene to conduct its investigation and to hold its hearing.

Industry Committee No. 108–A will meet in executive session to commence its investigation at 9:30 a.m. and begin its public hearing at 10:30 a.m. on Monday, March 6, 1972. Following this hearing, Industry Committee No. 108–B will immediately convene to conduct its investigation and to hold its hearing.

Industry Committee No. 109–A will meet in executive session to commence its investigation at 9:30 a.m. and begin its public hearing at 10:30 a.m. on Monday, June 5, 1972. Following this hearing, Industry Committee No. 109–B will immediately convene to conduct its investigation and to hold its hearing.

Industry Committee No. 110–A will meet in executive session to commence its investigation at 9:30 a.m. and begin its public hearing at 10:30 a.m. on Monday, June 19, 1972. Following this hearing, Industry Committee No. 110–B will immediately convene to conduct its investigation and to hold its hearing.

The hearings will take place in the offices of the Wage and Hour Division on the seventh floor of the Condominio San Alberto Building, 1200 Ponce De Leon Avenue, Santurce, P.R.

Each industry committee shall recommend to the Administrator of the Wage and Hour Division of the Department of Labor the highest minimum wage rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, or American Samoa. However, no industry committee shall recommend minimum wage rates in excess of $1.60 an hour; nor shall Industry Committee No. 109–A recommend minimum rates in excess of $1.30 an hour for any classification in the sugarcane farming industry.

Whenever an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities in the industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein and in 29 CFR 511.10 which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, each industry shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employees and employers by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for each industry committee containing such data as he is able to assemble pertinent to the matters referred to them. Copies of such reports may be obtained at the national and Puerto Rican offices of the Wage and Hour Division of the U.S. Department of Labor as soon as they are completed and prior to the hearings. The industry committees shall take official notice of the facts stated in the economic reports to the extent that they are not refuted at the hearing.

The procedure of industry committees shall be governed by 29 CFR Part 511. Interested persons wishing to participate in any of the hearings shall file prehearing statements, as provided in 29 CFR 511.8 containing the data specified in that section not later than 10 days before the first hearing date set for each committee as set forth in this notice of hearing, i.e., January 28, 1972, for matters to be considered by Industry Committees Nos. 107–A or 107–B; February 25, 1972, for matters to be considered

by Industry Committees Nos. 108–A or 107–B; May 26, 1972, for matters to be considered by Industry Committees Nos. 109–A or 107–B; and June 9, 1972, for matters to be considered by Industry Committees Nos. 110–A or B.

Signed at Washington, D.C., this 20th day of September 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71–14162 Filed 9–24–71;8:46 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19297]

FM BROADCAST STATIONS

Table of Assignments; Certain States; Order Extending Time

In the matter of amendment of § 73.202, *Table of Assignments, FM Broadcast Stations.* (Modesto, Turlock, and Patterson, Calif.; Albuquerque, N. Mex.; Centerville, Iowa; and Milford, Del., Docket No. 19297, RM–1611, RM–1612, RM–1622, RM–1625, RM–1661.

1. This proceeding was begun by notice of proposed rule making (FCC 71–802) adopted August 4, 1971, released August 9, 1971, and published in the FEDERAL REGISTER August 12, 1971, 36 F.R. 15057. The dates presently designated for filing comments and reply comments are September 16, 1971, and September 27, 1971, respectively.

2. On September 14, 1971, Vancomar Broadcasting Corp. (Vancomar) (petitioner), requested an extension of time to and including September 30, 1971, for filing comments. Vancomar states that its preclusionary study is not completed and therefore the additional time is necessary.

3. It appears that the requested extension is warranted and would serve the public interest. *Accordingly, it is ordered,* That the request of Vancomar Broadcasting Corp. is granted to and including September 30, 1971 for the filing of comments and October 15, 1971, for the filing of reply comments (RM–1625 only).

4. This action is taken pursuant to authority found in sections 4(i) and 313 (r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: September 16, 1971.

Released: September 17, 1971.

[SEAL] ROBERT J. RAWSON,
Deputy Chief, Broadcast Bureau.

[FR Doc.71–14193 Filed 9–24–71;8:49 am]

[47 CFR Part 91]

[Docket No. 19312; FCC 71–945]

BASIC INDUSTRIAL COMMUNICATIONS EMERGENCY PLAN

Notice of Proposed Rule Making

In the matter of amendment of Part 91 of the Commission's rules to provide for a Basic Industrial Communications Emergency Plan (ICEP), Docket No. 19312.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. The National Industry Advisory Committee has transmitted a proposed Basic Industrial Communications Emergency Plan (ICEP) to the Commission for consideration. Prior to this proceeding, comments regarding the plan were solicited from the following Federal Government agencies: Office of Telecommunications Policy; Department of Commerce; Department of Interior, Department of Defense and the Federal Power Commission. These agencies, except DOD, responded and generally concurred in the plan as submitted. On July 27, 1971, DOD indicated they would make every effort to expedite a reply.

3. In this proceeding, the Commission proposes to promulgate revised rules, set forth in detail in Appendix I, which would provide for a broad Basic Industrial Communications Emergency Plan (ICEP) for industrial entities which would contain provisions for essential emergency communications during a grave National crisis or war or other National, Regional, State, or area situation posing a threat to the safety of life and property. The Commission also proposes to promulgate the Basic ICEP plan as shown in Appendix II.[1]

4. The purpose of this plan, set forth in detail in Appendix II, is to provide the policy, authority, and guidelines for the emergency communications operations of the industrial entities (industries eligible for a license under Part 91 of the rules) and to serve as a planning guide for the development and implementation of detailed Industrial Communications Emergency Operational Plans which will conform to, and become supplements of, this Basic Plan.

5. The proposed amendment to the rules, as set forth above, is issued pursuant to the authority contained in sections 1, 4(i), 301, 303, 305, 307, 308, 312, 316, 318, 319, and 606 and other pertinent sections of the Communications Act of 1934, as amended, and Executive Order 11490.

6. Pursuant to the applicable procedures set forth in § 1.145 of the Commission's rules, interested persons may file comments on or before October 22, 1971, and reply comments on or before November 2, 1971. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

7. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its Headquarters in Washington, D.C.

Adopted: September 8, 1971.

Released: September 23, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX I

Part 91 of the Commission's rules and regulations is amended as follows:

1. Section 91.161 is revised to read as follows:

§ 91.161 Industrial radio services emergency operation.

(a) *Scope and objective.* The following rule provisions establish an Emergency Action Notification System for all Industrial Radio Service licensees of the Federal Communications Commission, and a Basic Industrial Communications Emergency Plan (ICEP). The objectives are to provide an expeditious means for the dissemination of an Emergency Action Notification to Industrial Radio Service licensees of the Federal Communications Commission during conditions of a grave national crisis or war, and to provide for a Basic Industrial Communications Emergency Plan (ICEP), including the annexes and supplements to that plan, which would be activated upon release of an Emergency Action Notification by direction of the President of the United States.

(b) *Day-to-day emergency operations.* For day-to-day emergencies covering a broad range of contingencies the emergency communications systems of industry may be activated by FCC approved alternate notification means as provided in detailed operational plans.

(c) *Definitions*—(1) *Basic Industrial Communications Emergency Plan (ICEP).* The Basic Industrial Communications Emergency Plan is a plan containing, among other things, approved basic concepts and designated national-level systems, arrangements, procedures, and interconnecting facilities to carry out vital communications requirements of various segments of industries eligible under this Part 91 of the rules and regulations, including communications with

[1] Appendix II filed as part of the original document.

[2] Commissioner Johnson not participating.

interested Government agencies, to operate in a controlled manner over a broad range of emergency contingencies during a grave national crisis or war or other national, regional, State, or area situation posing a threat to the safety of life and property.

(2) *Emergency Action Condition.* The period of time between the transmission of an Emergency Action Notification and the transmission of the Emergency Action Condition Termination.

(3) *Emergency Action Notification.* The notice to all licensees and regulated services of the Federal Communications Commission and to the general public of the existence of an Emergency Action Condition. The Emergency Action Notification is released upon direction of the President of the United States and is disseminated only via the Emergency Action Notification System.

(4) *Emergency Action Condition Termination.* The notice to all licensees and regulated services of the Federal Communications Commission, and to the general public, of the termination of an Emergency Action Condition. The Emergency Action Condition Termination is released upon direction of the President of the United States and is disseminated only via the Emergency Action Notification System.

(5) *Alternate Emergency Action Notification and Termination.* All emergency operations authorized herein, may be utilized in national, regional, State, and area day-to-day emergencies covering a broad range of contingencies posing a threat to the safety of life and property where alternate notifications means have been provided in detailed operational plans.

