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# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 213—EXCEPTED SERVICE

##### Entire Executive Civil Service; Correction

In FEDERAL REGISTER (F.R. Doc. 71-13846) of September 21, 1971, on page 18713 paragraph (dd) was added to § 213.3102. The paragraph should have appeared as (ee).

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

#### UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,

*Executive Assistant to the Commissioners.*

[FR Doc. 71-14269 Filed 9-28-71; 8:45 am]

## Title 7—AGRICULTURE

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

#### PART 932—OLIVES GROWN IN CALIFORNIA

##### Subpart—Rules and Regulations

###### SPECIAL PURCHASE SHIPMENTS

Notice is hereby given of the approval of amendment, as hereinafter set forth, of the rules and regulations (Subpart—Rules and Regulations; 7 CFR 932.108-932.161; 36 F.R. 16185) currently effective pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The amendment of said rules and regulations was unanimously recommended by the members of the Olive Administrative Committee, established under said marketing agreement and order as the agency to administer the terms and provisions thereof.

The amendment involves § 932.155(d) by changing the size requirements in the provisions thereof to require that canned ripe olives of the quartered style be produced from processed olives which meet the size requirements for whole and pitted styles of canned ripe olives. Current provisions of § 932.155(d) permit the production of quartered style olives by using processed olives which meet

the grade requirements of this part. During the period December 21, 1970, through August 31, 1971, olives used in the production of quartered style olives also were required to meet the size requirements specified in § 932.153 for olives used in the production of halved, sliced, or chopped or minced styles of canned ripe olives. However, the provisions of § 932.153 expired at the end of August 1971, and only the larger sizes of olives eligible for use in the production of whole or pitted styles of olives are available, pursuant to § 932.52(a)(3), for use in the production of halved, sliced, or chopped or minced styles. Therefore, this amendment provides that the applicable minimum size requirements in effect for processed olives used in the production of the halved, sliced, or chopped or minced styles, pursuant to § 932.52(a)(3), shall apply to olives used in the production of canned ripe quartered style olives. The current grade requirements, applicable to olives used in the production of quartered style olives, will continue to apply. The provisions will no longer require that such packaged olives be in specified containers or that such olives be used as an ingredient in manufactured food products because such requirements are too restrictive.

The amendment of § 932.155(d) reflects the committee's desire that quartered style olives be produced from the same sizes of processed olives as are used in the production of the halved, sliced, or chopped or minced styles. Considerable demand has arisen for the quartered style of olives. The demand arises from the need to use quartered style olives in the continued development of (1) new food products which use olives as an ingredient and (2) new outlets for olives. The committee believes that broadening the utilization of olives (through development of new products and outlets) will relieve the competition for existing market outlets and thus improve prices and returns to growers. The size requirements provided herein will provide consumers with quartered style olives of good quality consistent with (1) the overall quality of the crop, and (2) improving returns to producers pursuant to the declared policy of the act.

It is hereby found that amendment of said rules and regulations as hereinafter set forth is in accordance with the provisions of the marketing agreement and order, and will tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended.

Therefore, the provisions of § 932.155(d) are hereby revised to read as follows:

###### § 932.155 Special purpose shipments.

(d) Processed olives which, if used in the production of canned pitted ripe

olives would result in packaged olives meeting (1) the specifications of U.S. Grade C for pitted style of canned ripe olives (§ 52.3754(c) of the U.S. Standards for Grades of Canned Ripe Olives; §§ 52.3751-52.3766 of this title; 36 F.R. 16567) and (2) the applicable minimum size requirements in effect for the halved, sliced, or chopped or minced styles pursuant to § 932.52(a)(3), may be used in the production of canned ripe olives of the quartered style as specified in § 52.3753(d) of said standards.

It is hereby further found that it is impracticable, unnecessary, 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 in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the handling of processed olives is now in progress and to be of maximum benefit the provisions of this amendment should become operative at the time specified herein, (2) this amendment was unanimously recommended by members of the Olive Administrative Committee in an open meeting on August 13, 1971, at which all interested persons were afforded an opportunity to submit their views, (3) the provisions of this amendment are identical with the recommendations of the committee and information concerning such provisions has been disseminated among handlers of olives, and (4) compliance with the provisions of this amendment will not require of handlers any preparation that cannot be completed prior to the effective time thereof.

(Secs. 1-10, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated September 23, 1971, to become effective upon publication in the FEDERAL REGISTER (9-29-71).

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

[FR Doc. 71-14316 Filed 9-28-71; 8:46 am]

[948.206]

#### PART 948—IRISH POTATOES GROWN IN COLORADO

##### Approval of Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment for Area No. 2 (San Luis Valley), to be effective under Marketing Agreement No. 97 and Order No. 948 (7 CFR Part 948), both as amended, was published in the September 8, 1971, issue of the FEDERAL REGISTER (36 F.R. 18002).

The notice afforded interested persons an opportunity to submit written data, views, or arguments pertaining thereto

not later than 15 days following publication in the FEDERAL REGISTER. None was received.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Area Committee for Area No. 2, established pursuant to the said marketing agreement and order, it is hereby found and determined that:

**§ 918.266 Expenses and rate of assessment.**

(a) The reasonable expenses that are likely to be incurred by the Area Committee for Area No. 2 to enable such committee to perform its functions, pursuant to the provisions of Marketing Agreement No. 97, as amended, and this part, during the fiscal period ending June 30, 1972, will amount to \$13,250.00.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 97, as amended, and this part, shall be \$0.0025 per hundredweight of potatoes grown in Area No. 2 handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1972, may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began July 1, 1971, and the rate of assessment herein will automatically apply to all assessable potatoes beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 701-674)

Dated: September 24, 1971.

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

[FR Doc.71-14317 Filed 9-28-71;8:48 am]

## Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71-EA-129; Amdt. 39-1300]

### PART 39—AIRWORTHINESS DIRECTIVE

#### Canadair Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Canadair CL-44D4 type aircraft.

There have been reports of fatigue cracks in the front spar web and local structure. Since the foregoing deficiency can exist or develop in aircraft of similar type design, an airworthiness directive is being issued which will require a repetitive inspection and replacement when necessary of cracked components.

Since the foregoing requires expeditious adoption of this amendment, notice and public procedure hereon are impractical and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

**CANADAIR.** Applies to all Canadair Model CL-44D4 Aircraft. Compliance required as indicated.

Within the next 300 hours time in service after the effective date of this AD, unless already accomplished within the last 4500 hours time in service and at intervals not exceeding 4800 hours time in service, accomplish the following:

(a) Inspect horizontal stabilizer front spar web, spar cap, and local structure in the vicinity of Station 22 left and 22 right for cracks in accordance with the inspection procedure defined in paragraphs 3, 3.1 and 3.2 of Canadair Service Information Circular No. 377-CL-44 dated 16 April 1971 or a later revision or with an FAA approved, equivalent inspection.

(b) If cracks are found in the spar web, spar caps, or local structure, repair or replace damaged parts before further flight with unused parts or with equivalent parts approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair can be performed.

(c) Repair procedures required by paragraph (b) must be in accordance with Canadair CL-44D4 Structural Repair Manual or an equivalent repair procedure approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(d) The representative inspection time may be increased by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region upon receipt of substantiating data submitted through an FAA Maintenance Inspector.

This amendment is effective October 5, 1971.

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

Issued in Jamaica, N.Y., on September 17, 1971.

ROBERT H. STANTON,  
Acting Director, Eastern Region.

[FR Doc.71-14284 Filed 9-28-71;8:46 am]

[Airworthiness Docket No. 71-WE-20-AD; Amdt. 39-1301]

### PART 39—AIRWORTHINESS DIRECTIVES

#### Hughes Model 269A, 269A-1, and 269B Helicopters

Amendment 39-77 (30 F.R. 7371), AD 65-12-2, as revised on February 2, 1966

(31 F.R. 1267), requires replacement of idler pulley bearings, replacement of an aluminum idler pulley shaft, P/N 269A5440, and imposes a 200-hour periodic replacement of the idler pulley bearings until a steel idler pulley shaft, P/N 269A5438, is installed on Hughes 269A, 269A-1 and 269B helicopters. After issuing amendment 39-77 the agency determined that failures of the idler pulley bearings have continued to occur, due to preloading or misalignment of the press fit bearings. These failures result in loss of engine power to the drive system and emergency auto rotative landings. Improved design bearings and more precise installation procedures have been developed by the manufacturer. Therefore, the AD is being superseded by a new AD that requires the installation of a steel idler pulley shaft and the latest design idler pulley bearings, describes an improved assembly procedure, establishes preload and misalignment limits and imposes a replacement time for these bearings.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, is amended by adding the following new airworthiness directive:

**HUGHES.** Applies to Model 269A, 269A-1, and 269B Helicopters.

Compliance required as indicated.

To prevent failures of idler pulley bearings accomplish the following:

(a) Within 50 hours time in service after the effective date of this AD, unless already accomplished, remove from service the aluminum idler pulley shaft, P/N 269A5440 (if installed) and idler pulley bearings, and install steel idler pulley shaft, P/N 269A5439 and idler pulley bearings, P/N 269A5050-58, in accordance with Hughes Service Information Notice N-1A, dated September 15, 1971, or later FAA approved revision, or an equivalent installation and procedure approved by the Chief, Aircraft Engineering Division, FAA Western Region. Mutilate bearings and aluminum shafts to prevent return to service.

(b) After the accomplishment of (a), above, at intervals not to exceed 200 hours time in service thereafter, replace the idler pulley bearings in accordance with Hughes Service Information N-95, dated September 15, 1971, or later FAA approved revisions, or an equivalent replacement and procedure approved by the Chief, Aircraft Engineering Division, FAA Western Region. Mutilate old bearings to prevent return to service.

This supersedes amendment 39-77 (30 F.R. 7371), AD 65-12-2, as revised on February 2, 1966 (31 F.R. 1267).

This amendment becomes effective October 1, 1971.

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

Issued in Los Angeles, Calif., on September 20, 1971.

ARVIN O. BASNIGHT,  
Director, FAA Western Region.

[FR Doc.71-14283 Filed 9-28-71;8:46 am]

[Airspace Docket No. 71-EA-130]

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

**Alteration of Control Zone and Transition Area**

The Federal Aviation Administration is amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Martinsburg, W. Va., control zone (36 F.R. 2102) and transition area (36 F.R. 2227).

A new LOC RWY 8 instrument approach procedure developed for Martinsburg Municipal Airport, Martinsburg, W. Va., requires a minor alteration of the Martinsburg, W. Va., control zone to provide controlled airspace to protect aircraft executing the procedure. In addition, the Martinsburg, W. Va., 700-foot floor transition area and control zone require alteration to reflect the correct airport name and geographic position.

Since the foregoing changes are minor in nature or editorial, notice and public procedure hereon are unnecessary.

In view of the foregoing, the Federal Aviation Administration, having reviewed the airspace requirements in the terminal airspace of Martinsburg, W. Va., amends Part 71 of the Federal Aviation Regulations as follows, effective 0901 G.m.t., November 11, 1971:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations, so as to delete the description of the Martinsburg, W. Va., control zone and insert the following in lieu thereof:

Within a 5-mile radius of the center, 39°24'03" N., 77°59'09" W. of Martinsburg Municipal Airport, Martinsburg, W. Va., and within 1.5 miles each side of the RWY 8 localizer course extending from the 5-mile-radius zone to 2 miles west of the OM.

2. Amend § 71.181 of Part 71, Federal Aviation Regulations, so as to delete in the description of the Martinsburg, W. Va., 7000-foot floor transition area, all after the word "center", and insert the following in lieu thereof: "39°24'03" N., 77°59'09" W. of Martinsburg Municipal Airport, Martinsburg, W. Va."

(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 Jamaica, N.Y., on September 14, 1971.

ROBERT H. STANTON,  
*Acting Director, Eastern Region.*

[FR Doc.71-14286 Filed 9-28-71; 8:46 am]

[Airspace Docket No. 71-EA-132]

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

**Alteration of Control Zone**

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to

alter the Clarksburg, W. Va., control zone (36 F.R. 2069).

The agency plans to commission an Airport Traffic Control Tower at Benedum Airport, Clarksburg, W. Va., on or about November 1, 1971. The tower will operate 0700-2300 hours, local time, daily. The control zone hours will be changed to coincide with the hours of the control tower operation.

Since the foregoing change is minor in that the control zone period remains the same, notice and public procedure hereon are unnecessary.

In view of the foregoing, the Federal Aviation Administration, having reviewed the airspace requirements in the terminal airspace of Clarksburg, W. Va., amends Part 71 of the Federal Aviation Regulations as follows, effective 0901 G.m.t. November 1, 1971:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Clarksburg, W. Va., control zone by deleting, "0530 to 2130 hours, local time daily and 0600 to 2000 hours on Saturday," and substitute, "0700 to 2300 hours, local time, daily," therefor.

(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 Jamaica, N.Y., on September 16, 1971.

ROBERT H. STANTON,  
*Acting Director, Eastern Region.*

[FR Doc.71-14285 Filed 9-28-71; 8:46 am]

**Chapter II—Civil Aeronautics Board**

**SUBCHAPTER A—ECONOMIC REGULATIONS**

[Reg. ER-699; Amdt. 35]

**PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS**

**Charter and Special Services Revenue Aircraft**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of September 1971.

In a Notice of Proposed Rule Making, EDR-203 (Docket 22952), dated June 14, 1971, the Board proposed to amend Part 241 of the Economic Regulations to modify Schedule T-41 Charter and Special Services Revenue Aircraft Miles Flown of Form 41 reports required to be filed by certificated combination carriers and all-cargo carriers.