(6) *Emergency Action Notification System.* The System by which all licensees and regulated services of the Federal Communications Commission, and the general public, are notified of the existence of an Emergency Action Condition resulting from a grave national crisis or war. The Emergency Action Notification System and the Basic Industrial Communications Emergency Plan consist only of the following approved facilities, systems and arrangements:

(i) *First method.* From the President of the United States via the White House Communications Agency to the Associated Press (AP) and United Press International (UPI); thence via automatic selective switching and teletype Emergency Action Notification to all standard, FM, and television broadcast and other stations (including industrial stations) subscribing to the AP and UPI Radio Wire Teletype Networks.

(ii) *Second method.* From the President of the United States via the White House Communications Agency to specified control points of the nationwide commercial radio and television broadcast networks, the American Telephone and Telegraph Co. and other specified points via a dedicated teletypewriter networks; thence to all affiliates via any available internal commercial radio and television network alerting facilities.

(iii) *Third method.* Off-the-air monitoring of specified standard, FM, and television broadcast stations by standard, FM, and television broadcast stations and Federal Communications Commission licensees (including industrial licensees) for recept of the Emergency Action Notification. All broadcast station licensees are required to install, maintain, and operate radio receiving equipment for receipt of the Emergency Action Notification.

(iv) *Fourth method.* Off-the-air monitoring of standard, FM, and television broadcast stations by the general public who are listening or viewing or whose receivers can be activated by standardized selective signaling transmitted by said stations.

(7) *National Defense Emergency Authorization (NDEA).* A National Defense Emergency Authorization is an authorization issued by the Federal Communications Commission to the licensees of industrial stations to permit operation of such stations on a voluntary organized basis during an Emergency Action Condition, consistent with the provisions of this subpart, and the Basic Industrial Communications Emergency Plan (ICEP), including the annexes and supplements to that plan. An industrial station licensee will be issued a National Defense Emergency Authorization on a system basis only in accordance with the criteria for eligibility set forth in the Basic Industrial Communications Emergency Plan (ICEP), which will remain valid concurrently with the term of the industrial station license, so long as the station licensee continues to comply with the criteria for eligibility.

(d) *Emergency operation.* (1) Upon receipt of the Emergency Action Notification, the Basic Industrial Communications Emergency Plan (ICEP), including approved and authorized facilities, systems, arrangements, procedures, and interconnecting facilities, will be immediately activated and maintained in an operational status for the duration of the Emergency Action Condition (grave national crisis or war).

(2) Over and above the permissive provisions of all applicable rules and notwithstanding any provisions of this chapter, or license restrictions to the contrary, systems covered by a National Defense Emergency Authorization and operated by licensees participating in the Industrial Communications Emergency Plan (ICEP) are authorized to operate in accordance with the provisions of this paragraph under the emergency conditions and for the periods of time specified above:

(i) To share facilities with, or interconnect with, any other communications facilities necessary to accomplish the industry's communications requirements where such sharing and/or interconnection is mutually acceptable.

(ii) To use mobile frequencies to provide point-to-point services and to effect tie-ins between established fixed services.

(iii) To use any type of modulation, including multiplex, so long as the occupied bandwidth does not exceed that normally authorized on the frequency involved, and to use any operating power not exceeding the maximum specified under Part 91, subject to mutual resolution of any resulting interference.

(iv) To periodically test any facility established solely for emergency use under this section.

(e) *Notification of Emergency Action Condition.* (1) Authority for release of the Emergency Action Notification rests solely with the President of the United States. This authority has not been delegated, except as set forth in paragraph (b) of this section.

(2) Under the President's responsibility to activate the Emergency Broadcast System (EBS), he has directed that in the event an enemy attack has been detected, the White House Communications Agency shall be authorized to activate the Emergency Broadcast System (EBS) and the Office of Civil Defense shall be authorized to follow with the dissemination of appropriate warning messages.

(3) Upon release of the Emergency Action Notification all provisions of the Basic Emergency Broadcast System (EBS) plan, annexes, and supplements thereto, and all approved plans for all other Federal Communications Commission licensed and regulated services, including the Industrial Radio Services, shall become effective for the duration of the Emergency Action Condition.

(4) The Emergency Action Notification will be released by direction of the President and will be disseminated only via the four methods of the Emergency Action Notification System.

(f) *Termination of Emergency Action Condition.* Upon receipt of an Emergency Action Condition Termination, released upon direction of the President via the Emergency Action Notification System, the industry personnel charged with operation of the Basic Industrial Communications Emergency Plan (ICEP) will make detailed arrangements to conclude operations under the plan.

(g) *Tests of approved interconnecting systems and facilities.* Tests of approved interconnecting systems and facilities voluntarily participating in the Basic Industrial Communications Emergency Plan (ICEP) may be conducted at intervals consistent with the need of the industries to ensure proper operation of the industries and services making up the emergency operation. Where radio stations are involved, appropriate entries shall be made in the station operating log.

[FR Doc.71-14194 Filed 9-24-71;8:50 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 700]

DEFINITIONS

Proposed Definition of Risk Assets

Notice is hereby given that the Administrator of the National Credit Union

Administration, pursuant to the authority conferred by section 120, 73 Stat. 635, 12 U.S.C. 1766 and section 209, 85 Stat. 1015, 12 U.S.C. 1789, proposes to revise § 700.1 (12 CFR 700.1) by adding a new paragraph (j) as set forth below.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed revision to the Administrator, National Credit Union Administration, 1325 K Street NW., Washington, DC 20456, to be received not later than October 30, 1971.

HERMAN NICKERSON, Jr.,
Administrator.

SEPTEMBER 17, 1971.

§ 700.1 Definitions.

* * * * *

(j) For the purpose of establishing the reserves required by section 116 of the Federal Credit Union Act, all assets except the following shall be considered risk assets:

(1) Cash on hand.

(2) Deposits and/or shares in federally insured banks, savings and loan associations, and credit unions.

(3) Assets which are insured by, fully guaranteed as to principle and interest by, or due from the U.S. Government, its agencies, or the Federal National Mortgage Association.

(4) Loans to federally insured credit unions.

[FR Doc.71-14163 Filed 9-24-71;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230, 240, 250, 270, 275]

[Releases Nos. 33-5190, 34-9334, 35-17264, IA-295, and IC-6725]

FEE SCHEDULE FOR FILINGS AND SERVICES

Notice of Proposed Rule Making

The Securities and Exchange Commission has authorized publication of the following proposed fee schedule for certain filings and services under the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Investment Advisers Act of 1940 and the Investment Company Act of 1940. It is proposed to charge fees for certain filings and services under these Acts where no charges have previously been made, and there will be no refund of any fees. Rule 457 [17 CFR 230.457] under the Securities Act of 1933 is proposed to be amended to provide that no refund of the Securities Act registration fee will be made once the registration statement has been filed.

This notice is published to solicit comments regarding this proposed fee schedule. No action will be taken until such time as the wage-price freeze recently announced either lapses or is modified to allow adoption of a fee schedule.

Over the past few years Congress has expressed concern that the Federal Government is not receiving sufficient returns for the services it renders. It has been suggested that agencies review their schedules of fees and charges with a view to making increases or adjustments to offset the increasing needs for direct appropriations for agency operating costs. (See S. Rept. No. 1375, 90th Cong., second session, 3 (1968).) In the hearings on independent offices appropriations before the Subcommittee of the Appropriations Committee, House of Representatives, it was also suggested that the Commission could become self-sustaining. (See Hearings on Independent Offices Appropriations before the Subcommittee on Independent Offices and Department of Housing and Urban Development of the House Committee on Appropriations, 91st Cong., first session. pt. 2 at 517 (1969).)

The authorization to establish fees is found in title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C.A. sec. 483(a)) which is applicable to all Federal independent agencies, including the Securities and Exchange Commission, and reads as follows:

> It is the sense of the Congress that any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration or similar thing of value or utility performed, furnished, provided, granted or issued by any Federal agency (including wholly owned Government corporations as defined in the Government Control Act of 1945) to or for any person (including groups, associations, organizations, partnerships, corporations or businesses), except those engaged in the transaction of official business of the Government, shall be self-sustaining to the full extent possible, and the head of each Federal agency is authorized by regulation (which in the case of agencies of the Executive Branch, shall be as uniform as practicable and subject to such policies as the President may prescribe) to prescribe therefor such fee, charge or price, if any, as he shall determine, in case none exists, or redetermine in case of an existing one, to be fair and equitable taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts, and any amount so determined or redetermined shall be collected and paid into the Treasury as miscellaneous receipts: *Provided*, That nothing contained in this section shall repeal or modify existing statutes prescribing bases for calculation of any fee charge or price, but this proviso shall not restrict the redetermination or recalculation in accordance with prescribed bases of the amount of such fee, charge or price.[1]

The Bureau of the Budget in Circular No. A-25 (September 23, 1959) established general policies under title V. As early as 1953, the Bureau of the Budget indicated that among types of activities included in a proposed fee schedule were "registrations, conditional exemptions from registration and qualifications filed with the Securities and Exchange Commission" (November 5, 1953).

The fee schedule imposed herein has been prepared in the light of the above executive and Congressional directives. The proposed rules would impose the following fees and charges:

Securities Act of 1933. 1. Notifications and other exemptive filings under section 3(b) of the Securities Act of 1933—$100 per offering.

Securities Exchange Act of 1934. 2. Registration pursuant to section 12 of the Securities Exchange Act of 1934 of securities traded on exchanges and in the over-the-counter market—$250 per filing.

3. Annual reports under section 13 or 15(d) of the Securities Exchange Act of 1934—$250 per filing.

4. Proxy and information statements filed pursuant to section 14 (a) or (c) of the Securities Exchange Act of 1934—from $125 to $1,000. For details see infra.

5. Acquisition or tender offer statements filed pursuant to section 13(d) or 14(d) of the Securities Exchange Act of 1934—$100.

Public Utility Holding Company Systems. 6. Annual Report by Public Utility Holding Companies pursuant to section 14 of the Public Utility Holding Company Act of 1935 and Annual Reports by Mutual Service Companies pursuant to section 13(c) of the Public Utility Holding Company Act of 1935—$250 per report.

7. Application, declaration, or exemption statement filed pursuant to the Public Utility Holding Company Act of 1935—$2,000 per application, declaration, or exemption statement.

Investment advisers. 8. Registration pursuant to section 203(b) of the Investment Advisers Act of 1940—$150 per filing.

9. Assessment for Investment Advisers registered with the Commission under the Investment Advisers Act of 1940—$100 annually.

Investment companies. 10. Registration pursuant to section 8(b) of the Investment Company Act of 1940—$1,000 per filing.

11. Annual report filed pursuant to section 30(a) of the Investment Company Act of 1940—$250 per filing.

12. Application under the Investment Company Act of 1940—$500 per application.

13. Proxy consent and authorization material filed pursuant to section 20(a)

[1] The Seventh Circuit Court of Appeals in Aeronautical Radio Inc. v. United States and Federal Communications Commission, 335 F 2d 304 (1964), certiorari denied, 379 U.S. 966 (1965) held that title V is not an unconstitutional delegation of legislative power and provided constitutional essentials for valid delegation of legislative power by stating legislative object, methods of achievement and guiding standards for the administrator. Moreover, the mere fact that the statute is permissive in nature, rather than mandatory or contingent upon prerequisite finding, does not constitute the statute an unconstitutional abdication of legislative functions.

The fees imposed by the Federal Communications Commission in that case, like those the Commission is proposing, were prescribed under the authority of title V of the Independent Offices Appropriations Act, 1952, cited above.

of the Investment Company Act of 1940—$125 per filing.

No refunds of any of the above fees would be permitted. Foreign issuers will pay the same fee as domestic issuers.

Chapter II of Title 17 of the Code of Federal Regulations would be amended as follows:

I. Paragraph (a) of § 230.457 of this chapter would be amended as follows:

§ 230.457 Computation of fee.

(a) If a filing fee based on a bona fide estimate of the maximum offering price, computed in accordance with this rule where applicable, has been paid, no additional filing fee shall be required as a result of changes in the proposed offering price. If the number of shares or other units of securities, or the principal amount of debt securities to be offered is increased by an amendment filed prior to the effective date of the registration statement, an additional filing fee, computed on the basis of the offering price of the additional securities, shall be paid. There will be no refund once the statement is filed.

* * * * *

II. Paragraph (a) of § 230.236 of this chapter would be amended as follows:

§ 230.236 Exemption of shares offered in connection with certain transactions.

* * * * *

(a) * * * At the time of filing this information, the applicant shall pay to the Commission a fee of $100, no part of which shall be refunded.

* * * * *

III. Paragraph (b) of § 230.255 of this chapter would be amended as follows:

§ 230.255 Filing of notification on Form 1–A.

* * * * *

(b) * * * At the time of filing a notification, the applicant shall pay to the Commission a fee of $100, no part of which shall be refunded.

* * * * *

IV. The preamble paragraph of § 230.330 of this chapter would be amended as follows:

§ 230.330 Form and contents of offering sheets.

* * * At the time of filing the offering sheet, the applicant shall pay to the Commission a fee of $100, no part of which shall be refunded.

* * * * *

V. Paragraph (a) of § 230.604 of this chapter would be amended as follows:

§ 230.604 Filing of notification on Form 1–E.

(a) At least 10 days (Saturdays, Sundays, and holidays excluded) prior to the date on which the initial offering of any securities is to be made under §§ 230.601 to 230.610a, there shall be filed with the Commission four copies of a notification on Form 1–E. At the time of filing the notification, the applicant shall pay to the Commission a fee of $100, no part of which shall be refunded. The Commission may, however, in its discretion, authorize the commencement of the offering prior to the expiration of such 10-day period upon a written request for such authorization.

* * * * *

VI. Section 230.652 of this chapter would be amended as follows:

§ 230.652 Filing of notification.

At least 10 days (Saturdays, Sundays, and holidays excluded) prior to the date on which the initial offering of any securities is to be made under §§ 230.651 to 230.656, there shall be filed with the Regional Office of the Commission for the region in which the issuer conducts its principal business operations four copies of a notification on Form 1–F containing the information specified in that form. At the time of filing the notification, the applicant shall pay to the Commission a fee of $100, no part of which shall be refunded. The Commission may, in its discretion authorize the commencement of the offering prior to the expiration of such ten-day period upon a written request for such authorization.

VII. Part 230 of this chapter would be amended by adding thereunder a new § 230.111, reading as follows:

§ 230.111 Payment of fees.

All payments of fees shall be made in cash or by United States postal money order, bank cashier's check or bank money order payable to the Securities and Exchange Commission, omitting the name or title of any official of the Commission.

VIII. Section 230.458 of this chapter would be rescinded.

§ 230.458 [Rescinded]

IX. Part 240 of this chapter would be amended by adding thereunder a new § 240.12b–7, reading as follows:

§ 240.12b–7 Filing fee.

At the time of filing the registration statement, the registrant shall pay to the Commission a fee of $250, no part of which shall be refunded.

X. Section 240.13a–1 of this chapter would be amended as follows:

§ 240.13a–1 Requirements of annual reports.

* * * At the time of filing the annual report, the registrant other than a person registered under the Public Utility Holding Company Act of 1935 or the Investment Company Act of 1940 shall pay to the Commission a fee of $250, no part of which shall be refunded.

XI. Section 240.13d–1 of this chapter would be amended as follows:

§ 240.13d–1 Filing of Schedule 13D (§ 240.13d–101).

* * * At the time of filing the statement, the person making the filing shall pay to the Commission a fee of $100, no part of which shall be refunded.

XII. Section 240.14a–6 of this chapter would be amended by adding thereunder a new paragraph (i), reading as follows:

§ 240.14a–6 Material required to be filed.

* * * * *

(i) At the time of filing the preliminary proxy solicitation material, the persons upon whose behalf the solicitation is made, other than companies registered under the Investment Company Act of 1940, shall pay to the Commission the following applicable fee: (1) For preliminary proxy material which solicits proxies for election of directors or other business for which a stockholder vote is necessary, but apparently no controversy is involved a fee of $125; (2) for proxy material where a contest is involved a fee of $500 from each party to the controversy; and (3) for proxy material involving acquisitions or mergers, a fee of $1000. There shall be no refunds.

XIII. Paragraph (a) of § 240.14c–5 of this chapter would be amended as follows:

§ 240.14c–5 Filing of information statement.

(a) * * * At the time of filing the preliminary information statement, the issuer shall pay to the Commission a fee of $125, no part of which shall be refunded.

* * * * *

XIV. Section 240.14d–4 of this chapter would be amended by adding thereunder a new paragraph (d), reading as follows:

§ 240.14d–4 Filing of Schedule 14D.

* * * * *

(d) At the time of filing of the statement the person making the filing shall pay to the Commission a fee of $100, no part of which shall be refunded.

XV. Section 240.15d–1 of this chapter would be amended as follows:

§ 240.15d–1 Requirements of annual reports.

* * * At the time of filing the annual report, the registrant shall pay to the Commission a fee of $250, no part of which shall be refunded.

XVI. Part 240 of this chapter would be amended by adding thereunder a new § 240.0–9, reading as follows:

§ 240.0–9 Payment of fees.

All payment of fees shall be made in cash or by U.S. postal money order, bank cashier's check or bank money order payable to the Securities and Exchange Commission, omitting the name or title of any official of the Commission.

XVII. Section 250.1 of this chapter would be amended by adding thereunder a new paragraph (d), reading as follows:

§ 250.1 Registration.

* * * * *

(d) At the time of filing Form U5S every registered holding company shall pay to the Commission a fee of $100, no part of which shall be refunded.

XVIII. Section 250.94 of this chapter would be amended as follows:

§ 250.94 Annual reports by mutual and subsidiary service companies.

* * * At the time of filing Form U-13-60 every mutual service or subsidiary service company filing such form shall pay to the Commission a fee of $250, no part of which shall be refunded.