The only comment in opposition to the proposed rule<sup>1</sup> was filed by the member carriers of the National Air Carrier Association (NACA). Upon consideration of the comment filed, we have determined to adopt the rule as proposed.

In their comment, the NACA carriers request the Board to reconsider its rejection of their proposal to require the carriers to file the Schedule T-41 reports

<sup>1</sup>TWA, a certificated combination route carrier, filed a comment in support of the proposed rule.

(as modified in EDR-203) on a quarterly basis, rather than on a 9-month and an annual-calendar basis as proposed in EDR-203. They also renew their request that Part 241 be amended to provide for separate reporting of Hawaiian, transatlantic and transpacific charter flights.

With respect to the request that the Schedule T-41 reports be filed on a quarterly basis, no new arguments have been presented and this request is rejected for the reasons given in EDR-203.

As for the matter of separate reporting of Hawaiian, transatlantic and transpacific charters, the NACA carriers assert, inter alia, that the information is needed to enable the carriers and the Board to determine whether the frequency/regularity limitations of Part 207 have been complied with, that the Board must at the present time rely entirely on the good faith of the carriers to comply with the regulation, and that this is not a satisfactory means of securing compliance. However, the NACA carriers have not shown that an enforcement problem exists with respect to the frequency and regularity limitations of Part 207. We believe that the frequency/regularity rules are for the most part self-policing, i.e., the carriers certificated in the particular market would be aware of any substantial violation and would report it to the Board for appropriate action. The fact that such reporting to the Board has not occurred would indicate that there is no enforcement problem with respect to the frequency/regularity rules of Part 207. The scheduled airlines have been careful to request an exemption where the frequency and regularity provisions might be violated. In fact, the only "violation" alleged by the NACA carriers was not in fact a violation but rather a request by TWA for an exemption with respect to a future program (Docket 20125). Moreover, a reporting requirement concerning dates and points of origin and destination of such charters would be quite burdensome for the carriers and we see no need for the imposition of such a requirement at this time. Finally, we believe that a carrier most likely to evade the frequency/regularity restrictions would also be one that would be likely to evade the volume restrictions.

The rule provides for a new report covering the first 9 months of the calendar year, the report to be filed with the Board no later than 30 days after the end of the reporting period. The Board now finds that it is necessary for it to have these data for the current calendar year. This necessitates making the rule effective prior to the end of the reporting period, September 30, 1971. Requiring these 9-month reports to be filed for the current year should not impose an unreasonable burden on the carriers since most of them have these data readily available. In those few instances where this is not the case, such carriers can request Board consideration of an exemption from the 9-month reporting requirement for the current year. For the above reasons, the Board finds that good cause exists for making the rule effective on less than 30 days' notice.

Accordingly, the Civil Aeronautics Board hereby amends Part 241 of the Economic Regulations (14 CFR Part 241), effective September 30, 1971, as follows:

1. Amend section 22(a) by revising the title and frequency for filing Schedule T-41 to read:

**Section 22 General Reporting Instructions.**

(a) \* \* \*

Schedule No.	Filing		
	Frequency	Postmark Interval (days)	
T-41.....	Charter and Special Services Revenue Aircraft Miles Flown; Calculation of Limitation of Charter Trips.	(*).....	30

\* For the first 9 months and for the 12 months of each calendar year.

† Interval relates to receipt by the Board in Washington, D.C., rather than postmark for these schedules.

2. Amend section 25 Schedule T-41 Charter and Special Service Revenue Aircraft Miles Flown as follows:

A. Revise the title of Schedule T-41 to read: Charter and Special Services Revenue Aircraft Miles Flown; Calculation of Limitation of Charter Trips.

B. Amend paragraph (b) to read:

(b) Separate schedules shall be filed on an overall or system basis covering the 9 months ending September 30 and the 12 months ending December 31 of each year. Check the appropriate box provided on the form.

C. Amend paragraph (c) to read:

(c) The following instructions relate to the reporting of "charter and special services revenue aircraft miles flown."

(1) Total charter and special services revenue aircraft miles flown during the 9 months or the 12 months of the calendar year shall be reflected in this schedule by combination carriers and all-cargo carriers in the respective sections provided therefor. Such data shall be broken down to reflect revenue aircraft miles flown for (1) the Department of Defense; and (2) all other customers subdivided into (a) operations performed under special exemption authority, (b) operations performed without such special exemptions, and (c) operations performed in overseas or foreign air transportation on the reverse legs of one-way military charters.

D. Redesignate paragraph (d) as (c) (2).

E. Add new paragraph (d) to read:

(d) The following instructions relate to the reporting of "Calculation of Limitation of Charter Trips," pursuant to §§ 207.5 and 207.6 of Part 207 of the Board's economic regulations.

(1) Combination carriers, for both the September and December reports, shall reflect in item 1, "Base revenue plane-miles" the sum of amounts reported in items 1, 2, and 3 under the "Total" column on the December Schedule T-41 for the previous year plus the figure called for in item K-410 of Form 41 Schedule T-1(a) covering the 12 months of the preceding calendar year.

(2) All-cargo carriers, for both the September and December reports, shall reflect in item 1, "Base revenue plane-miles" the sum of amounts reported in items 14 and 16 under the "Department of Defense" column and item 15 under the "Total" column on the December Schedule T-41 for the previous year plus

the figure called for in item K-410 of Form 41 Schedule T-1(a) covering the 12 months of the preceding calendar year.

(3) Combination carriers, for the September report, shall reflect in item 2, "Off-route charter mileage" the sum of amounts reported in items 6, 7 and 8 under the "Not under Exemption Authority" column on the current September Schedule T-41. For the December report, item 2 shall reflect the sum of amounts reported in items 6, 7 and 8 under the "Not under Exemption Authority" column on the current December Schedule T-41.

(4) All-cargo carriers, for the September report, shall reflect in item 2, "Off-route charter mileage" the sum of amounts reported in items 13, 19, 21 and 23 under the "Not under Exemption Authority" column on the current September Schedule T-41. For the December report, item 2 shall reflect the sum of amounts reported in items 13, 19, 21 and 23 under the "Not under Exemption Authority" column on the current December Schedule T-41.

3. Amend Schedule T-41 of CAB Form 41, as shown in exhibit A which is attached hereto.<sup>1</sup>

(Secs. 204(a), 401(e) (6) and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754 (as amended by 82 Stat. 867), 766; 49 U.S.C. 1324, 1371, 1377)

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

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,  
Acting Secretary.

[FR Doc.71-14303 Filed 9-28-71; 8:45 am]

## Title 21—FOOD AND DRUGS

### Chapter II—Bureau of Narcotics and Dangerous Drugs, Department of Justice

#### PART 308—SCHEDULES OF CONTROLLED SUBSTANCES

##### Removal of Naloxone Hydrochloride From Control

A notice was published in the FEDERAL REGISTER of August 19, 1971 (36 F.R.

<sup>1</sup>Form filed as part of the original document.

16119) proposing the removal of naloxone hydrochloride from Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91-513). All interested persons were given 30 days after publication to submit their objections, comments, or requests for hearing.

No objections nor requests for a hearing regarding the proposed order were received.

In view of the fact no comments, objections, or requests for a hearing were received as to the proposed order, and based upon the investigation of the Bureau of Narcotics and Dangerous Drugs and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to section 201(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(b)), the Director of the Bureau of Narcotics and Dangerous Drugs finds that naloxone hydrochloride has a currently accepted medical use in treatment in the United States and does not have at this time a potential for abuse or abuse liability to justify its continued control on any schedule under the Act.

Therefore, under the authority vested in the Attorney General by section 201 (a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)), and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs by § 0.100 of Title 28 of the Code of Federal Regulations, the Director hereby orders that § 308.12 (b) (1) of Title 21 of the Code of Federal Regulations be amended to read as follows:

#### § 308.12 Schedule II.

(b) \* \* \*

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding naloxone hydrochloride, but including the following:

(i) Raw opium.....	9600
(ii) Opium extracts.....	9610
(iii) Opium fluid extracts.....	9620
(iv) Powered opium.....	9639
(v) Granulated opium.....	9640
(vi) Tincture of opium.....	9630
(vii) Apomorphine.....	9030
(viii) Codeine.....	9050
(ix) Ethylmorphine.....	9190
(x) Hydrocodone.....	9193
(xi) Hydromorphone.....	9194
(xii) Metopon.....	9260
(xiii) Morphine.....	9300
(xiv) Oxycodone.....	9143
(xv) Oxymorphone.....	9652
(xvi) Thebaine.....	9333

This order is effective on the date of its publication in the FEDERAL REGISTER (9-29-71).

Dated: September 23, 1971.

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

[FR Doc.71-14300 Filed 9-28-71; 8:47 am]



## Title 17—COMMODITY AND SECURITIES EXCHANGES

### Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

[Hearing Docket CE-P 17]

#### PART 150—ORDERS OF THE COMMODITY EXCHANGE COMMISSION

##### Wheat, Oats, Barley, Flaxseed, and Corn Futures

On July 17, 1971, a notice was published in the FEDERAL REGISTER (36 F.R. 13271) of a proposed revision of §§ 150.1 (c) and 150.11(c) of the Orders of the Commodity Exchange Commission to exempt livestock and poultry producers from speculative limits on position and daily trading in wheat, oats, barley, flaxseed, and corn for future delivery used in connection with feed requirements.

Interested persons were given until August 23, 1971, to request a hearing or to submit written statements on the proposed amendment. A hearing was not requested.

As set forth in the notice of proposed rule making published on July 17, 1971, § 150.1 establishes limits on position and daily trading in wheat, oats, barley, and flaxseed at 2 million bushels in one future or all futures combined. Section 150.11 establishes such limits on corn at 3 million bushels (2 million bushels prior to June 26, 1971, under § 150.1).

Since the establishment of speculative limits in wheat, oats, barley, flaxseed, and corn, the rapid growth of livestock and poultry feeding operations has created the need to offset price risks incident to the acquisition of feed required for such operations by livestock and poultry producers through the purchase of feed grain futures contracts. The purchase of feed grain futures contracts against feed requirements is not now exempt from speculative limits by the Commodity Exchange Commission in the orders cited herein.

The administrative officials of the Commodity Exchange Authority consider that the purchase of grain futures contracts against feed requirements is sound commercial practice by livestock and poultry producers, and that an exemption should be made to permit such purchases without regard to existing speculative limits. This view is also supported by industry representations.

After consideration of all relevant matters presented by interested persons, the revision as so proposed is hereby adopted without change and is set forth below.

**Effective date.** This revision shall become effective on the date of its publication in the FEDERAL REGISTER (9-29-71).

Issued: September 23, 1971.

COMMODITY EXCHANGE COMMISSION,  
M. L. UPCHURCH,  
*Chairman designee for the  
Secretary of Agriculture.*

HUDSON B. DRAKE,  
*Member designee for the  
Secretary of Commerce.*

JOSEPH J. SAUNDERS,  
*Member designee for the  
Attorney General.*

#### § 150.1 Limits on position and daily trading in grain for future delivery.

(c) *Exemptions.* The foregoing limits upon position and upon daily trading shall not apply to:

(1) Bona fide hedging transactions as defined in section 4a(3) of the Commodity Exchange Act (7 U.S.C. 6a(3));

(2) Purchase transactions or net long positions in commodities covered by this order, if such transactions or positions are made or held by a producer of livestock or poultry or both, to the extent that the bona fide purpose of such transactions or positions is to offset the price risk incident to filling anticipated feed requirements of such producer for a specified operating period not in excess of 1 year: *Provided*, The producer availing himself of this exemption files with the Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250, at least 10 days prior to making any transaction or acquiring any position in excess of any limit established by this order, a statement showing his unfiled anticipated requirements for feeding for a specified operating period not in excess of 1 year. Such statement shall set forth in detail such producer's anticipated requirements and explain the method of determination thereof, and shall include but not be limited to the following information:

(i) Annual requirements of feed for the 3 calendar years next preceding.

(ii) Anticipated feed requirements for a specified operating period not in excess of 1 year.

(iii) Inventory of feed on hand and/or purchases not yet delivered.

(iv) Unfiled anticipated feed requirements for a specified period not in excess of 1 year.

(v) Number of cattle, hogs, sheep, or poultry expected to be fed during a specified period not in excess of 1 year: *And provided further*, That whenever such producer's anticipated feed requirements shall change, he immediately files with the Commodity Exchange Authority a supplementary statement explaining such change and such producer also files with the Commodity Exchange Authority at least once each year, a statement setting forth the information described above.

#### § 150.11 Limits on position and daily trading in corn for future delivery.

(c) *Exemptions.* The foregoing limits upon position and upon daily trading shall not apply to:

(1) Bona fide hedging transactions as defined in section 4a(3) of the Commodity Exchange Act (7 U.S.C. 6a(3));

(2) Purchase transactions or net long positions in corn covered by this order, if such transactions or positions are made or held by a producer of livestock or poultry or both, to the extent that the bona fide purpose of such transactions or positions is to offset the price risk incident to filling anticipated feed requirements of such producer for a specified operating period not in excess of 1 year: *Provided*, The producer availing himself of this exemption files with the Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250, at least 10 days prior to making any transaction or acquiring any position in excess of any limit established by this order, a statement showing his unfiled anticipated requirements for feeding for a specified operating period not in excess of 1 year. Such statement shall set forth in detail such producer's anticipated requirements and explain the method of determination thereof, and shall include but not be limited to the following information:

(i) Annual requirements of feed for the 3 calendar years next preceding.