XIX. Part 250 of this chapter would be amended by adding thereunder a new § 250.106, reading as follows:

§ 250.106 Fees.

At the time of filing any application or declaration or exemption statement under the Act the person making such filing shall pay to the Commission a fee of $2,000, no part of which shall be refunded.

XX. Part 250 of this chapter would be amended by adding thereunder a new § 250.107, reading as follows:

§ 250.107 Payment of fees.

All payment of fees shall be made in cash or by U.S. postal money order, bank cashier's check or bank money order payable to the Securities and Exchange Commission, omitting the name or title of any official of the Commission.

XXI. Part 275 of this chapter would be amended by adding thereunder a new § 275.203-3, reading as follows:

§ 275.203-3 Fees for registrants and applicants.

(a) At the time of filing by an investment adviser of an application for registration under the Act, the applicant shall pay to the Commission a fee of $150, no part of which shall be refunded.

(b) Every registered investment adviser shall pay a $100 assessment annually to the Commission while its registration is effective. Such assessment must be paid by each registrant by January 31 of the year following the end of the calendar year in which the investment adviser has been registered. No part of this assessment will be refunded.

(c) All payments of fees shall be made in cash or by U.S. postal money orders, bank cashier's check, or bank money order payable to the Securities and Exchange Commission, omitting the name or title of officials of the Commission.

XXII. Section 270.0-5 of this chapter would be amended by adding thereunder a new paragraph (d), reading as follows:

§ 270.0-5 Procedures with respect to applications and other matters.

* * * * *

(d) At the time of filing by a registered investment company of an application under the Act the applicant shall pay to the Commission a fee of $500, no part of which shall be refunded.

XXIII. Part 270 of this chapter would be amended by adding thereunder a new § 270.0-8, readings as follows:

§ 270.0-8 Payment of fees.

All payment of fees shall be made in cash or by U.S. postal money order, bank cashier's check, or bank money order payable to the Securities and Exchange Commission, omitting the name or title of any official of the Commission.

XXIV. Part 270 of this chapter would be amended by adding thereunder a new § 270.8b-6, reading as follows:

§ 270.8b-6 Fee for registration.

At the time of filing of a registration statement pursuant to section 8(b) of the Act by any registered investment company such company filing such statement shall pay to the Commission a fee of $1,000, no part of which shall be refunded.

XXV. Section 270.20a-1 of this chapter would be amended by adding thereunder a new paragraph (c), reading as follows:

§ 270.20a-1 Solicitations of proxies, consents, and authorizations.

* * * * *

(c) In lieu of the fees specified in § 240.14a-6 of this chapter, at the time of filing the preliminary solicitation material, the person upon whose behalf the solicitation is made shall pay to the Commission a fee of $125, no part of which shall be refunded.

XXVI. Paragraph (a) of § 270.30a-1 of this chapter would be amended as follows:

§ 270.30a-1 Annual reports.

(a) * * * At the time of filing such annual report, the registered investment company shall pay to the Commission a fee of $250, no part of which shall be refunded.

* * * * *

The foregoing actions would be taken pursuant to title V of the Independent Offices Appropriations Act of 1952; section 19(a) of the Securities Act of 1933; section 23(a) of the Securities Exchange Act of 1934; section 20 of the Public Utility Holding Company Act of 1935; sections 203, 204, and 211 of the Investment Advisors Act of 1940; and section 38(a) of the Investment Company Act of 1940.

All interested persons may submit data, views, and comments in writing to the attention of A. Jones Yorke, Executive Director, Securities and Exchange Commission, Washington, D.C. 20549, on or before October 22, 1971. It will be appreciated if three copies of comments will be furnished. All communications will be considered available for public inspection.

By the Commission, September 13, 1971.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.71-14164 Filed 9-24-71;8:47 am]

Notices

DEPARTMENT OF STATE

[Notice 346]

WASCANA PIPE LINE, INC.

Notice of Application for Pipeline Permit

The Department of State has received an application, dated July 26, 1971, from Wascana Pipe Line, Inc., a Delaware corporation, for a permit to construct, operate and maintain a pipeline for crude oil and condensates from Poplar, Mont., to the international boundary line between the United States and Canada.

Notice is hereby given pursuant to section 2(a) of Executive Order 11423 of August 16, 1968, that copies of this application are available to the public and that written comments thereon will be received by the Department of State for 30 days from the date of publication of this notice in the FEDERAL REGISTER (9-25-71).

Dated: September 15, 1971.

For the Secretary of State.

[SEAL] CARL F. SALANS,
Deputy Legal Adviser.

[FR Doc.71-14179 Filed 9-24-71;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-346; NADA No. 10-077V]

JENSEN-SALSBERY LABORATORIES

Tyrothricin-Papain-Urea Boluses; Notice of Withdrawal of Approval of New Animal Drug Application

A notice of opportunity for a hearing was published in the FEDERAL REGISTER of June 12, 1971 (36 F.R. 11472), proposing to withdraw approval of NADA (new animal drug application) No. 10-077V for the drug Uterase Boluses (a product which contains tyrothricin, papain, and urea).

Jensen-Salsbery Laboratories, Division of Richardson-Merrell, Inc., Kansas City, Mo. 64108, holder of said NADA, failed to file a written appearance of election, regarding whether or not they wished to avail themselves of the opportunity for a hearing within the 30-day period provided for such filing in said notice. This is construed as an election by said firm not to avail themselves of the opportunity for a hearing.

The Commissioner of Food and Drugs, based on his evaluation of new information before him with respect to said drug together with the evidence available to him when the application was approved, finds that there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Based on the grounds set forth in the said notice and the response to said notice, the Commissioner concludes that approval of said new animal drug application should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 10-077V, including all amendments and supplements thereto, is withdrawn effective on the date of publication of this document.

Date: September 20, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-14175 Filed 9-24-71;8:48 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-260]

TENNESSEE VALLEY AUTHORITY

Order Extending Provisional Construction Permit Completion Date

By application dated September 10, 1971, the Tennessee Valley Authority requested an extension of the latest completion date specified in Provisional Construction Permit No. CPPR-30. The permit authorizes the construction of a single cycle, forced circulation, boiling water nuclear reactor, known as the Browns Ferry Nuclear Power Station Unit No. 2, on the Tennessee Valley Authority's site at Wheeler Lake, Limestone County, Ala., about 10 miles southwest of Athens, Ala.

Good cause having been shown for this extension pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55(b) of 10 CFR Part 50 of the Commission's regulations: *It is hereby ordered*, That the latest completion date specified in Provisional Construction Permit No. CPPR-30 is extended from October 1, 1971, to July 15, 1973.

Dated at Bethesda, Md., this 20th day of September 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[FR Doc.71-14148 Filed 9-24-71;8:45 am]

FEDERAL MARITIME COMMISSION

[No. 71-80]

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

Further Rescheduling of Filing Dates

SEPTEMBER 22, 1971.

Counsel for respondents has requested a 30-day enlargement of time within which affidavits of fact and memoranda of law are to be filed in this proceeding. Stated grounds for the request are that counsel is only recently retained and time will be required to meet and consult with clients.

Opposition to the request has been voiced both by counsel for petitioner Farrell Lines, Inc., and by counsel for petitioner PACE Line.

A certain enlargement of time appears warranted under the circumstances. Accordingly, the following revised filing schedule is established.

(1) Requests for hearing and affidavits of fact and memoranda of law shall be filed on or before October 4, 1971.

(2) Reply of Hearing Counsel and interveners, if any, shall be filed on or before October 19, 1971.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-14191 Filed 9-24-71; 8:49 am]

FEDERAL POWER COMMISSION

NATIONAL GAS SURVEY TRANSMISSION-TECHNICAL ADVISORY COMMITTEE

Order Designating Member

SEPTEMBER 20, 1971.

The Federal Power Commission by order issued April 6, 1971, established three Technical Advisory Committees of the National Gas Survey.

1. Membership. A new member to the Transmission-Technical Advisory Committee, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

William E. Towell, Executive Vice President, American Forestry Association.

Mr. Towell is to fill the position vacated by the resignation of Mr. James B. MacKenzie, President of the Audubon Society of Massachusetts, from this Committee.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.71-14187 Filed 9-24-71;8:49 am]

[Docket No. CI72-137]

AMOCO PRODUCTION CO.

Notice of Application

SEPTEMBER 21, 1971.

Take notice that on September 2, 1971, Amoco Production Co. (Applicant), 511 South Boston Avenue, Tulsa, OK, filed in Docket No. CI72-137 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Trunkline Gas Co. (Trunkline) from the Katy Field, Harris, Waller, and Fort Bend Counties, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it seeks a limited term certificate pursuant to Order No. 431 to sell natural gas to Trunkline for a period of 1 year commencing with the date of initial delivery or until a total of 15.5 Bcf has been delivered, whichever occurs first, at a price of 35 cents per Mcf at 14.65 p.s.i.a. Applicant states further that it has been advised by Trunkline that Trunkline has an existing gas supply emergency on its system.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 12, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 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.71-14183 Filed 9-24-71;8:48 am]

[Docket No. CI72-151]

JAKE L. HAMON

Notice of Application

SEPTEMBER 21, 1971.