(ii) Anticipated feed requirements for a specified operating period not in excess of 1 year.

(iii) Inventory of feed on hand and/or purchases not yet delivered.

(iv) Unfiled anticipated feed requirements for a specified period not in excess of 1 year.

(v) Number of cattle, hogs, sheep, or poultry expected to be fed during a specified period not in excess of 1 year: *And provided further*, That whenever such producer's anticipated feed requirements shall change, he immediately files with the Commodity Exchange Authority a supplementary statement explaining such change and such producer also files with the Commodity Exchange Authority at least once each year, a statement setting forth the information described above.

[FR Doc. 71-14291 Filed 9-28-71; 8:46 am]

## Title 29—LABOR

### Chapter II—Office of the Assistant Secretary for Labor-Management Relations, Department of Labor

#### PART 202—REPRESENTATION PROCEEDINGS

##### Petition for National Consultation Rights

On June 8, 1971, proposed amendments to Part 202 of Title 29, concerning the adoption of rules governing petitions to

the Assistant Secretary for national consultation rights, were published at 36 F.R. 11044. Interested persons were invited to submit written comments, suggestions, or objections regarding the proposed rule making.

Having considered all relevant material submitted, the proposed rules are hereby adopted without change and are set forth below.

*Effective date.* This amendment shall become effective upon publication in the FEDERAL REGISTER (9-29-71).

Signed at Washington, D.C., this 23d day of September 1971.

W. J. USERY, Jr.,  
Assistant Secretary of Labor  
for Labor-Management Relations.

Part 202 of Chapter II of Title 29 of the Code of Federal Regulations is hereby amended by adding the following § 202.2(d), reading as follows:

§ 202.2 Contents of petition; challenges to petition.

(d) *Petition for national consultation rights.* (1) A petition for national consultation rights shall contain the information required in subparagraph (4), (5), (7), and (8) of paragraph (a) of this section, and shall set forth:

(i) The name, address, and telephone number of the agency or primary national subdivision in which the petitioner seeks to obtain or retain national con-

sultation rights, and the persons to contact and their titles, if known;

(ii) A showing that petitioner holds adequate exclusive recognition as required in 5 CFR § 2412.2;

(iii) A statement that such showing has been made to and rejected by the agency or primary national subdivision, together with a statement of the reasons for rejection, if any, offered by that agency or primary national subdivision.

(2) Notwithstanding any other regulations in this part, the following regulations govern petitions filed under this subsection:

(i) An original and four copies of a petition shall be filed, with the Area Administrator for the area wherein the agency headquarters or the headquarters of the agency's primary national subdivision are located, within 30 days following refusal by the agency or primary national subdivision to accord or continue to accord national consultational rights pursuant to a request under 5 CFR 2412.2.

(ii) Within 15 days following the receipt of a copy of the petition, the agency or primary national subdivision shall file a response thereto with the Area Administrator raising any matter which is relevant to the petition.

(iii) The Area Administrator shall make such investigation as he deems necessary and report the essential facts and positions of the parties to the Regional Administrator. If the Regional Administrator determines after an investigation, that a labor organization does not

qualify for national consultation rights or the petition is not otherwise actionable, he may request the party filing such a petition to withdraw the petition or in the absence of such withdrawal within a reasonable time, he may dismiss the petition subject to review by the Assistant Secretary pursuant to § 202.6(d). The Regional Administrator, if appropriate, may cause a notice of hearing to issue to all interested parties where substantial factual issues exist warranting a hearing. Hearings shall be conducted by Hearing Examiners in accordance with §§ 203.10 through 203.24, with the exception of § 203.14 of this chapter. After considering the Hearing Examiner's report and recommendations, the record, and any exceptions filed thereto, the Assistant Secretary shall issue his decision.

(iv) An agency or primary national subdivision, shall provide notice of its intention to terminate national consultational rights not less than 15 days prior to the intended termination date. A labor organization after receiving such notice, but prior to the intended termination date, may duly file a petition under this section and thereby cause to be stayed further action by the agency or primary national subdivision pending ultimate review and decision by the Assistant Secretary. An agency or primary national subdivision may terminate national consultation rights if no petition has been filed during the notice period prescribed herein.

[FR Doc. 71-14290 Filed 9-28-71; 8:45 am]

# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ 43 CFR Parts 2800, 2810 ]

### RIGHTS-OF-WAY

#### Notice of Proposed Rule Making

EDITORIAL NOTE: F.R. Doc. 71-14091 appearing at page 18953 in the issue of Friday, September 24, 1971, should appear as a Notice of Proposed Rule Making document with the headings reading as set forth above. This document was inadvertently published in the Rules and Regulations section.

## DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[ 7 CFR Part 906 ]

### ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

#### Proposed Container, Pack, and Container Marking Regulations

Consideration is being given to the following proposal, applicable to § 906.340 *Container, pack, and container marking regulations* (7 CFR 906.340; 36 F.R. 143; 5962; 14253), 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 amendment would continue in effect through October 15, 1972, certain requirements with respect to the packing of size 96 grapefruit, that have been in effect since April 1, 1971, under Amendment 7 to § 906.340. Such requirements, which unless extended beyond such date would expire October 15, 1971, restrict the diameter range for pack size 96 by prescribing  $3\frac{1}{16}$  inches instead of  $3\frac{3}{16}$  inches as the minimum size for

grapefruit packed in accordance with the requirements of standard pack as specified in the U.S. Standards for Grades of Grapefruit (Texas and States other than Florida, California, and Arizona) designated as §§ 51.620-51.653 of this title. A maximum diameter of  $3\frac{1}{16}$  inches is specified in said standards for pack size 96. This packing requirement is intended to effect the handling of larger and more uniform fruit in the 96 pack size, thereby improving the pack's appearance and enhancing the fruit's marketability.

The proposal is that the provisions of paragraph (a) (2) (ii) of § 906.340 (7 CFR 906.340; 36 F.R. 143; 5962, 7049, 14253) be amended to read as follows:

§ 906.340 Container, pack, and container marking regulations.

(a) \* \* \*

(2) \* \* \*

(ii) *Grapefruit.* Grapefruit, when in any box, bag, or carton shall be of a size within the diameter limits specified for the various pack sizes for standard pack set forth in table III of the U.S. Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) designated as §§ 51.620-51.653 of this title: *Provided*, That during the period October 16, 1971, through October 15, 1972, the diameter limits for pack size 96 grapefruit shall be  $3\frac{1}{16}$  inches minimum and  $3\frac{3}{16}$  inches maximum: *And provided further*, That any grapefruit in boxes or cartons shall be packed in accordance with the requirements of standard pack, except that not to exceed 10 percent, by count, of such grapefruit may be outside such diameter limits.

Dated: September 24, 1971.

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

[FR Doc. 71-14318 Filed 9-28-71; 8:48 am]

## DEPARTMENT OF LABOR

Office of the Secretary

[ 29 CFR Part 93 ]

### CERTIFICATION OF PROTECTIVE ARRANGEMENTS FOR EMPLOYEES AFFECTED BY ASSISTANCE UNDER URBAN MASS TRANSPORTATION ACT OF 1964

#### Proposed Protection Procedures

Notice is hereby given that, pursuant to section 13(c) of the Urban Mass Transportation Act of 1964, as amended, 49 U.S.C. section 1609(c), and 5

U.S.C. section 301, the Secretary of Labor is considering the establishment of Part 93 of Title 29 of the Code of Federal Regulations to set forth procedures relating to the responsibilities vested in the Secretary of Labor by the Urban Mass Transportation Act of 1964, 78 Stat. 302, as amended, in determining that fair and equitable arrangements have been made to protect the interests of employees affected by assistance under that Act.

Interested persons are invited to submit written comments regarding the proposal to the Secretary of Labor, U.S. Department of Labor, Constitution Avenue and 14th Street NW., Washington, DC 20210 within 30 days after this notice is published in the FEDERAL REGISTER.

### PART 93—CERTIFICATION OF PROTECTIVE ARRANGEMENTS FOR EMPLOYEES AFFECTED BY ASSISTANCE UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED

#### Subpart A—General

Sec.  
93.1 Scope and purpose.  
93.2 Acceptable protective arrangements.

#### Subpart B—Procedures for Certification

93.3 Processing of applications.  
93.4 Role of collective bargaining.  
93.5 Mediation and conciliation.  
93.6 Notice of hearing.  
93.7 Conduct of hearing.  
93.8 Rights of parties.  
93.9 Rules of evidence.  
93.10 Duties and powers of hearing officer.  
93.11 Oral argument at the hearing.  
93.12 Filing of brief.  
93.13 Submission of the hearing officer's report and recommendations to the Assistant Secretary of Labor for Labor-Management Relations; exceptions.  
93.14 Contents of exceptions to hearing officer's report and recommendations.  
93.15 Briefs in support of exceptions.  
93.16 Final action.

AUTHORITY: The provisions of this Part 93 are issued under 49 U.S.C. 1609(c); 5 U.S.C. 301.

#### Subpart A—General

§ 93.1 Scope and purpose.

The purpose of this part is to set forth procedures relating to the responsibilities vested in the Secretary of Labor by the Urban Mass Transportation Act of 1964, 78 Stat. 302, as amended, in determining that fair and equitable arrangements have been made to protect the interests of employees affected by assistance under that Act. Section 3(e) of the Act, 49 U.S.C. section 1602(e), provides that no financial assistance shall be provided under the Act to any State or local public body or agency thereof for the purpose, directly or indirectly, of acquiring

any interest in, or purchasing any facilities or other property of, a private mass transportation company, or for the purpose of constructing, improving or reconstructing any facilities or other property acquired from any such company, or for the purpose of providing by contract or otherwise for the operation of mass transit facilities or equipment in competition with, or supplementary to, the service provided by an existing mass transportation company, unless the Secretary of Labor certifies that such assistance complies with the requirements of section 13(c) of the Act. Section 13(c), 49 U.S.C. section 1609(c), requires as a condition of Federal assistance under the Act that fair and equitable arrangements are made, as determined by the Secretary of Labor, to protect the interests of employees affected by such assistance.

#### § 93.2 Acceptable protective arrangements.

(a) *Contents.* The Secretary of Labor shall certify, as fair and equitable, those protective arrangements for affected employees which include, without being limited to, such provisions as may be necessary and appropriate for:

- (1) The preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective bargaining agreements or otherwise.
- (2) The continuation of collective bargaining rights.
- (3) The protection of individual employees against a worsening of their positions with respect to their employment.
- (4) Assurances of employment to employees of acquired mass transportation systems and priority of reemployment of employees terminated or laid off.
- (5) Paid training or retraining programs.

Such benefits shall in no event be less than those established pursuant to section 5(2)(f) of the Interstate Commerce Act, 41 U.S.C. section 5(2)(f). Such benefits shall include, without being limited to, appropriate provisions for:

- (i) Definitions, including definition of protective period;
- (ii) Displacement allowances;
- (iii) Dismissal allowances;
- (iv) Separation allowances;
- (v) Fringe benefits;
- (vi) Arbitration of disputes.

(b) *Situations involving unorganized employees.* Protective arrangements must provide fair and equitable protection for all affected employees, regardless of whether they are represented by a labor organization.

#### Subpart B—Procedures for Certification

##### § 93.3 Processing of applications.

(a) *General requirements.* The Department of Transportation will furnish copies of applications for Federal assistance to the Department of Labor for review, together with a request for the certification of employee protective arrangements. Depending on the circum-

stances and the stage of development of the project, the Department of Labor will process applications in either preliminary or final form. To facilitate review, the section of the application dealing with "Labor and Relocation" should estimate the effects of the contemplated Federal assistance, including possible impact of the project upon applicable collective bargaining agreements, employment rights, privileges and benefits (including pensions) and collective bargaining rights.

(b) *Situations involving organized employees.* The application should identify the labor organizations, if any, representing the employees referred to in paragraph (a) of this section and should describe the nature of the existing collective bargaining relationships and describe what, if any, steps have been taken to develop the required employee protections.

##### § 93.4 Role of collective bargaining.

In situations involving organized employees, it is expected that employee protective arrangements will normally be the product of collective bargaining and negotiation, subject to the basic standards set forth in § 93.2(a). The Secretary of Labor shall accord the parties the greatest possible latitude and encouragement in developing their own mutually acceptable arrangements. Where the parties have mutually agreed on protective arrangements, the Secretary shall certify such arrangements, provided they meet the requirements of § 93.2(a). If the Secretary finds such negotiated arrangements unacceptable, he shall so notify the parties and indicate the nature of the deficiencies. The parties shall then be subject to the provisions of §§ 93.5 through 93.16.

##### § 93.5 Mediation and conciliation.

If the parties are unable to develop mutually acceptable arrangements for affected employees through their own efforts within a reasonable period of time, the Assistant Secretary of Labor for Labor-Management Relations shall make mediation and conciliation services available such purpose upon the request of one or more of the parties.

##### § 93.6 Notice of hearing.

If the parties are unable to reach mutually acceptable arrangements for affected employees within a reasonable period of time after mediation and conciliation services have been utilized, any party may petition the Assistant Secretary of Labor for Labor-Management Relations requesting that he issue a notice of hearing for the purpose of obtaining facts upon which the required protective arrangements may be recommended. The Assistant Secretary of Labor for Labor-Management Relations shall issue a notice of hearing if he determines that the parties are at an impasse in their negotiations for a protective arrangement.