Take notice that Jake L. Hamon, Post Office Box 663, Dallas, TX 75221, filed in Docket No. CI72-151 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas from the West Puerto Bay Field, San Patricio County, Tex., for 1 year from the date of initial delivery at the rate of 30 cents per Mcf at 14.65 p.s.i.a. within the contemplation of § 2.70 (18 CFR 2.70) of the Commission's general policy of interpretations, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 12, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-14184 Filed 9-24-71;8:48 am]

[Docket No. CI72-143]

KERR-McGEE CORP.

Notice of Application

SEPTEMBER 20, 1971.

Take notice that on September 7, 1971, Kerr-McGee Corp. (applicant), Kerr-McGee Building, Oklahoma City, Okla. 73102, filed in Docket No. CI72-143 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas (all oil well gas) in interstate commerce to Southern Natural Gas Co. produced from applicant's 50 percent working interest in Well No. 11 in Main Pass Block 52, Plaquemines Parish, La., for a period of 18 months from the date of initial delivery at the rate of 30 cents per Mcf 15.025 p.s.i.a. within the contemplation of § 2.70 (18 CFR 2.70) of the Commission's General Policy and Interpretations, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 12, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-14185 Filed 9-24-71;8:48 am]

[Docket No. CI71-765]

SAMEDAN OIL CORP.

Notice of Postponement of Hearing

SEPTEMBER 21, 1971.

On August 31, 1971, Samedan Oil Corp. filed a motion for a postponement of the hearing set for November 2, 1971, by

order issued July 20, 1971, in the above-designated matter. On September 13, 1971, Warren Petroleum Corp. filed an answer stating that it has no objection to the proposed postponement.

Upon consideration, notice is hereby given that the hearing in the above-designated matter is postponed, to commence on February 1, 1972, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-14186 Filed 9-24-71;8:49 am]

FEDERAL RESERVE SYSTEM

OLSSON'S INC.

Formation of One-Bank Holding Company

Olsson's Inc., Ronan, Mont., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of action whereby applicant would become a bank holding company through acquisition of 85 percent or more of the voting shares of Ronan State Bank, Ronan, Mont.

The application may be inspected at the Federal Reserve Bank of Minneapolis.

Section 3(c) of the Act requires that the Board consider the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the applicant and the bank concerned, and the convenience and needs of the communities to be served.

Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than October 12, 1971.

Pursuant to § 222.3(b) of Regulation Y, this application shall be deemed to be approved on October 26, 1971, unless the applicant is notified to the contrary before that time, or is granted approval at an earlier date.

Board of Governors of the Federal Reserve System, September 20, 1971.

[SEAL] TYNAN SMITH,
Secretary.

[FR Doc.71-14151 Filed 9-24-71;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Reg.; Temporary Reg. F-121]

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 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 Florida Public Service Commission in a proceeding (Docket No. 71342-EU) involving the application of the Gulf Power Co. for a rate increase.

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.

Dated: September 20, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-14195 Filed 9-24-71;8:49 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5083]

METROPOLITAN EDISON CO.

Notice of Proposed Issue and Sale of Bonds at Competitive Bidding

SEPTEMBER 20, 1971.

Notice is hereby given that Metropolitan Edison Co. (Met-Ed), 2800 Pottsville Pike, Muhlenberg Township, Berks County, PA 19605, an electric utility subsidiary company of General Public Utilities Corp. (GPU), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Met-Ed proposes to issue and sell, subject to the competitive bidding requirements of rule 50 promulgated under the Act, $15 million principal amount of First Mortgage Bonds, — percent Series due 2001. The interest rate of the bonds (which will be a multiple of one-eighth of 1 percent) and the price to be paid to Met-Ed (which will not be less than 100 percent nor more than 102.75 percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under an indenture dated as of November 1, 1944, between Met-Ed and Guaranty Trust Co. of New York (now Morgan Guaranty Trust Co. of New York, trustee, as heretofore supplemented and as to be further supplemented by a supplemental induenture to be dated November 1, 1971. The bonds may not be redeemed prior to November 1, 1976, with funds borrowed at a lower interest cost.

The filing states that the proceeds (other than premium, if any, and accrued interest) from the sale of the bonds will be used to pay a portion of Met-Ed's short-term bank loans. The proceeds of such bank loans were or will be used to finance, in part, the company's construction program and are expected to amount to approximately $40,700,000 at the time of the sale of the 2001 Series Bonds. Cash representing premimum, if any, resulting from the sale of the bonds will be used for financing the business of Met-Ed, including the payment of the expenses of financing. The cost of Met-Ed's 1971 construction program is estimated at approximately $107,800,000.

It is stated that the fees and expenses incident to the proposed transaction are estimated at $87,500, including counsel fees of $32,500 and accounting fees of $6,300. The fees and disbursements of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

It is further stated that the issue and sale of the bonds is subject to the jurisdiction of the Pennsylvania Public Utility Commission, the State commission of the State in which Met-Ed is organized and doing business, and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than October 15, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a

hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.71-14165 Filed 9-24-71;8:47 am]

[70-5076]

SOUTHWESTERN ELECTRIC POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

SEPTEMBER 17, 1971.

Notice is hereby given that Southwestern Electric Power Co. (Southwestern), 428 Travis Street, Shreveport, LA 71101, a registered holding company and an electric utility subsidiary company of Central and South West Corp., also a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Southwestern proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50, $30 million principal amount of First Mortgage Bonds, Series L, _____ percent, due October 1, 2001. The interest rate (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Southwestern for the bonds (which shall be not less than 99 percent nor more than 102¾ percent of the principal amount of the bonds) will be determined by the competitive bidding. The bonds will be issued under the mortgage dated February 1, 1940, between Southwestern and Continental Illinois National Bank and Trust Company of Chicago, as Trustee, as heretofore supplemented and as to be further supplemented by a supplemental indenture to be dated October 1, 1971, and which includes a prohibition until October 1, 1976, against refunding the issue with the proceeds of funds borrowed at a lower annual cost of money.

The net proceeds from the sale of the bonds will be used to finance the construction program of Southwestern and its subsidiary companies (including repayment of about $16 million of short-term loans incurred therefor). Construction expenditures for the second half of 1971 and for the calendar year 1972 are presently estimated at $19,340,000 and $39,540,000, respectively.

It is stated that the fees and expenses to be incurred in connection with the issue and sale of the bonds are estimated at $63,000, including accountants' fees of $3,000 and counsel fees of $17,200. The fees and expenses of counsel for the underwriters, to be paid by the successful bidders, are estimated at $10,300.

It is further stated that the Arkansas Public Service Commission and the Corporation Commission of the State of Oklahoma have jurisdiction over the proposed transaction, that their respective orders of authorization are to be filed by amendment, and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than October 4, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

RONALD F. HUNT, *Secretary.*

[FR Doc.71-14166 Filed 9-24-71;8:47 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

SEPTEMBER 22, 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 114552 Sub 51, Senn Trucking Co., now assigned September 29, 1971, at Atlanta, Ga., canceled and application dismissed.

MC-F-10938, Sammons Trucking—Purchase—Minnesota Trucking, Inc., MC 124692 Sub 73, Sammons Trucking, now assigned September 30, 1971, at St. Paul, Minn., canceled and application dismissed.

MC 135322 Sub 2, Husband Transport Ltd., dismissed.

MC 82080 Sub 4, Bivin Transfer Co., Inc., application dismissed.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-14199 Filed 9-24-71;8:50 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 22, 1971.

Protests to the granting of an application must be prepared in accordance with rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42278—*Liquefied Carbon Dioxide from New Orleans, La.* Filed by M. B. Hart, Jr., agent (No. A6281), for interested rail carriers. Rates on carbon dioxide, liquefied, in tank carloads, as described in the application, from New Orleans, La., to Oakland City, Ga.

Grounds for relief—Market competition.

Tariff—Supplement 202 to Southern Freight Association, agent, tariff ICC S-699. Rates are published to become effective on November 4, 1971.

FSA No. 42279—*Corn and soybeans from points in Minnesota.* Filed by Chicago and North Western Railway Co. (No. 104), for and on behalf of carriers parties to its tariff ICC No. 11635. Rates on corn and soybeans, in carloads, as described in the application, from specified points in Minnesota, to Gulf ports, as defined in the above tariff.

Grounds for relief—Carrier competition.

Tariff—Schedules not as yet published.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-14198 Filed 9-24-71;8:50 am]

[Notice 368]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 21, 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 17091 (Sub-No. 7 TA), filed September 13, 1971. Applicant: ISAAC JONES, JR., 321 Lexington Avenue, Pitman, NJ 08071. Applicant's representative: Alan Kahn, Suite 1920, 2 Penn Center Plaza, John F. Kennedy Boulevard at 15th Street, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap materials*, in dump vehicles, from Danbury, Conn., to Sinking Spring, Pa., for 150 days. Supporting shipper: M. J. Stavola & Co., Inc., Post Office Box 1006, 307 White Street, Danbury, CT 06810. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 43038 (Sub-No. 446 TA), filed September 14, 1971. Applicant: COMMERCIAL CARRIER, INC., 10701 Middlebelt Road, Romulus, MI 48174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, complete or not complete, set up or not set up, and *parts and accessories moving in connection with shipments thereof*, in secondary movements, in driveaway service, from Salt Lake City, Utah to points in Idaho, Nevada, Oregon, Utah, and Wyoming, for 180 days. Supporting shipper: International Harvester Co., 401 North Michigan Avenue, Chicago, IL 60611. Send protests to: District Supervisor Melvin F. Kirsch, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, MI 48226.

No. MC 106400 (Sub-No. 82 TA), filed September 13, 1971. Applicant: KAW TRANSPORT COMPANY, Post Office Box 8525, Sugar Creek, MO 64054, Highway 10, Pleasant Valley, MO. Applicant's representative: H. D. Holwick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint and thinner*, in bulk in tank vehicles, from Kansas City, Mo., to Neodesha, Kans., for 180 days. Supporting shipper: M. L. Campbell, Inc., Pratt & Lambert Co., Post Office Box 677, Kansas City, MO 64141. Send protests to: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 107576 (Sub-No. 21 TA), filed September 15, 1971. Applicant: SILVER WHEEL FREIGHTLINES, INC., 1321 Southeast Water Street, Portland, OR 97214. Applicant's representative: Ben Browning, 255 Southwest Harrison, Portland, OR 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, from, to, or between Pendleton, Oreg., and Spokane, Wash., over Interstate Highway 80N and U.S. Highways 30, 395, 730, Oregon Highways 32, 207, and Washington Highway 14, on any of them between Pendleton, Oreg., and Pasco, Wash., and over U.S. Highway 395 and Interstate Highway 90, between Pasco and Spokane, Wash., serving the following off-route points: Velox, Veradale, Millwood, Trentwood, Opportunity, Dishman, and Spokane Industrial Park, Wash., and between Pendleton, Oreg., and Spokane, Wash., over Highway 11, Washington Highways 125, 127, U.S. Highways 12 and 195 or any of them, for operating convenience only, serving no intermediate points, for 180 days. NOTE: Applicant states that all of the foregoing authority be tacked with applicant's existing authority described in MC-107576 with joinder at Kennewick, Wash., Hermiston, Umatilla, or Pendleton, Oreg., permitting performance of a through service to, from or between all points named herein and all points on its present authority, unrestricted against interlining. Supported by: There are approximately 84 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 110525 (Sub-No. 1014 TA), filed September 13, 1971. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Methylene chloride*, in bulk, from Plaquemine, La., to New Orleans, La., having a subsequent movement by water, for 180 days. Supporting shipper: The Dow Chemical Co., Plaquemine, La. 70764. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 111401 (Sub-No. 347 TA), filed September 13, 1971. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, OK 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible bones*, in bulk, as distributed by meat packinghouses, from the National Beef Packing Co., Liberal, Kans., to Swift Chemical Co. Plant, St. Joseph, Mo., for 180 days. Supporting shipper: J. N. Sparks, General Manager Swift Chemical Co., 1211 West 22d Street, Oak Brook, IL 60521. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 112253 (Sub-No. 7 TA), filed September 13, 1971. Applicant: CARTER ENTERPRISES, INC., 420 Railroad Street, Post Office Box 294, Elizabethton, TN 37643. Applicant's representative: Cameron Rollins, 321 East Center Street, Kingsport, TN 37660. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, cinder blocks, concrete blocks, clay products, shale and shale products, concrete and concrete products, and mortar mixes*, from Richlands, and Groseclose, Va., to points in Kentucky, North Carolina, Tennessee, and West Virginia, for 180 days. Supporting shipper: General Shale Products Corp., Post Office Box 3547, Johnson City, TN 37601. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite 803, 1808 West End Building, Nashville, Tenn. 37203.

No. MC 112592 (Sub-No. 5 TA), filed September 13, 1971. Applicant: BRICK DELIVERY COMPANY, 413 East Market Street, Kingsport, TN. Applicant's representative: Cameron Rollins, 321 East Center Street, Kingsport, TN 37660. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, cinder blocks, concrete blocks, clay products, shale and shale products, concrete and concrete products, and mortar mixes*, from Richlands and Groseclose, Va., to points in Kentucky, North Carolina, Tennessee, and West Virginia, for 180 days. Supporting shipper: General Shale Products Corp., Post Office Box 3547, Johnson City, TN 37601. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite 803, 1808 West End Building, Nashville, Tenn. 37203.

No. MC 114697 (Sub-No. 4 TA), filed September 10, 1971. Applicant: LEWISBURG CONSTRUCTION & TRUCKING, INC., 1801 East First Street, Dayton, OH 45403. Applicant's representative: Paul F. Beery and Keith D. Henley, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Burnt lime*, from the plantsite of the Black River Mining Co. located in Pendleton County, Ky., to

points in Indiana, Ohio (except Middletown), Pennsylvania, West Virginia, Tennessee, Michigan, and Illinois, for 180 days. Supporting shippers: The Marble Cliff Quarries Co., 2100 Tremont Center, Columbus, Ohio 43221; Armco Steel Corp., 703 Curtis Street, Middletown, OH 45042. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 116858 (Sub-No. 12 TA), filed September 13, 1971. Applicant: J & M CARRIERS CORP., 43–06 54th Road, Maspeth, NY 11378. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Trading stamp collector books* (without stamps attached), *trading stamp collector folders* (without stamps attached), and *merchandise catalogs*, from Metuchen, N.J., to points in Westchester, Putnam, Dutchess, Orange, Rockland, Sullivan, Ulster, Chemung, Broome Counties, N.Y., and New York City—five (5) boroughs, Carbon, Wyoming, Union, Schuylkill, Luzerne, Lackawanna, Berks, Columbia, Bradford, Northumberland, Susquehanna, Wayne, Tioga, Sullivan, Lancaster, Adams, Dauphin, Cumberland, and Perry, Snyder, Lycoming, Lebanon, Bucks, Montgomery, Monroe, Chester, Philadelphia, Lehigh, Delaware, Juniata, Montour, and Franklin Counties, Pa., Fairfax County, Va., New Castle, Kent, and Sussex Counties, Del., Harford, Baltimore City, Carroll, Worcester, Queen Anne's, Montgomery, Caroline, Talbot, Cecil, Frederick, Washington, Dorchester, Prince George's, Anne Arundel, Howard, Somerset, Wicomico, Charles, Calvert, St. Mary's and Kent Counties, Md., and the District of Columbia, *returned shipments*, in the opposite direction, for 180 days. Supporting shipper: The Sperry and Hutchinson Co., 330 Madison Avenue, New York, NY 10017. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 119774 (Sub-No. 31 TA), filed September 10, 1971. Applicant: MARY ELLEN STIDHAM, N. M. STIDHAM, A. E. MANKINS (INEZ MANKINS, EXECUTRIX), AND JAMES E. MANKINS, SR., a partnership, doing business as EAGLE TRUCKING COMPANY, 301 Main Street, Third Floor, Kilgore, TX 75662. Applicant's representative: Nolan Killingsworth, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tanks, and parts thereof*, from Shreveport, La., to points in Missouri, for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: AMF Beaird, Inc., Post Office Box 1115 Shreveport, La. 71102. 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 125918 (Sub-No. 11 TA), filed September 13, 1971. Applicant: JOHN A. DI MEGLIO, White Horse Pike, Ancora, NJ 08037. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick and clay products*, from York, Pa., to points in Orange, Rockland, Westchester, Nassau, Suffolk, and Putnam Counties, N.Y., and New York, N.Y., and Hudson, Bergen, Essex, Passaic, and Union Counties, N.J., for 150 days. Supporting shipper: Glen-Gery Corp., Post Office Box 1542, Reading, PA 19603. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 119777 (Sub-No. 219 TA), filed September 13, 1971. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box L, Madisonville, KY 42431. Applicant's representative: William G. Thomas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New crated furniture*, from Hillsdale, Mich., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Missouri, North Carolina, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, for 150 days. Supporting shipper: Mr. Dan A. Gaw, Truck Traffic Manager, 145 Weldon Parkway, Maryland Heights (St. Louis County) MO 63042. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, KY 40202.