##### § 93.7 Conduct of hearing.

(a) Hearings shall be conducted by a hearing officer designated by the Chief

Hearing Examiner, and shall be open to the public unless otherwise ordered by the Assistant Secretary of Labor for Labor-Management Relations.

(b) An official reporter shall make the only official transcript of such proceedings. Copies of the official transcript will not be provided to the parties but may be purchased by arrangement with the official reporter.

##### § 93.8 Rights of parties.

Any party shall have the right to appear at such hearing in person, by counsel, or by other representative, to examine and cross-examine witnesses, and to introduce into the record documentary or other relevant evidence, except that the participation of any party shall be limited to the extent prescribed by the hearing officer.

##### § 93.9 Rules of evidence.

The technical rules of evidence do not apply. Any evidence may be recorded, except that a hearing officer may exclude any evidence or offer of proof which is immaterial, irrelevant, unduly repetitious, or customarily privileged. Every party shall have a right to present his case by oral and documentary evidence and to submit rebuttal evidence.

##### § 93.10 Duties and powers of the hearing officer.

It shall be the duty of the hearing officer to inquire fully into the facts and issues as they relate to the matters before him. The hearing officer shall have the authority to:

- (a) Grant requests for appearance of witnesses or production of documents;
- (b) Rule upon offers of proof and receive relevant evidence;
- (c) Take or cause depositions to be taken whenever the ends of justice would be served thereby;
- (d) Limit lines of questioning or testimony which are immaterial, irrelevant, or unduly repetitious;
- (e) Regulate the course of the hearing, and if appropriate, exclude from the hearing persons who engage in misconduct and strike all related testimony of witnesses refusing to answer any questions deemed to be proper;
- (f) Hold conferences for the settlement or simplification of the issues by consent of the parties or upon his own motion;
- (g) Dispose of procedural requests, motions, or similar matters which shall be made part of the record of the proceeding;
- (h) Examine and cross-examine witnesses and introduce into the record documentary or other evidence;
- (i) Prepare, serve, and submit his report and recommendations, pursuant to § 93.13;
- (j) Take official notice of any material fact not appearing in evidence in the record, which is among the traditional matters of judicial notice and also concerning which the Department of Labor by reason of its functions is presumed to be expert;

(k) Take any other action necessary under the foregoing and not prohibited by these regulations.

#### § 93.11 Oral argument at the hearing.

Any party shall be entitled, upon request, to a reasonable period prior to the close of the hearing for oral argument, which shall be included in the official transcript of the hearing.

#### § 93.12 Filing of brief.

Any party desiring to submit a brief to the hearing officer shall file the original and one copy within fourteen (14) days after the close of the hearing: *Provided, however,* That prior to the close of the hearing and for good cause, the hearing officer may grant a reasonable extension of time. Copies thereof shall be served simultaneously on all other parties to the proceeding. No reply brief may be filed except by special permission of the hearing officer.

#### § 93.13 Submission of the hearing officer's report and recommendations to the Assistant Secretary of Labor for Labor-Management Relations; exceptions.

(a) After the close of the hearing and the receipt of briefs, if any, the hearing officer shall prepare his report and recommendations expeditiously. The report and recommendations shall contain a recommended protective arrangement meeting the requirements of § 93.2(a) and the reasons or basis therefor.

(b) The hearing officer shall cause his report and recommendations to be served promptly on all parties to the proceeding. Thereafter, the hearing officer shall transfer the case to the Assistant Secretary of Labor for Labor-Management Relations, including his report and recommendations and the record.

(c) An original and two (2) copies of any exceptions to the hearing officer's report and recommendations may be filed by any party with the Assistant Secretary of Labor for Labor-Management Relations within ten (10) days after service of the report and recommendations: *Provided, however,* That the Assistant Secretary of Labor for Labor-Management Relations may for good cause shown extend the time for filing such exceptions. Requests for additional time in which to file exceptions shall be in writing, and copies thereof shall be served simultaneously on the other parties. Requests for extension of time must be received no later than three (3) days before the date the exceptions are due. Copies of such exceptions and any supporting briefs shall be served simultaneously on all other parties, and a statement of such service shall be furnished to the Assistant Secretary of Labor for Labor-Management Relations.

#### § 93.14 Contents of exceptions to hearing officer's report and recommendations.

(a) Exceptions to a hearing officer's report and recommendations shall:

(1) Set forth specifically the questions upon which exceptions are taken;

(2) Identify with specificity that part of the hearing officer's report to which objection is made;

(3) Designate by precise citation of page the portions of the record relied on and state the grounds for the exceptions.

(b) Any exception to a ruling, finding, conclusion, or recommendation which is not specifically urged shall be deemed to have been waived. Any exception which fails to comply with the foregoing requirements may be disregarded.

#### § 93.15 Briefs in support of exceptions.

(a) Any brief in support of exceptions shall contain any matters included within the scope of the exceptions and shall contain, in the order indicated, the following:

(1) A concise statement of the case containing all that is material to the consideration of the questions presented;

(2) A specification of the questions involved and to be argued;

(3) The argument, presenting clearly the points relied on in support of the position taken on each question, with specific page reference to the transcript and the legal or other material relied on.

(b) Answering briefs to the exceptions and cross-exceptions and supporting briefs may be filed at the discretion of the Assistant Secretary of Labor for Labor-Management Relations.

#### § 93.16 Final action.

After considering the hearing officer's report and recommendations, the record, and any exceptions filed, the Assistant Secretary of Labor for Labor-Management Relations shall recommend to the Secretary of Labor a decision affirming or reversing the hearing officer, in whole or in part, establishing employee protective arrangements. The Secretary of Labor shall issue his decision, which shall be subject to the requirements of § 93.2(a). The contract for the granting of assistance shall specify the protective arrangements established by the Secretary of Labor in his decision.

*Effective date.* This part shall be effective upon publication in the FEDERAL REGISTER (9-29-71).

Signed at Washington, D.C., this 22d day of September 1971.

J. D. HODGSON,  
Secretary of Labor.

[FR Doc. 71-14281 Filed 9-28-71; 8:46 am]

### [ 41 CFR Parts 29-1, 29-3 ]

## NOVATION AND CHANGE OF NAME AGREEMENTS AND CONTRACTS

### Notice of Proposed Rule Making

Pursuant to the authorities contained in 5 U.S.C. 301 and 40 U.S.C. 486(c), I hereby propose to amend 41 CFR Chapter 29 as set forth below.

Any person interested in this proposal may file a written statement of data, views, or arguments regarding it with the Assistant Secretary for Administration, U.S. Department of Labor, Wash-

ington, D.C. 20210, within 15 days after this notice is published in the FEDERAL REGISTER.

1. The table of contents for Part 29-1 to be revised to add entries for a new Subpart 29-1.50, as follows:

#### Subpart 29-1.50—Novation Agreements and Change of Name Agreements

Sec.	
29-1.5000	Scope of subpart.
29-1.5001	Legal review.
29-1.5002	Agreement to recognize a successor in interest.
29-1.5003	Agreement to recognize change of name of contractor.
29-1.5004	Processing novation agreements and change of name agreements.

2. The following text material to be added as a new Subpart 29-1.50:

#### Subpart 29-1.50—Novation Agreements and Change of Name Agreements

##### § 29-1.5000 Scope of subpart.

This subpart prescribes the policy and procedures for (a) recognition of a successor in interest to Government contracts when such interests are acquired incidental to a transfer of all the assets of a contractor or such part of his assets as is involved in the performance of the contract, (b) a change of name of a contractor, and (c) execution of novation agreements and change of name agreements by a single administration or office and change of name or novation agreements affecting more than one administration or office. (See also § 1-30.710 of this title on assignment of claims in case of transfers of a business or corporate mergers.)

##### § 29-1.5001 Legal review.

All novation agreements and change of name agreements, prior to execution by the Department, shall be reviewed by the Solicitor's Office for legal sufficiency.

##### § 29-1.5002 Agreement to recognize a successor in interest.

(a) The transfer of a Government contract is prohibited by law (41 U.S.C. 15). However, the Government may recognize a third party as the successor in interest to a Government contract where the third party's interest is incidental to the transfer of all the assets of the contractor, or all of that part of the contractor's assets involved in the performance of the contract. Examples include, but are not limited to:

(1) Sale of such assets;

(2) Transfer of such assets pursuant to merger or consolidation of corporation; and

(3) Incorporation of a proprietorship or partnership.

(b) When a contractor requests that the Department recognize a successor in interest, the contractor shall be required to provide three signed copies of a novation agreement to the administration or office concerned, together with one copy of each of the following, as applicable:

(1) A properly authenticated copy of the instrument by which the transfer of

assets was effected, as for example, a bill of sale, certificate of merger, indenture of transfer, or decree of court;

(2) A list of all contracts and purchase orders which have not been finally settled between the Department and the transferor, showing the contract number, the name and address of the procurement office involved, the total dollar value of each contract as amended, the type of contract involved, and the balance remaining unpaid;

(3) A certified copy of the resolutions of the boards of directors of the corporate parties authorizing the transfer of assets;

(4) A certified copy of the minutes of any stockholders' meetings of the corporate parties necessary to approve the transfer of assets;

(5) A properly authenticated copy of the certificate and articles of incorporation of the transferee if such corporation was formed for the purpose of receiving the assets involved in the performance of the Government contracts;

(6) Opinion of counsel for the transferor and transferee that the transfer was properly effected in accordance with applicable law and the effective date of transfer;

(7) Evidence of the capability of the transferee to perform the contracts;

(8) Balance sheets of the transferor and the transferee as of dates immediately prior to and after the transfer of assets; and

(9) Consent of sureties on all contracts listed under paragraph (a) of this section where bonds are required, or a statement that none is required.

(c) When it is consistent with the Government's interest to recognize a successor in interest to a Government contract, the administration or office concerned shall execute an agreement with the transferor and the transferee, which shall ordinarily provide in part that:

(1) The transferee assumes all the transferor's obligations under the contract;

(2) The transferor waives all rights under the contract as against the Government;

(3) The transferor guarantees performance of the contract by the transferee (a satisfactory performance bond may be accepted in lieu of such guarantee); and

(4) Nothing in the agreement shall relieve the transferor or the transferee from compliance with any Federal law.

(d) A form for such an agreement for use when the transferor and transferee are corporations, and all the assets of the transferor are transferred, is set forth herein. This form may be adapted to fit specific cases and may be used as a guide in preparing similar agreements for use in other situations.

#### AGREEMENT

This Agreement, entered into as of (date upon which the transfer of assets became effective pursuant to applicable State law), 19\_\_\_, by and between the ABC Corporation, a corporation duly organized and existing

under the laws of the State of \_\_\_\_\_ with its principal office in the city of \_\_\_\_\_ (hereinafter referred to as the "Transferor"); the XYZ Corporation add if appropriate (formerly known as the EPG Corporation), a corporation duly organized and existing under the laws of the State of \_\_\_\_\_ with its principal office in the city of \_\_\_\_\_ (hereinafter referred to as the "Transferee"); and the United States of America (hereinafter referred to as the "Government").

#### WITNESSETH

1. Whereas, the Government, represented by various Contracting Officers of the Department of Labor has entered into certain contracts and purchase orders with the Transferor (namely: \_\_\_\_\_), or as set forth in the attached list marked "Exhibit A" to this Agreement and herein incorporated by reference; and the term "the Contracts" as hereinafter used means the above contracts and purchase orders, and all other contracts and purchase orders, including modifications thereto, heretofore made between the Government, represented by various Contracting Officers of the above-named Department, and the Transferor (whether or not performance and payment have been completed and releases executed, if the Government or the Transferor has any remaining rights, duties or obligations thereunder); and including modifications thereto hereafter made in accordance with the terms and conditions of such contracts and purchase orders between the Government and the Transferee;

2. Whereas, as of \_\_\_\_\_, 19\_\_\_, the Transferor assigned, conveyed, and transferred to the Transferee all the assets of the Transferor by virtue of a (term descriptive of the legal transaction involved) between the Transferor and the Transferee;

3. Whereas, the Transferee, by virtue of said assignment, conveyance and transfer, has acquired all the assets of the Transferor;

4. Whereas, by virtue of said assignment, conveyance and transfer, the Transferee has assumed all the duties, obligations and liabilities of the Transferor under the Contracts;

5. Whereas, the Transferee is in a position fully to perform the Contracts, and such duties and obligations as may exist under the Contracts;

6. Whereas, it is consistent with the Government's interest to recognize the Transferee as the successor party to the Contracts;

7. Whereas, there has been filed with the Government evidence of said assignment, conveyance or transfer, as required by § 29-1.5002(b);

Where a change of name is also involved, such as prior or concurrent change of name of the transferee, an appropriate recital shall be used; for example:

8. Whereas, there has been filed with the Government a certificate dated \_\_\_\_\_, 19\_\_\_, signed by the Secretary of State of the State of \_\_\_\_\_, to the effect that the corporate name of EPG Corporation was changed to XYZ Corporation on \_\_\_\_\_, 19\_\_\_;

Now, therefore, in consideration of the premises, the parties, hereto agree as follows:

9. The Transferor hereby confirms said assignment, conveyance, and transfer to the Transferee, and does hereby release and discharge the Government from, and does hereby waive, any and all claims, demands, and rights against the Government which it now has or may hereafter have in connection with the contracts.

10. The Transferee hereby assumes, agrees to be bound by, and undertakes to perform each and every one of the terms, covenants and conditions contained in the Contracts.

The Transferee further assumes all obligations and liabilities of, and all claims and demands against, the Transferor under the Contracts, in all respects as if the Transferee were the original party to the Contracts.

11. The Transferee hereby ratifies and confirms all actions heretofore taken by the Transferor with respect to the Contracts with the same force and effect as if the action had been taken by the Transferee.

12. The Government hereby recognizes the Transferee as the Transferor's successor in interest in and to the Contracts and agrees that the Transferee hereby becomes entitled to all rights, title, and interest of the Transferor in and to the Contracts in all respects as if the Transferee were the original party to the Contracts. The term "Contractor" as used in the Contracts shall be deemed hereafter to refer to the Transferee rather than to the Transferor.

13. Except as expressly provided herein, nothing in this Agreement shall be construed as a waiver of any rights of the Government against the Transferor.

14. Notwithstanding the foregoing provisions, all payments and reimbursements heretofore made by the Government to the Transferor and all other action heretofore taken by the Government, pursuant to its obligation under any of the Contracts, shall be deemed to have discharged pro tanto the Government's obligations under the Contracts. All payments and reimbursements made by the Government after the date of this Agreement in the name of or to the Transferor shall have the same force and effect as if made to said Transferee and shall constitute a complete discharge of the Government's obligations under the Contracts, to the extent of the amounts so paid or reimbursed.

15. The Transferor and the Transferee hereby agree that the Government shall not be obligated to pay or reimburse either of them for, or otherwise give effect to, any costs, taxes or other expenses, or any increases therein, directly or indirectly arising out of or resulting from (i) said assignment, conveyance and transfer, or (ii) this Agreement, other than those which the Government, in the absence of said assignment, conveyance and transfer, or this Agreement, would have been obligated to pay or reimburse under the terms of the Contracts.

16. The Transferor hereby guarantees payment of all liabilities and the performance of all obligations which the Transferee (i) assumes under this Agreement, or (ii) may hereafter undertake under the Contracts as they may hereafter be amended or modified in accordance with the terms and conditions thereof; and the Transferor hereby waives notice of and consents to any such amendment or modification.

17. Except as herein modified, the Contracts shall remain in full force and effect. In witness whereof, each of the parties hereto has executed this Agreement as of the day and year first above written.

UNITED STATES OF AMERICA

By \_\_\_\_\_  
Title \_\_\_\_\_

[CORPORATE SEAL] ABC CORPORATION

By \_\_\_\_\_  
Title \_\_\_\_\_

[CORPORATE SEAL] XYZ CORPORATION

By \_\_\_\_\_  
Title \_\_\_\_\_

CERTIFICATE

I, \_\_\_\_\_, certify that I am the Secretary of ABC Corporation, named above; that \_\_\_\_\_ who signed this Agreement on behalf of said

corporation, was then \_\_\_\_\_ of said corporation; and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

Witness by hand and the seal of said corporation this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

[CORPORATE SEAL]

By \_\_\_\_\_

CERTIFICATE

I, \_\_\_\_\_, certify that I am the Secretary of XYZ Corporation, named above; that \_\_\_\_\_ who signed this Agreement on behalf of said corporation, was then \_\_\_\_\_ of said corporation; and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

Witness by hand and the seal of said corporation this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

[CORPORATE SEAL]

By \_\_\_\_\_

§ 29-1.5003 Agreement to recognize change of name of contractor.

(a) When only a change of name is involved, so that the rights and obligations of the parties remain unaffected, an agreement shall be executed by the Administration or Office concerned and the contractor modifying all existing contracts between the parties so as to reflect the contractor's change of name. Three signed copies of the Change of Name Agreement and one copy of each of the following shall be forwarded by the contractor to the Administration or Office concerned:

(1) A copy of the instrument by which the change of name was effected, authenticated by a proper official of the State having jurisdiction;

(2) Opinion of counsel for the contractor as to the effective date of the change of name and that it was properly effected in accordance with applicable law; and

(3) A list of all contracts and purchase orders which have not been finally settled between the Department concerned and the transferor, showing the contract number, the name and address of the procurement office involved, the total dollar value of each contract as amended, and the balance remaining unpaid.

(b) A format for such an agreement which shall be adapted for specific cases is set forth below.

AGREEMENT

This agreement, entered into as of (date upon which the change of name became effective pursuant to applicable State law) \_\_\_\_\_, 19\_\_\_\_, by and between the ABC Corporation (formerly the XYZ Corporation and hereinafter sometimes referred to as the "Contractor"), a corporation duly organized and existing under the laws of the State of \_\_\_\_\_, and the United States of America (hereinafter referred to as the "Government").

WITNESSETH

1. Whereas, the Government, represented by various Contracting Officers of the Department of Labor has entered into certain contracts and purchase orders with the XYZ Corporation, (namely: \_\_\_\_\_) or (as set forth in the attached list marked

"Exhibit A" to this Agreement and herein incorporated by reference); and the term "the Contracts" as hereinafter used means the above contracts and purchase orders, and all other contracts and purchase orders, including modifications thereto, entered into between the Government, represented by various Contracting Officers of the Department of Labor, and the Contractor (whether or not performance and payment have been completed and releases executed, if the Government or the Contractor has any remaining rights, duties or obligations thereunder);

2. Whereas, the XYZ Corporation, by an amendment to its certificate of incorporation, dated \_\_\_\_\_, has changed its corporate name to ABC Corporation;

3. Whereas, a change of corporate name only is accomplished by said amendment, so that rights and obligations of the Government and of the Contractor under the Contracts are unaffected by said change; and

4. Whereas, there has been filed with the Government documentary evidence of said change in corporate name;

Now therefore, in consideration of the premises, the parties hereto agree that the Contracts covered by this agreement are hereby amended by deleting therefrom the name "XYZ Corporation" wherever it appears in the Contracts and substituting therefor the name "ABC Corporation".

In witness whereof, each of the parties hereto has executed this Agreement as of the day and year first above written.

UNITED STATES OF AMERICA

By \_\_\_\_\_

Title \_\_\_\_\_

[CORPORATE SEAL] ABC CORPORATION

By \_\_\_\_\_

Title \_\_\_\_\_

CERTIFICATE

I, \_\_\_\_\_, certify that I am the Secretary of ABC Corporation, named above; that \_\_\_\_\_ who signed this Agreement on behalf of said corporation, was then \_\_\_\_\_ of said corporation; and that this Agreement was duly signed for in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

Witness by hand and seal of said corporation this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

[CORPORATE SEAL]

By \_\_\_\_\_

§ 29-1.5004 Processing novation agreements and change of name agreements.

(a) The Administration or Office processing a proposed novation agreement shall promptly provide notice of the proposed Agreement, including lists of contracts as required by § 29-1.5002(b) (2), to the Administrations or Offices having contracts with the contractor or contractors concerned. Such notice shall be transmitted to the appropriate addressee listed herein.

Office of Administrative Services, Office of the Assistant Secretary for Administration, Attention: ASP.

Manpower Administration, Office of Financial and Management Systems, Attention: MBMR.

Bureau of International Affairs, Attention: IA.

Bureau of Labor Statistics, Attention: BA.

(b) If the Administration(s) or Office(s) do not object to the proposed

novation agreement within 30 days after receipt of notice, the initiating Administration or Office shall assume acceptance of the proposed novation agreement.

(c) When more than one Administration or Office has outstanding contracts with the contractor or contractors, a single agreement covering all such contracts shall be executed by the Administration or Office having the largest unsettled dollar balance with the contractor or contractors.

(d) A signed copy of the executed novation agreement or change of name agreement shall be forwarded to the contractor, a signed copy shall be retained in the administration or office executing the agreement, and where more than one administration or office is involved, two conformed copies of the agreement shall be prepared by each affected administration and office incorporating a summary of the agreement and attaching thereto a complete list of the contracts affected.

3. In § 29-3.405-5 *Cost-plus-a-fixed-fee contract*, a new paragraph (c) to be added to read as follows:

§ 29-3.405-5 *Cost-plus-a-fixed-fee contract.*

(c) *Limitations.* In addition to the statutory limitations described in § 1-3.405-5(c) (2) of this title, fees under cost-plus-a-fixed-fee type contracts are subject to the administrative limitations set forth below:

(1) Nine percent of the estimated cost, exclusive of the fee, for any cost-plus-a-fixed-fee contract of experimental, evaluation, developmental, or research work; or

(2) Six percent of the estimated cost, exclusive of the fee, of any other cost-plus-a-fixed-fee contract.

Fixed-fees within the limitations imposed by § 1-3.405-5(c) (2) of this title and in excess of those cited herein shall be submitted to the Chief, Division of Procurement Systems, Office of Management Systems, Office of the Assistant Secretary for Administration, Washington, D.C. 20210 for approval. The request for approval shall include a detailed justification setting forth the rationale supporting the proposed fee in terms of the factors prescribed in § 1-3.808-2 of this title.

4. In § 29-3.405-50 *Cost-plus-award-fee contract*, paragraph (c) to be revised to read as follows:

§ 29-3.405-50 *Cost-plus-award-fee contract.*

(c) *Limitations.* The base fee shall not exceed 3 percent of the estimated cost of the contract exclusive of fee. The maximum fee (base fee plus award fee) shall not exceed the limits in §§ 1-3.405(c) (2) of this title, and 29-3.405-5(c).

5. The table of contents for Subpart 29-3.8 to be revised to add the following new entry for a new § 29-3.805-50, as follows:

Sec.  
29-3.805-50 Criteria for award.

6. The following text material is added to Subpart 29-3.8 as new section:

§ 29-3.805-50 Criteria for award.

(a) The Contracting Officer shall insure that the request for proposal sets forth all significant matters which affect the opportunities of suppliers to compete on an equal basis, including any special evaluation factors. Evaluation factors are defined as (1) any minimum standards which will be required with respect to any particular element of the procurement as well as (2) reasonably definite information as to the degree of importance to be given to particular factors in relation to each other. This does not mean that a mathematical formula must be used in the evaluation process. However, when the numerical rating is used, the request for proposal must inform the offerors of at least the major factors to be considered and the broad scheme of scoring to be used.

(b) An example of a mathematical evaluation process is set forth herein. The evaluation factors are examples and should be changed to meet the particular needs of the request for proposal.

CRITERIA FOR AWARD

Prospective suppliers are advised that the selection of an offeror for contract award is to be made after a careful evaluation of the proposals received by a panel of specialists within the Department. Each panelist will evaluate the proposals for acceptability with emphasis on the various factors enumerated below, assigning to that factor a numerical weighting within the range shown for each of those factors. The scores will then be averaged to select an offeror or develop a list of offerors.

Negotiations will be initiated, if necessary, with one or more of the offerors, within the competitive range as the situation warrants, beginning with the head of the list, i.e., the offeror with the highest score, determined by the factors shown below:

- |   |           |
|---|-----------|
| A. Supplier's collective experience as it related to the work required by the proposed contract.....                                | 1-15 pts. |
| B. Education and experience of supplier's key personnel as they relate to the work required by the proposed contract.....           | 1-15 pts. |
| C. Supplier's resources and facilities.....   | 1-15 pts. |
| D. Planned approach in accomplishing the proposed work and its indication of the supplier's understanding of the work required..... | 1-35 pts. |
| E. Price or estimated cost.....   | 1-30 pts. |

NOTE: Evaluation of the price or estimated cost factor will be computed by multiplying the maximum point score (e.g., 30) available for the factor by the fraction representing the ratio of the lowest price or estimated cost to the particular supplier's proposed price or estimated cost, as illustrated below:

$$(1) \frac{60,000}{75,000} \times \frac{30}{1} = \text{point score for price or estimated cost factor.}$$

$$(2) \frac{60,000}{75,000} \times \frac{30}{1} = 120 = 24 \text{ pts.}$$

(1) \$60,000 represents the price or estimated cost of the lowest responsible responsive offeror.

(2) \$75,000 represents the price or estimated cost of the responsible responsive offeror being evaluated.

(c) In accordance with § 1-3.805-1(a) of this title, where discussions or other negotiations are to be conducted, the contracting officer must negotiate with all responsible offerors within a competitive range. The competitive range consists of the proposals of those offerors which, based either on an evaluation by a mathematical formula or other means, are grouped more or less at the same level and are competitive with each other. A determination of the limits of the competitive range requires the comparison of each proposal against the other proposals. Therefore, there is no way to predetermine the number of or percentage of proposals that will be competitive with each other. The limits of what constitutes competitive range in a particular case is a judgment matter for determination by the Contracting Officer who has wide latitude. Such discretion will be reasonable and justified and shall not be exercised in an arbitrary or capricious manner.

(5 U.S.C. 301; 40 U.S.C. 486(c))

Signed at Washington, D.C., this 22d day of September 1971.

J. D. HODGSON,  
Secretary of Labor.

[FR Doc.71-14280 Filed 9-28-71;8:46 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[ 21 CFR Part 295 ]

### CERTAIN LIQUID PREPARATIONS CONTAINING METHYL SALICYLATE (WINTERGREEN OIL)

#### Proposed Child Protection Packaging Standards

Through investigations by the Food and Drug Administration and from other available information, the Commissioner of Food and Drugs has learned that preparations containing more than 5 percent of natural or synthetic methyl salicylate (wintergreen oil) are a cause of fatalities and hospitalizations of children because of their attractive wintergreen odor and high toxicity. The accidental ingestion of methyl salicylate results in poisoning similar to, but more rapid than, that produced by aspirin. A number of reports of fatalities due to the ingestion of small amounts of methyl salicylate have appeared in the medical literature. The ingestion of as little as 1 teaspoon has been reported as being fatal. Data on accidental ingestion of liquid preparations containing methyl salicylate by children under 5 years of age obtained from the National Clearinghouse for Poison Control Centers show 64 ingestions and 10 hospitalizations in 1968, 60 ingestions and 11 hospitalizations in 1969, and 52 ingestions

and 12 hospitalizations in 1970. Data obtained from the Division of Vital Statistics, National Center for Health Statistics, show two deaths in 1968; and a review of incomplete data obtained from death certificates indicates five deaths in 1969 and one death in 1970 of children under 5 years of age from this substance or mixtures containing it.