No. MC 123502 (Sub-No. 37 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: (1) *Feed ingredients*, from Baltimore, Md., to points in North Carolina, and (2) *materials, supplies, and machinery* used in the production of feed ingredients, from Morehead City, N.C., to Baltimore, Md. Supporting shipper: R. L. Rinder, Vice President, Atlantic Shippers of Baltimore, Inc., Pier 7, Newgate Avenue, Baltimore, MD 21224. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 133967 (Sub-No. 9 TA), filed September 10, 1971. Applicant: JOHN R. McCORMICK, doing business as McCORMICK TRUCKING, Route No. 1, Catawba, Wis. 54515. Applicant's representative: Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper tissue wadding, paper toilet tissue, paper roll towels and paper napkins*, from Ladysmith, Wis., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, and (2) *materials and supplies* used in the manufacture and distribution of the commodities named in item (1), from the destination States named in item (1), to Ladysmith, Wis., restricted to transportation to be performed under contract with Peavey Paper Mills, Inc., Ladysmith, Wis., for 180 days. Supporting shipper: Peavey Paper Mills, Ladysmith, Wis. 54848. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, Wis. 53703.

No. MC 134483 (Sub-No. 1 TA), filed September 13, 1971. Applicant: DONALD K. VINES, doing business as DON VINES TRUCKING, 746 South Central Avenue, Room 261, Los Angeles, CA 90021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, such as fruit, vegetables, bakery goods, and prepared foodstuffs in mixed shipments with *fish, sea foods, and/or poultry*, from Sanger, Calif., and Los Angeles and Los Angeles Harbor commercial zones, as defined by the Commission, to Phoenix, Ariz., for 180 days. Supporting shippers: K & C Foods Sales, 656 South Alameda Street, Los Angeles, CA 90021.; Merrigay Foods Corp., 426 East Jackson Street, Phoenix, AZ 85004.; Bavarian Pastry Shop, 750 Basin Street, San Pedro, CA 90731. Send protests to: District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, Los Angeles, Calif. 90012.

No. MC 135973 TA, filed September 9, 1971. Applicant: EXPEDITED TRANSPORTATION CORPORATION, 5 Wood Avenue, Secaucus, NJ 07094. Applicant's representative: Edwin L. Smith, 235 East 42d Street, New York, NY 10017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Film, videotape, and soundtrack*, from borough of Manhattan, N.Y., to Wilmington, Del., and return, for 180 days. Supporting shippers: The Procter & Gamble Co., Cincinnati, Ohio.; Grey Advertising Inc., New York, N.Y.; Doyle Dane Bernbach, Inc., New York, N.Y. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 135974 TA, filed September 13, 1971. Applicant: DONALD W. LEMMONS, doing business as INTERSTATE WOOD PRODUCTS, 107 Johnson Lane, Kelso, WA 98626. Applicant's representative: Jack R. Davis, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, sawdust, shavings, and hogged fuel*, from points in Lewis

County, Wash., to Longview and Aberdeen, Wash., and Oregon City and St. Helens, Oreg., for 180 days. Supporting shippers: Lyle Wood Products, Inc., 951 Canal Street, Tacoma, WA 98421.; Publishers Paper, 419 Main Street, Oregon City, OR 97045. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-14196 Filed 9-24-71;8:49 am]

[Revised S.O. 994; ICC Order 39, Amdt. 6]

CHICAGO AND NORTH WESTERN RAILWAY CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 39 (The Chicago and North Western Railway Co.) and good cause appearing therefor:

It is ordered, That: ICC Order No. 39 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 31, 1972, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., September 30, 1971, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 22, 1971.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.71-14197 Filed 9-24-71;8:49 am]

CUMULATIVE LIST OF PARTS AFFECTED—SEPTEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during September.

3 CFR

Page

PROCLAMATIONS:

4077 ... 17557
4078 ... 17559
4079 ... 18453
4080 ... 18711
4081 ... 18849
4082 ... 19003
4083 ... 19005

EXECUTIVE ORDERS:

6143 (revoked in part by PLO 5127) ... 19027
6276 (revoked in part by PLO 5127) ... 19027
6583 (revoked in part by PLO 5127) ... 19027
8927 (revoked in part by PLO 5131) ... 19028
10713 (amended by EO 11618) ... 18365
11010 (see EO 11618) ... 18365
11228 (see EO 11619) ... 18943
11263 (see EO 11618) ... 18365
11395 (see EO 11618) ... 18365
11615 (amended by EO 11617) ... 17813
11617 ... 17813
11618 ... 18365
11619 ... 18943

5 CFR

213 ... 17483, 17484, 17561, 17815, 17816, 17979, 18455, 18713, 18945, 19011
294 ... 18455
550 ... 17816

7 CFR

21 ... 19007
42 ... 18455
52 ... 18777, 18851
210 ... 18173
301 ... 18367, 18779
354 ... 17484
701 ... 18289, 18945
718 ... 17485
775 ... 17643
792 ... 17561
831 ... 18298
876 ... 19007
905 ... 18371, 18372, 18635, 18780
906 ... 19007
908 ... 17563, 18059, 18507, 18851, 19008
910 ... 17485, 17816, 17979, 18299, 18459, 18636, 18713, 18852, 19008
911 ... 18636
929 ... 18852
931 ... 18059, 18780
945 ... 17816
946 ... 18852
948 ... 18299
958 ... 17817
981 ... 18372, 18781
991 ... 18781
993 ... 18853
999 ... 18781
1001 ... 19009
1002 ... 19010
1004 ... 17491, 19010
1015 ... 19010
1050 ... 17492
1068 ... 18853

7 CFR—Continued

Page

1079 ... 17817
1106 ... 17492
1133 ... 18854
1421 ... 18300
1446 ... 18060, 18637
1473 ... 18713
1802 ... 17818
1803 ... 17832
1804 ... 18062
1809 ... 18854
1814 ... 18069
1863 ... 17833
1864 ... 17833
1865 ... 17840
1866 ... 17841
1867 ... 17843

PROPOSED RULES:

101 ... 17579
271 ... 18213
272 ... 18213
722 ... 18322, 18412
724 ... 18198
725 ... 18000
726 ... 18198
728 ... 18322
729 ... 17872
775 ... 18322
906 ... 18001, 19036
910 ... 17579
927 ... 18473
929 ... 17875, 18413
932 ... 18085
946 ... 17875, 18956
948 ... 18002
966 ... 18095, 18212, 18656
971 ... 18656, 18870
989 ... 18958, 18959
993 ... 17579
999 ... 18323
1001 ... 17580
1002 ... 17580
1004 ... 17580
1007 ... 18413
1015 ... 17580, 17586
1068 ... 18474
1124 ... 18531
1133 ... 17588
1421 ... 18323, 18473, 19035
1464 ... 17874, 18473

8 CFR

214 ... 18300, 18460
238 ... 18784
245 ... 18784

PROPOSED RULES:

214 ... 18870

9 CFR

75 ... 18507
76 ... 17844, 18461, 18858
78 ... 18784
97 ... 18716

PROPOSED RULES:

317 ... 18583
319 ... 18959

10 CFR

2 ... 18173
50 ... 18071, 18301, 18716
70 ... 17573

10 CFR—Continued

Page

140 ... 17979
170 ... 18173

12 CFR

222 ... 18785, 18945, 18946
265 ... 18373
524 ... 17564
545 ... 17564, 17960
701 ... 18637
702 ... 18637
706 ... 18637
707 ... 18637
708 ... 18637
709 ... 18637
710 ... 18637
711 ... 18637
715 ... 18637
720 ... 18637

PROPOSED RULES:

9 ... 18082
222 ... 17514, 18427
700 ... 19041

13 CFR

107 ... 18858
121 ... 17492

PROPOSED RULES:

121 ... 17514

14 CFR

25 ... 18716
29 ... 18716
37 ... 18716
39 ... 17493, 17494, 17847–17849, 18190, 18301, 18302, 18373, 18461, 18462, 18508, 18638, 18639, 18785, 18786, 18859
61 ... 17495
63 ... 17495
71 ... 17495, 17496, 17575, 17643, 17644, 17849, 18076, 18077, 18191–18193, 18302, 18303, 18463, 18508–18511, 18575, 18639, 18640, 18725, 18786, 19011, 19012
73 ... 18193, 18511, 18512, 18725
75 ... 17849, 18575, 18576, 18726
91 ... 17495, 18304, 18716
95 ... 18512
97 ... 17575, 18193, 18577
121 ... 17495, 18716
123 ... 17495
127 ... 17495
135 ... 17495, 18716
207 ... 18787
208 ... 17644, 18787
214 ... 18787

PROPOSED RULES:

36 ... 18584
39 ... 17512, 18476, 18532, 18800, 18801
71 ... 17513, 17588, 17589, 17653–17655, 17876, 18109, 18110, 18214, 18476, 18533, 18751, 18801, 18802, 18872, 19036, 19037
73 ... 17876
121 ... 18802
135 ... 18425
202 ... 18111
207 ... 17655