After review of the aforementioned information and consultation, pursuant to section 3, with the technical advisory committee convened in accordance with section 6 of the Poison Prevention Packaging Act of 1970, the Commissioner has determined that the nature of the hazard to children posed by liquid preparations containing more than 5 percent of methyl salicylate, by reason of their availability and packaging, is such that special packaging, including a restricted orifice, is required to protect children from serious personal injury or serious illness resulting from ingesting such substances. Furthermore, the Commissioner has determined that the special packaging to be required is technically feasible, practicable, and appropriate for such substances.

Liquid preparations containing more than 5 percent of methyl salicylate and packaged in aerosol containers are not included in the packaging standard proposed herein, but will be dealt with separately.

Accordingly, pursuant to the provisions of the Poison Prevention Packaging Act of 1970 (secs. 2(4), 3, 5, 84 Stat. 1670-72; 15 U.S.C. 1471-74) and under authority delegated to him (36 F.R. 11770) the Commissioner proposes to add to Part 295—Regulations Under the Poison Prevention Packaging Act of 1970 (36 F.R. 13335) two new sections as follows (other portions of these sections regarding other substances are being proposed in separate documents):

#### § 295.2 Substances requiring "special packaging".

(a) The Commissioner has determined that special packaging within the meaning of section 2(4) of the act and as specified in this part is required to protect children from serious personal injury or serious illness and that such packaging is feasible, practicable, and appropriate for the following substances:

(3) Liquid preparations containing more than 5 percent by weight of methyl salicylate, other than those packaged in aerosol containers, shall be packaged in accordance with the provisions of § 295.3 (a) (1) and (2).

(b) None of the substances listed under any subparagraph of paragraph (a) of this section shall be distributed in a noncomplying package under the exemption provided in section 4(a) of the act unless the manufacturer or packer first provides the Commissioner of Food and Drugs with a sample of such intended noncomplying package. A sample of each size package of each substance which a manufacturer or packer distributes in "special packaging" shall also be submitted. Sample packages should be sent



to: Food and Drug Administration, Attention: Bureau of Product Safety, 200 C Street SW., Washington D.C. 20204.

§ 295.3 Poison prevention packaging standards.

(a) To protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, the Commissioner has determined that packaging designed and constructed to meet the following standards shall be regarded as "special packaging" within the meaning of section 2(4) of the act. Specific application of these standards to substances requiring special packaging is in accordance with § 295.2.

(1) Special packaging which when tested by the method described in § 295.10 meets the following specifications:

(i) Child-resistant effectiveness not less than 85 percent without a demonstration and not less than 80 percent after a demonstration of the proper means of opening such special packaging.

(ii) Adult-use effectiveness not less than 90 percent.

(2) Special packaging from which the flow of liquid is so restricted that not more than 2 milliliters of the contents can be obtained when the inverted opened container is shaken or squeezed once.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during regular business hours, Monday through Friday.

Dated: September 21, 1971.

R. E. DUGGAN,  
Acting Associate Commissioner  
for Compliance.

[FR Doc.71-14343 Filed 9-28-71;8:49 am]

DEPARTMENT OF  
TRANSPORTATION

Federal Aviation Administration

[ 14 CFR Part 47 ]

[Docket No. 11271; Notice 71-21A]

NOTICE OF OWNERSHIP BY TRANSFEREE OF U.S. REGISTERED AIRCRAFT

Extension of Comment Period

The Federal Aviation Administration proposed in Notice 71-21 published in the FEDERAL REGISTER on August 3, 1971 (36 F.R. 14271) to amend Part 47 of the Federal Aviation Regulations to require the buyer or other transferee of an aircraft last registered in the U.S. to notify the FAA of his ownership within 10 days after he becomes the owner, unless within that period he submits an Application for Aircraft Registration under that part.

Because of an inadvertent delay in the distribution of copies of the Notice to the public, I find that good cause exists for an extension of the time for submission of comments to 30 days from the date of publication of this notice of extension in the FEDERAL REGISTER, and that an extension is consistent with the public interest.

Therefore, pursuant to the authority contained in sections 313(a), 501, 503, and 505 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1401, 1403, 1405), section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)), and § 1.47(a) of the Regulations of the Office of the Secretary of Transportation, the time within which comments on Notice 71-21 will be received is hereby extended to November 1, 1971.

Issued in Oklahoma City, Okla., on September 21, 1971.

A. L. COULTER,  
Director, Aeronautical Center.  
[FR Doc.71-14287 Filed 9-28-71;8:46 am]

[ 14 CFR Part 71 ]

[Airspace Docket No. 71-CE-103]

TRANSITION AREA

Proposed Alteration

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

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

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

Since designation of controlled airspace at Huntingburg, Ind., the public use instrument approach procedure for the Huntington Airport has been revised. Accordingly, it is necessary to alter the Huntingburg transition area to adequately protect aircraft executing the revised approach procedure.

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

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

HUNTINGBURG, IND.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Huntingburg Airport (latitude 38°15'00" N., longitude 86°57'00" W.); and within 3 miles either side of an 072° bearing from the Huntingburg Airport extending from the 6-mile radius to 8 miles ENE of the airport.

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

Issued in Kansas City, Mo., on September 1, 1971.

JOHN M. CYROCKI,  
Director, Central Region.  
[FR Doc. 71-14288 Filed 9-28-71;8:46 am]

INTERSTATE COMMERCE  
COMMISSION

[ 49 CFR Ch. X ]

[Ex Parte No. 278]

EQUAL OPPORTUNITY IN SURFACE  
TRANSPORTATION

Extension of Time for Filing Comments

Present: George M. Stafford, Chairman, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding, and of petition of the Equal Employment Opportunity Commission, filed September 21, 1971, 36 F.R. 10741, 10742, for extension of time to file initial statements; and good cause appearing therefor:

It is ordered, That the time for filing of initial statements be, and it is hereby, extended to December 1, 1971.

It is further ordered, That the time for filing replies to such statements be, and it is hereby, extended to January 5, 1972.

Dated at Washington, D.C., this 24th day of September 1971.

By the Commission, Chairman Stafford.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.71-14314 Filed 9-28-71;8:49 am]

[ 49 CFR Part 1252 ]

[No. 34364 (Sub-No. 1)]

RAIL AND MOTOR PIGGYBACK  
FORMS

Proposed Traffic Statistics

By this investigation and rule making proceeding, instituted on our own motion, it is proposed to amend 49 CFR 1252.1

and 1252.2 to require that effective with the first quarter of 1972, Class I railroads and intercity motor carriers of property be required to report piggyback data on the respective forms, PTR-R (Rev.) and PTR-M (Rev.).<sup>1</sup> The proposal would make changes in the data to be reported prescribed for such carriers in our order in No. 34364, "Piggyback Traffic Statistics," entered November 1, 1963, and effective for reporting since the first quarter of 1964.

**Background.** The purpose of the reporting plan prescribed in No. 34364 was to make available to the Commission, for the discharge of its regulatory responsibilities under the Interstate Commerce Act, economic data on the several plans of piggyback service as an essentially new and significant development in intermodal transportation. Further, Government agencies interested in transportation, transportation and other analysts, shippers, the academic community, and representatives of the several regulated modes were desirous of gaining some quantitative measure of piggyback and its possible impact on the modes and the shipping public.

The needs indicated above led to conferences of our staff with the regulated carriers or their representatives and with other interested and knowledgeable persons. Following these meetings, where a substantial consensus was reached with carrier groups, although short of complete agreement, we prescribed the No. 34364 reporting requirements for railroads, motor carriers, water carriers, freight forwarders, and express companies.

An overall purpose of the reporting was to provide means of assessing both modal and intermodal trends in piggyback. Railroads, in a sense the key agency, were asked to report movements of trailers and containers, whether essentially in their own service or as suppliers of underlying transportation for motor carriers and freight forwarders. Water carriers also were asked to report their movements of units between terminals, almost exclusively in coastwise or intercoastal service, whether for their own account or under joint rate arrangements with motor carriers. Forwarder, motor carrier, and express company reporting covered movements of their trailers and containers by rail and water carriers.

In general, items reported under No. 34364 included the number of piggyback trailers and containers, tonnages, revenues of or payments to line-haul carriers providing the underlying transportation service and unit miles between terminals in such service. The data were requested in terms of the numbered piggyback Plans, I through V, insofar as they applied to the several modes. Movement by plan, it was believed, would indicate the economics of piggyback as they might affect the different types of carriers; experience with reporting has justified this premise.

<sup>1</sup> Forms filed as part of the original document.

**Results under No. 34364.** Data collected under No. 34364 have been released in a number of our publications, with time series in issues of "Transport Economics," and summaries in our "Annual Reports to Congress." The data also have been used in a number of our proceedings, in court cases, and in our testimony before our transmittals to congressional committees. Groups and individuals interested in transportation and transportation periodicals have made extensive use of the data as a reliable series reflecting trends in piggyback.

Full potential of the data is limited, however, by two factors. First, numerous changes in piggyback practices have occurred which should be represented in the reporting. Second, some carriers have apparently experienced difficulty in generating the information necessary to comply fully with the present reporting forms and instructions. These will be simplified to a considerable extent by adjustments in the existing system as outlined below.

**Extent of revisions.** The present proposals are limited to rail and motor carrier reporting. We see no need at this time for changes in the forms used by a relatively few water carriers or by the single express company reporting under the terms of our order. Adjustment in freight forwarder reporting is presently under staff study.

Early versions of the proposed revisions in the forms were circulated by our staff to rail and motor carrier associations and representatives for review and comment. Adjustments in the forms and instructions have been made in line with certain of the suggestions of the respective rail and motor carrier groups.

**Shifts in piggyback plans.** Initially, with regard to changes in piggyback practices, attention is directed to significant shifts in the concepts of the several plans and in their use by the different modes. A principal development, Plan II-1/2, incorporates the rail-oriented rate concept of Plan II, but with the shipper providing the local movement, at either origin or destination, or both, between the rail terminal and his shipping dock. There are different variations, making difficult precise definitions. Under Plan II-1/4, for example, the railroad will pick up or deliver the trailer but will not perform both services. In the proposed reporting, Plan II-1/4 is not shown separately from, but is included in Plan II-1/2.

Early reporting under No. 34364 revealed that certain railroads offering Plan I services were not making such arrangements with motor carriers generally available. All or very substantial portions of their Plan I movements were in connection with subsidiary motor carriers. This type of traffic represents coordination in the sense of highway and rail movements, but not in the sense of cooperation between railroads and non-affiliated motor carriers. More adequate analyses of both coordination and competition between rail and motor carriers, as developed under Plan I, will be facilitated

by the separation of such movements for rail subsidiaries from those for motor carriers generally.

Our investigation of Piggyback rates, services, and practices in Ex Parte No. 230, "Substituted Service—Piggyback," 322 ICC 301 (1964), prescribed rules for its orderly development. One of these rules, 49 CFR 500.3, required that piggyback, if offered in "open tariff" publications of railroads, be made available to regulated motor and water carriers, common and contract, and to freight forwarders. Following court litigation, this rule became effective in August 1967. Since that date motor carriers, subject to certain conditions, have been able to use "open tariff" piggyback Plans II, II-1/2, III, and IV. It is known that there has been some motor carrier use of Plan III, but the greatest development has been in Plan II-1/2.

To provide for separate reporting of the described traffic in "open tariff" piggyback, Plan II-1/2 has been added to the rail form and Plans II, II-1/2, and III to the motor carrier form.

**Overseas container movements.** One other arrangement receiving increased attention, since the 1963 adoption of reporting, is the overseas movements of trailers and containers, principally the latter. This development, possibly a portent of widespread intermodal movements by domestic as well as international carriers, will have a continuing impact on the modes of transportation regulated by us and the pattern of overseas transportation. In view of this development and of the need for reliable information, the proposed revised form for motor carriers provides for the reporting of quantitative data on movement of trailers and containers to and from steamship piers. While many motor carriers do not engage directly in this traffic, those that do apparently have internal record systems from which such data may be compiled. A number of railroads participating in such traffic, however, do not generate such data in connection with the revenue records from which other piggyback data required by the revised form are compiled. For this reason, the revised form for railroads makes no provision for data on these movements. In lieu thereof, our staff is considering a sample plan to obtain such information from records maintained by participating railroads to keep track of such operations.

**Changes in requirements and instructions.** Reference already has been made to problems with reporting, principally difficulties with interpretations of the forms or instructions and in obtaining data along the lines requested. Steps to alleviate respondents' difficulties with these matters are included in the present proposals.

Certain areas of reporting, objectionable to the railroads, namely off-line data on trailers and containers, as well as piggyback car-miles for each respondent, would not be reported. With a view to uniformity of requirements in reporting by this mode, sections of the proposed form, relating to traffic originated on a

## ORDER

respondent's line, received from other lines, and delivered to connecting lines or terminated on line, as the case might be, are designed to be compatible generally with corresponding headings or columns on our rail Form QCS, for quarterly reporting of freight commodity statistics.