14 CFR—Continued

PROPOSED RULES—Continued

208 17655
212 17655
214 17655, 18754
249 18754
372 17655
1241 18221

15 CFR

373 18640

PROPOSED RULES:

7 18095

16 CFR

1 18788
13 17982–17995, 18515–18524, 19012
252 18078

17 CFR

240 18641

PROPOSED RULES:

1 18000, 18870
230 18586, 18592, 18593, 19042
239 18586, 18592, 18593
240 19042
249 18594
250 19042
270 19042
275 19042

18 CFR

2 17576, 18373, 18643
141 18947

PROPOSED RULES:

2 18221
154 18323
157 18323
260 17665
601 18477

19 CFR

1 18304
4 18949
12 18859
153 19013

PROPOSED RULES:

1 17579
6 18582
19 18410
24 17653

20 CFR

405 18643
422 18948

PROPOSED RULES:

405 18696

21 CFR

1 18377
3 18377
121 18377
130 18378
132 18378
133 18378
135 18378, 18726
135a 18078
135b 18726
135c 18726, 18787
141 19013
141a 17644
141c 17645
144 18394
146 18395
146a 17644, 18395

21 CFR—Continued

146c 17645
148w 19013
191 17645, 18643
301 18728
302 18731
303 18731
304 18731
305 18732
306 18732
307 18733
308 18733
311 18734
420 17646, 18078–18080, 18174, 18175

PROPOSED RULES:

3 18098, 18871
19 18800
27 18098
31 18098
125 18098
146a 17653
146e 17653
295 17512, 18012
301 18582
303 18582, 18749

22 CFR

41 17496
46 18643

24 CFR

4 17496
201 18788
241 17506
Ch. III 18525, 18952, 19018
1909 18176
1910 18179
1911 18182
1912 18184
1913 18185
1914 17647, 18185, 18463, 18644, 19019
1915 17648, 18186, 18464, 18645, 19020

PROPOSED RULES:

207 18583
221 18583

26 CFR

1 18788, 18791, 18950
13 18788
250 19017
251 19017

PROPOSED RULES:

1 17863, 18012, 18214, 18316, 18667, 18750, 18870
13 18012, 18214
211 19033
301 18677, 19035

28 CFR

21 17506
51 18186
201 18280, 18952

29 CFR

1903 17850
1910 18080
1911 17506

PROPOSED RULES:

12 18007
520 18871
601 19037
606 19037
613 19037
616 19037
670 19037

29 CFR—Continued

PROPOSED RULES—Continued

675 19037
677 19037
678 19037
688 19037
689 19037
690 19037
720 19037
727 19037

30 CFR

PROPOSED RULES:

270 18800
400 17546

31 CFR

202 17995
203 17996

32 CFR

166 18464
186 17996
199 17508
214 18861
1451 18395
1452 18395
1453 18395
1459 18395
1460 18395
1461 18396
1466 18396
1472 18396
1474 18396
1475 18396
1476 18397
1477 18397
1498 18397
1710 18174
1802 18861

32A CFR

OEP (Ch. I):

ES Reg. 1 17651, 19029
Circ. 6 17510
Circ. 7 17577
Circ. 8 17651
Circ. 9 17861
Circ. 10 17998
Circ. 11 18314
Circ. 12 18471
Circ. 13 18528
Circ. 14 18654
Circ. 15 18867
Circ. 16 19030
Circ. 101 18739

PROPOSED RULES:

Ch. X 18084, 18750

33 CFR

92 18526
117 17854, 17855, 18526, 18527, 18861, 18952
204 19020
205 19020
208 17996
209 17855

PROPOSED RULES:

117 18531
209 18798

35 CFR

5 17509

36 CFR

211 18794

37 CFR

Page

PROPOSED RULES:

2 ... 18002

38 CFR

0 ... 18953
2 ... 19020
3 ... 19020
6 ... 17855
8 ... 17855
13 ... 19021
17 ... 18794
21 ... 18304
36 ... 18195

39 CFR

262 ... 18465

41 CFR

1–1 ... 17509, 18397
5A–1 ... 17576, 18528, 18861
5A–2 ... 18735
5A–72 ... 17856
5A–76 ... 17576
8–1 ... 18174
8–7 ... 18174
8–12 ... 18578
8–16 ... 18174
9–5 ... 17576
9–7 ... 18794
14–1 ... 18305
14–2 ... 18305
14–3 ... 18305
14–7 ... 18306
14–30 ... 18306
50–250 ... 18398
101–19 ... 17648
114–25 ... 19026
114–26 ... 17996
114–27 ... 19026
114–47 ... 17509

PROPOSED RULES:

14–7 ... 18531

42 CFR

37 ... 17577
59 ... 18465
59a ... 18306
73 ... 18795
78 ... 18645, 18646
458 ... 18622
459 ... 18622
460 ... 18622
461 ... 18625
462 ... 18625
463 ... 18626
464 ... 18626
465 ... 18628

PROPOSED RULES:

466 ... 17514

43 CFR

2800 ... 18953
2810 ... 18953

43 CFR—Continued

Page

PUBLIC LAND ORDERS:

1120 (revoked in part by PLO 5128) ... 19027
1229:
Modified by PLO 5125 ... 18648
Modified by PLO 5132 ... 19029
2578 (modified by PLO 5117) ... 18580
3529 (revoked by PLO 5130) ... 19028
3795 (see PLO 5126) ... 19027
3815 (revoked by PLO 5130) ... 19028
4096 (revoked by PLO 5130) ... 19028
4116 (revoked by PLO 5130) ... 19028
4582 (see PLO 5112) ... 18579
4651 (revoked by PLO 5110) ... 18578
4962 (see PLO 5112) ... 18579
5044 (corrected by PLO 5118) ... 18580
5065 (corrected by PLO 5113) ... 18579
5069 (corrected by PLO 5120) ... 18580
5072 (amended by PLO 5129) ... 19028
5081 (see PLO 5112) ... 18579
5107 ... 18470
5110 ... 18578
5111 ... 18578
5112 ... 18579
5113 ... 18579
5114 ... 18579
5115 ... 18580
5116 ... 18646
5117 ... 18580
5118 ... 18580
5119 ... 18580
5120 ... 18580
5121 ... 18647
5122 ... 18648
5123 ... 18648
5124 ... 18648
5125 ... 18648
5126 ... 19027
5127 ... 19027
5128 ... 19027
5129 ... 19028
5130 ... 19028
5131 ... 19028
5132 ... 19029

PROPOSED RULES:

3000 ... 18799
3045 ... 18799
3104 ... 18799
3200 ... 18799

45 CFR

15 ... 18838

PROPOSED RULES:

15 ... 18800
116 ... 18500
252 ... 18106

46 CFR

PROPOSED RULES:

503 ... 18214
510 ... 18214
543 ... 18214

47 CFR

0 ... 18649
2 ... 18307

47 CFR—Continued

Page

13 ... 18649
21 ... 18652
63 ... 18307
73 ... 18308, 18652
89 ... 18080, 18652, 18653
91 ... 18080, 18652
93 ... 18080, 18652

PROPOSED RULES:

1 ... 17589, 18873
2 ... 18660
15 ... 17589, 18656
21 ... 18660
73 ... 18657, 18661, 18664, 18665, 18873, 19040
81 ... 18660
87 ... 18660
89 ... 18660, 18873
91 ... 18660, 18873, 19040
93 ... 18660, 18873

49 CFR

171 ... 17649, 18468
172 ... 18468
173 ... 18468
174 ... 18468
177 ... 18468
178 ... 18468
179 ... 18468
192 ... 18194
Ch. III ... 17845, 18400
392 ... 18862
393 ... 18400, 18862
395 ... 18400
397 ... 18470
571 ... 18402, 19029
574 ... 18581
601 ... 18402
1033 ... 18403, 18528, 18954, 18955
1048 ... 18735, 18736
1104 ... 18309
1201 ... 17847

PROPOSED RULES:

179 ... 18873
391 ... 18426
393 ... 17513, 18426
571 ... 19037
575 ... 18751
1048 ... 17514

50 CFR

10 ... 17565, 17857
25 ... 17997
26 ... 17998
28 ... 17858, 18865, 18866
29 ... 17998
31 ... 17998
32 ... 17510, 17569–17572, 17650, 17651, 17858–17861, 18195–18197, 18313, 18314, 18404, 18470, 18471, 18590, 18581, 18737, 18797, 18866, 18867
33 ... 17572, 17998
260 ... 18738

PROPOSED RULES:

32 ... 18473

LIST OF FEDERAL REGISTER PAGES AND DATES—SEPTEMBER

Pages	Date
17477–17549	Sept. 1
17551–17636	2
17637–17805	3
17807–17972	4
17973–18051	8
18053–18165	9
18167–18281	Sept. 10
18283–18357	11
18359–18446	14
18447–18502	15
18503–18567	16
18569–18628	17
18629–18705	Sept. 18
18707–18770	21
18771–18842	22
18843–18936	23
18937–18995	24
18997–19054	25