An additional area of rail reporting has been adjusted. Under No. 34364, express and mail traffic were excluded from reporting because, at that time, virtually all express and mail moved in passenger train service, while piggyback of either was relatively rare. Further, mail and express moved under contract arrangements, which still appears to be the case, different from rates or charges assessed generally on piggyback. With much of this traffic now moving piggyback, we have information that a number of large railroads are including the movements in their freight traffic accounts and also in their piggyback reports to us. In view of this practice, the proposed rail form includes express and mail by piggyback.

Motor carriers would be relieved from reporting certain items causing difficulty, especially revenues accruing to railroads under Plan V arrangements. Another problem area is that of trailer or container movements to and from rail terminals, on local or proportional motor carrier rates, for rail piggyback beyond. Some motor carriers have reported such traffic as piggyback on Form PTR-M, although such was not the intent of the accompanying instructions. For the proposed Form PTR-M (Rev.), instructions have been revised to make it clear that such movements, without motor carrier responsibility beyond the rail terminal, are to be excluded from reporting.

*It is ordered.* That, based upon the foregoing explanation and good cause appearing therefor, a proceeding be, and it is hereby, instituted under the authority of Parts I and II of the Interstate Commerce Act, more specifically sections 12, 20, 204, and 220 thereof, 49 U.S.C. 12, 20, 304, and 320, and under 5 U.S.C. 553 and 559 (the Administrative Procedure Act) to determine if 49 CFR 1252.1 and 1252.2 shall be amended to require that, effective with the first quarter of 1972 or such other date as may be ordered, class I railroads and intercity motor carriers of property be required to report statistics of their piggyback traffic on Forms PTR-R (Rev.) and PTR-M (Rev.), respectively, which are attached to and made a part of this order, as such traffic is defined in and conforming to the instructions on the respective forms, or such modifications thereof as might be found to be desirable or necessary, in lieu of the Forms PTR-R and PTR-M now required by the terms of 49 CFR 1252.1 and 1252.2; and to determine what other or further action the facts or circumstances may require.

*It is further ordered.* That, no oral hearings be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that respondents or any other interested persons may participate in this proceeding by submitting for consideration written statements of facts, views, and arguments on the subjects mentioned above, or any other subjects pertaining to the proceeding.

*It is further ordered.* That, all class I railroads, other than switching and

terminal companies, and all class I intercity motor carriers of property, be, and they are hereby, made respondents in this proceeding.

*It is further ordered.* That, statements of facts, views, or arguments on the subjects named above, or any other subject pertaining to this proceeding, which the respondent class I railroads and class I motor carriers, or other interested persons desire to offer, consisting of a signed original and 15 copies, shall be filed with this Commission within 30 days after date of publication of this notice in the FEDERAL REGISTER. Written material or suggestions submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th Street and Constitution Avenue NW., Washington, DC, during regular business hours.

*And it is further ordered.* That, a copy of this order shall be served upon all class I railroads, other than switching or terminal companies, and upon all class I intercity motor carriers of property, named respondents herein, that a copy be posted in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[PR Doe.71-14315 Filed 9-28-71:8:48 am]

# Notices

## DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

### POULTRY INSPECTION

#### Notice of Intended Designation of Guam and the Virgin Islands

The Secretary of Agriculture has determined, after consultation with appropriate officials of the Territory of Guam and the Territory of the Virgin Islands of the United States that neither of said Territories has developed or activated requirements at least equal to those under sections 1-4, 6-10, and 12-22 of the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), with respect to establishments within such Territory at which poultry are slaughtered, or poultry products are processed for use as human food, solely for distribution within such Territory. Therefore, notice is hereby given that the Secretary of Agriculture will designate said Territories under section 5(c) of the Poultry Products Inspection Act (21 U.S.C. 454(c)) as jurisdictions in which the requirements of sections 1-4, 6-10, and 12-22 shall apply to intraterritorial operations and transactions and to persons, firms, and corporations engaged therein with respect to poultry, poultry products, and other articles subject to the Act. Such designations will be made as soon as necessary arrangements can be made for determining which establishments are eligible for Federal inspection, for providing inspection at the eligible establishments, and for otherwise enforcing the applicable provisions of the Federal Act with respect to intraterritorial activities when the designations are made and become effective. As soon as these arrangements are completed, notice of the designations will be published in the FEDERAL REGISTER. Upon the expiration of 30 days after such publication, the provisions of sections 1-4, 6-10, and 12-22 of said Act shall apply to intraterritorial operations and transactions and to persons, firms, and corporations engaged therein, in Guam and the Virgin Islands of the United States, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce," within the meaning of the Act, and any establishment in Guam or the Virgin Islands which conducts any slaughtering of poultry or processing of poultry products as described above must have Federal inspection or cease its operations, unless it qualifies for an exemption under subsection 5(c)(2) or section 15 of the Act.

Therefore, the operator of each such establishment who desires to continue or commence such operations in either of said Territories after designation of the Territory becomes effective should im-

mediately communicate with the Regional Director specified below:

#### VIRGIN ISLANDS

Dr. N. B. Isom, Acting Director, Southeastern Region for Meat and Poultry Inspection Program, Room 216, 1718 Peachtree Street NW., Atlanta, GA 30309, Telephone: AC 404/526-3911.

#### GUAM

Dr. E. M. Christopherson, Director, Western Region for Meat and Poultry Inspection Program, Room 822, Appraisers Building, 630 Sansome Street, San Francisco, CA 94111, Telephone: AC415/566-8622.

Done at Washington, D.C., on September 23, 1971.

RICHARD E. LYG, Assistant Secretary.

[FR Doc.71-14319 Filed 9-23-71;8:48 am]

#### Office of the Secretary

#### PUERTO RICO

#### Designation of Areas for Emergency Loans

The document dated November 10, 1970 (35 F.R. 17677, November 16, 1970) stated that initial emergency loans would not be made after June 30, 1971, in 54 municipalities in Puerto Rico to victims of the major disaster cited in the document. The period for making such initial emergency loans in such municipalities is hereby extended to the end of November 15, 1971.

Done at Washington, D.C., this 23rd day of September 1971.

ALFRED L. EDWARDS, Deputy Assistant Secretary.

[FR Doc.71-14292 Filed 9-23-71;8:47 am]

## DEPARTMENT OF COMMERCE

### Bureau of International Commerce

[Case 296]

#### BOMAG G.m.b.H. ET AL.

#### Order Restoring Export Privileges Conditionally and Placing Parties on Probation

In the matter of Bomag G.m.b.H., 14 Schreiberstrasse, Freiburg (Breisgau), Federal Republic of Germany, Bomag G.m.b.H. & Co. KG, Carola Schueler, Carola Gasch, Rudolf Sumpf, 14 Richard-Strauss-Strasse, 78 Freiburg (Breisgau), and 3 Stroehrerstrasse, Celle, Federal Republic of Germany, Case No. 296.

On September 12, 1961 (27 F.R. 954, February 1, 1962), an order was issued against Bomag G.m.b.H., Carola Schueler, Carola Gasch, and Rudolf Sumpf (Stumpf) respondents, denying U.S. ex-

port privileges for the duration of export controls. In 1964, the firm Bomag G.m.b.H. & Co. KG (a limited liability partnership) was organized in which Bomag G.m.b.H. is the general partner with a 50-percent interest, Hans-Ekkehard Bob, the sole shareholder in Bomag G.m.b.H., and Rudolf Sumpf are the limited partners in Bomag G.m.b.H. & Co. KG. A determination is hereby made that Bomag G.m.b.H. & Co. KG is a related party to Bomag G.m.b.H. and Rudolf Sumpf. This order is applicable to the respondents named herein and to said related party.

Hans-Ekkehard Bob, on behalf of Bomag G.m.b.H. and Bomag G.m.b.H. & Co. KG has applied for relief from the denial order of September 12, 1961.

The evidence presented shows that at the time of the violation on which the order of September 12, 1961, was issued, Carola Schueler was the owner of Bomag G.m.b.H.; in 1965 the said Bob took over the shares of said Schueler and she has not been connected with the above firms since 1967; the respondent Carola Gasch was primarily responsible for the violation and she has not been connected with said firms since 1963; the only individual respondent who is now connected with either of the above firms is Rudolf Sumpf; his responsibility in Bomag G.m.b.H. & Co. KG relates to technical matters. There is nothing in the records of the Office of Export Control to indicate that the above-named parties since the issuance of the order of September 12, 1961, have violated said order or the Export Control Regulations.

On consideration of this matter, I have concluded that the purposes of the Export Administration Act will be achieved if the export privileges of the parties named herein are restored conditionally and they are placed on probation for 3 years.

Accordingly, it is hereby ordered, That

I. The U.S. export privileges of the above-named parties, to wit, Bomag G.m.b.H., Bomag G.m.b.H. & Co. KG, Carola Schueler, Carola Gasch, and Rudolf Sumpf are hereby restored conditionally and said parties are placed on probation for a period of 3 years from the date of this order.

II. The conditions of probation are that the said parties: (1) Shall fully comply with all of the requirements of the Export Administration Act of 1969 and all regulations, licenses, and orders issued thereunder; (2) shall on request of the Office of Export Control, or a representative of the U.S. Government acting on its behalf, promptly disclose fully the details of their participation in any and all transactions involving U.S.-origin commodities or technical data, including information as to the disposition or intended disposition of such commodities or technical data, and on such request

shall also furnish all records and documents relating to such matters. Further, on such request, said parties shall promptly disclose the names and addresses of its shareholders, agents, representatives, employees, and other persons associated with it in trade or commerce.

Upon a finding by the Director, Office of Export Control, or such other official as may be exercising the duties now exercised by him, that said parties or any of them has failed to comply with any of the conditions of probation, said official, with or without prior notice to said parties, by supplemental order, may revoke the probation of said parties and deny to said parties all export privileges for such period as said official may deem appropriate. Such order shall not preclude the Bureau of International Commerce from taking further action for any violation as may be warranted.

Dated: September 23, 1971.

RAUER H. MEYER,  
Director,

Office of Export Control.

[FR Doc.71-14296 Filed 9-28-71; 8:47 am]

#### Office of Import Programs

#### EMORY UNIVERSITY

#### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 FR. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00540-00-46040. Applicant: Emory University, Yerkes Regional Primate Research Center, 954 Gatewood Road NE., Atlanta, GA 30322. Article: Anticontamination device, anode plate, screw cap for Wehnelt cylinder and magnified 1.6X. Manufacturer: Siemens A.G., West Germany.

Intended use of article: The article is an accessory for an existing Elmiskop electron microscope used for research and educational purposes.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

SETH M. BODNER,  
Director,

Office of Import Programs.

[FR Doc.71-14304 Filed 9-28-71; 8:47 am]

#### HARVARD UNIVERSITY ET AL.

#### Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 71-00596-33-46500. Applicant: Harvard University, Purchasing Department, 75 Mount Auburn Street, Cambridge, MA 02138. Article: Ultramicrotome, Model Om U2. Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used to provide thin sections of material to be examined in the electron microscope in the following investigations: An investigation of the polar organization of the spindle apparatus in dividing sperm mother cells of *Marsilea vestita*; (b) an examination of microtubule fine structure and organization in the spindle apparatus of dividing endosperm cells of *Haemanthus*; and (c) a quantitative determination of the distribution of microtubules in dividing root tip cells of *Allium cepa*. The article will also be used as a teaching instrument by undergraduate and graduate students learning the technique of thin sectioning. Application received by Commissioner of Customs: June 15, 1971.

Docket No. 71-00597-75-20700. Applicant: Columbia University, Nevius Laboratories, Post Office Box 137, 136 South Broadway, Irvington, NY 10533. Article: 50 pieces of polished lead glass.

Manufacturer: Ohara Optical Glass Manufacturing Co., Ltd., Japan. Intended use of article: The articles will be used with photomultiplier tubes and associated electronics to detect very high energy electrons and protons which deposit all their energy in the lead glass. Application received by Commissioner of Customs: June 17, 1971.

Docket No. 71-00598-36-46040. Applicant: New England Deaconess Hospital, 185 Pilgrim Road, Boston, MA 02215. Article: Electron microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used to supplement morphologic investigations at the light microscopy level in order to better define various disease processes. The material examined will be primarily from human clinical sources and will supplement an examination with the light microscope in some instances. Resident and senior staff physicians will be trained in electron microscopy with the article. Application received by Commissioner of Customs: June 18, 1971.

Docket No. 71-00600-33-46040. Applicant: University of Wisconsin, 750 University Avenue, Madison, WI 53706. Article: Electron microscope, Model EM 7. Manufacturer: AEI Scientific Apparatus, Ltd., United Kingdom. Intended use of article: The article will be used exclusively in biomedical research to extend the application of electron microscopy, specifically in three dimensional analysis of complex cell structure; construction of environmental undehydrated biological specimens which brings electron microscopic analysis closer to the living state; providing decreased interaction of electrons with the atoms of the specimen; and selected area electron diffraction at higher accelerating voltages on smaller structures only a couple hundred Angstrom units in diameter. Application received by Commissioner of Customs: June 21, 1971.

Docket No. 71-00601-01-68495. Applicant: Yale University, Purchasing Department, 260 Whitney Avenue, New Haven, CT 06520. Article: He<sup>+</sup> pumping package. Manufacturer: Alcatel Vacuum Technics, France. Intended use of article: The article will be used to facilitate operation of a polarized proton target in an experiment. In this experiment the resultant asymmetries in the scattering of K<sup>+</sup>, K mesons and anti protons upon polarized protons will be measured when the direction of polarization is reversed. Application received by Commissioner of Customs: June 21, 1971.

Docket No. 71-00603-01-10520. Applicant: Transportation Systems Center, Department of Transportation, 55 Broadway, Cambridge, MA 02142. Article: Vapor trace analyzer. Manufacturer: Hydronautics, Israel. Intended use of article: The article will be among various existing devices used to detect explosive which are to be evaluated for effectiveness in an aircraft hijacking deterrence program. Application received by Commissioner of Customs: June 22, 1971.

Docket No. 71-00604-33-46070. Applicant: Sloan-Kettering Institute for Cancer Research, 425 East 68th Street, New York, NY 10021. Article: Scanning electron microscope, S-4. Manufacturer: Cambridge Scientific Instruments Co., Ltd., United Kingdom. Intended use of article: The article will be used to study the surface configuration of cells; the three-dimensional relationship of various tissues; the relationship of certain micro-organisms such as mycoplasma or viruses with the cells these organisms attach to and enter and the arrangement and attachment of antigens to cell surfaces. The article will provide instructional material and information for a course in (1) "Microscopy for Cancer Research" and (2) "Advanced Cytology". Application received by Commissioner of Customs: June 22, 1971.

Docket No. 71-00605-01-10520. Applicant: Federal Bureau of Investigation, U.S. Department of Justice, Ninth and Pennsylvania Avenue NW., Washington, DC 20535. Article: Vapor trace analyzer, Model 103A. Manufacturer: Hydro-nautics-Israel, Ltd., Israel. Intended use of article: The article will be used to study vapors from explosives and in training directed toward development of informed operators. Application received by Commissioner of Customs: June 22, 1971.

Docket No. 71-00606-33-46040. Applicant: City Hospital Center at Elmhurst, 79-01 Broadway, Elmhurst, NY 11373. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used to study human and other mammalian tissues in the course of investigation on the mechanisms of human disease, including such diseases involving basement membrane alterations as chronic renal diseases, alcoholic and other liver injury, pulmonary alterations due to atmospheric contaminants, and placental abnormalities. The article will also be used for training in pathology. Application received by Commissioner of Customs: June 22, 1971.

Docket No. 71-00607-00-46040. Applicant: University of Washington, Department of Mining, Metallurgical and Ceramic Engineering FB-10, Seattle, Wash. 98155. Article: Large angle coniometer stage, ALG-1. Manufacturer: JEOLCO, Japan. Intended use of article: The article will be used as an accessory to an electron microscope to study the relationships that exist between the structure of metals and alloys and their physical and mechanical properties. Also the article is to be used with the electron microscope in several metallurgical engineering courses. Application received by Commissioner of Customs: June 22, 1971.

SETH M. BODNER,  
Director,

Office of Import Programs.

[FR Doc. 71-14305 Filed 9-28-71; 8:47 am]

## PURDUE UNIVERSITY

### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(e) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00146-01-86500. Applicant: Purdue University, Lafayette, Ind. 47907. Article: Rheogoniometer, Model R.18. Manufacturer: Sangamo Controls, Ltd., United Kingdom. Intended use of article: The article will be used to study the chemical reactions which are mechanically induced by high shear applied to high molecular weight polymer melts and solutions; for research in the application of integral-type constitutive equations to polymer solutions; for measurements of drag reduction in the turbulent flow of dilute polymer solutions through pipes; and for research on several aspects of the technology of transfusion of blood and other liquids.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has the capability of measuring normal force as a function of the rate of shear. The capability of the foreign article is pertinent to the purposes for which the article is intended to be used.

The Department of Commerce knows of no instrument or apparatus being manufactured in the United States, which provides the capability of measuring normal stress as a function of the rate of shear.

SETH M. BODNER,  
Director,

Office of Import Programs.

[FR Doc. 71-14306 Filed 9-28-71; 8:47 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[Docket No. FDC-D-377; NADA  
No. 6-358V etc.]

### HILLTOP LABORATORIES, INC., ET AL.

#### Sodium Arsanilate; Notice of Opportunity for Hearing

In the FEDERAL REGISTER of July 21, 1970 (35 F.R. 11648), the Commissioner

of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group on the following preparations (containing sodium arsanilate as the designated active drug ingredient):

1. Dr. Mayfield Turkey Tablets; NADA (new animal drug application) No. 7-903V; Dr. Mayfield Laboratories, 1209 South Main Street, Charles City, Iowa 50616;

2. Dr. Mayfield Turkey Arsonic Powder; NADA No. 6-844V; Dr. Mayfield Laboratories;

3. Dr. Mayfield CEC Powder; NADA No. 6-844V; Dr. Mayfield Laboratories;

4. Dr. Mayfield Arsonic Powder; NADA No. 6-844V; Dr. Mayfield Laboratories;

5. Dr. Mayfield Arsonic Powder Water Soluble; NADA No. 6-844V; Dr. Mayfield Laboratories; and

6. Mor-O; NADA No. 6-358V; Hilltop Laboratories, Inc., 718 Washington Avenue North, Minneapolis, Minn. 55109.

The announcement invited the above named holders of said new animal drug applications and any other interested persons to submit pertinent data on the drugs' effectiveness.

No data were received in response to the announcement and available information fails to provide substantial evidence of effectiveness of the drugs for their recommended uses in chickens, swine, and turkeys.

Efficacy data covering the below-listed products have also been reviewed by the Administration. These products are similar in composition to the previously cited products, but efficacy data were not furnished to be reviewed by the Academy as requested in the notice regarding drug effectiveness which was published in the FEDERAL REGISTER of July 9, 1966 (31 F.R. 9426), and, therefore, were not evaluated by the Academy. The above-mentioned findings of the Administration regarding drug effectiveness apply equally to the following products:

1. Arsanilate Compound; NADA No. 8-994V; Vita Vet Laboratories, Post Office Box 108, Marion, Ind. 46952;

2. Ar-Sol-Vite; NADA No. 8-995V; Vita Vet Laboratories;

3. Corn King CEC Powder; NADA No. 9-046V; King Castle, Inc. (formerly The Corn King Co.) Post Office Box 189, Marion, Iowa 52302; and

4. Russell's Korum; NADA No. 6-861V; I. D. Russell Co., Laboratories, 2463 Harrison Street, Kansas City, Mo. 64108.

Therefore, notice is given to the above-named firms and to any interested person who may be adversely affected that the Commissioner proposes to issue an order under the provisions of section 512 (e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of the new animal drug applications listed above and all amendments and supplements thereto. This action is proposed on the grounds that there is a lack of substantial evidence

that the drugs have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner will give the applicants and any interested person who would be adversely affected by an order withdrawing such approval an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of the above-named new animal drug applications should not be withdrawn. Promulgation of the order will cause any drug similar in composition to the above-listed drug products and recommended for similar conditions of use to be a new animal drug for which an approved new animal drug application is not in effect. Any such drug then on the market would be subject to appropriate regulatory action.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or
2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new animal drug applications.

Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why approval of the new animal drug application should not be withdrawn together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to this notice. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that there is no genuine and substantial issue

of fact which precludes the withdrawal of approval of the application, the Commissioner will enter an order stating his findings and conclusions on such date. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence. The time shall be not more than 90 days after the expiration of said 30 days unless the hearing examiner and the applicant otherwise agree.

Responses to this notice will be available for public inspection in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: September 20, 1971.

R. E. DUGGAN,  
Acting Associate Commissioner  
for Compliance.

[FR Doc.71-14276 Filed 9-28-71;8:45 am]

#### LUBRIZOL CORP.

#### Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), notice is given that a petition (FAP 2B2722) has been filed by Lubrizol Corp., Post Office Box 3057, Cleveland, Ohio 44117, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of the reaction product of N-(1,1-dimethyl-3-oxobutyl) acrylamide and formaldehyde as a component of vinyl latex coatings for paper and paperboard intended for food-contact use.

Dated: September 21, 1971.

ALBERT C. KOLBYE, JR.,  
Acting Director,  
Bureau of Foods.

[FR Doc.71-14320 Filed 9-28-71;8:48 am]

#### MOHAWK INDUSTRIES, INC.

#### Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), notice is given that a petition (FAP 6B1936) has been filed by Mohawk Industries, Inc., 44 Station Road, Sparta, N.J. 07871, proposing that § 121.2514 *Resinous and polymeric coatings* (21 CFR 121.2514) be amended to provide for the

safe use of cyclohexanone-formaldehyde resins as components of resinous and polymeric food-contact coatings.

Dated: September 21, 1971.

ALBERT C. KOLBYE, JR.,  
Acting Director,  
Bureau of Foods.

[FR Doc.71-14321 Filed 9-28-71;8:49 am]

[Docket No. PDC-D-376; NADA No. 8-880V]

#### WEIDNERIT AND DR. EDMUND WEIDNER

#### Otrhomin Weidner; Notice of Opportunity for a Hearing

In the FEDERAL REGISTER of July 22, 1970 (35 F.R. 11709, DESI 8-880V), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on (1) Otrhomin Weidner Solution Injectable, (2) Otrhomin Weidner Tablets, and (3) Otrhomin Weidner Powder, NADA (new animal drug application) No. 8-880V (products which contain di-hexamethylene-tetramine thiocyanate ammonium sulfate and hexamethylene tetramine thiocyanate), manufactured by Weidnerit, Dr. Edmund Weidner, 1 Berlin 31, Federal Republic of Germany, and imported by Dr. Stephen Jackson, 4815 Rugby Avenue, Washington, D.C. 20014.

The announcement invited the holder of said new animal drug application and any other interested persons to submit pertinent data on the drugs' effectiveness.

The data received in response to the announcement are inadequate and available information fails to provide substantial evidence that the preparations are effective as bactericidal and anti-allergic agents against uterine infections and mastitis in cows, and for treatment of other infections in cattle, horses, swine, dogs, and cats.

Therefore, notice is given to the above named firm and to any interested person who may be adversely affected that the Commissioner proposes to issue an order under the provisions of section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of NADA 8-880V and all amendments and supplements thereto held by said firm for the listed drug products on the grounds that:

Information before the Commissioner with respect to the drug was evaluated together with the evidence available to him when the application was approved. These data do not provide substantial evidence that the drug has the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner will give the applicant

and any interested person who would be adversely affected by an order withdrawing such approval an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of the above named new animal drug application should not be withdrawn. Promulgation of the order will cause any drug similar in composition to the above listed drug products and recommended for similar conditions of use to be new animal drugs for which an approved new animal drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or
2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new animal drug applications.

Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why approval of the new animal drug application should not be withdrawn together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to this notice. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, the Commissioner will enter an order stating his findings and conclusions on such data. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named and he shall issue a written notice of the time and place at which the hearing will commence. The time shall be not more than

90 days after the expiration of said 30 days unless the hearing examiner and the applicant otherwise agree.

Responses to this notice will be available for public inspection in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: September 20, 1971.

R. E. DUGGAN,  
*Acting Associate Commissioner  
for Compliance.*

[FR Doc.71-14277 Filed 9-28-71; 8:45 am]

## ATOMIC ENERGY COMMISSION

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

### PACIFIC GAS AND ELECTRIC CO.

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

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

The proposed facilities are designated by the applicant as the Mendocino Power Plant Units 1 and 2. Each reactor is designed for initial operation at approximately 3,323 megawatts (thermal) with a gross electrical output of approximately 1,168 megawatts.

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

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

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

For the Atomic Energy Commission.

FRANK SCHROEDER,  
*Deputy Director,  
Division of Reactor Licensing.*

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

[Docket No. 50-397]

## WASHINGTON PUBLIC POWER SUPPLY SYSTEM

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

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

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

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

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

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

For the Atomic Energy Commission.

FRANK SCHROEDER,  
*Deputy Director,  
Division of Reactor Licensing.*

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

## ENVIRONMENTAL PROTECTION AGENCY

### POLLUTION CONTROL FACILITIES

#### Guidelines for Certification

On May 26, 1971, the Environmental Protection Agency published final regulations in the FEDERAL REGISTER (36 F.R. 9509) pursuant to section 169 of the Internal Revenue Code of 1954, added by section 704 of the Tax Reform Act of 1969, Public Law 91-172. The EPA regulations are complementary to final regulations issued under section 169 by the Treasury Department, published on May 18, 1971 (36 F.R. 9010).

The 10 Regional Offices of EPA will be primarily responsible for administration



of the certification procedures. In order to insure that similar applications for certification receive similar treatment in different regional offices, the interpretative guidelines printed below are being issued to the regional offices and are published in the FEDERAL REGISTER for the information of affected members of the public.

Dated: September 23, 1971.

WILLIAM D. RUCKELSHAUS,  
Administrator, Environmental  
Protection Agency.

#### GUIDELINES

1. General.
2. Air pollution control facilities.
  - a. Pollution control or treatment facilities normally eligible for certification.
  - b. Air pollution control facility boundaries.
  - c. Examples of eligibility limits.
  - d. Replacement of manufacturing process by another nonpolluting process.
3. Water pollution control facilities.
  - a. Pollution control or treatment facilities normally eligible for certification.
  - b. Examples of eligibility limits.
4. Multiple-purpose facilities.
5. Facilities serving both old and new plants.
6. State certification.
7. Dispersal of pollutants.
8. Profit-making facilities.
9. Multiple applications.

#### GUIDELINES

1. General. Section 704 of the Tax Reform Act of 1969 (Public Law 91-172, December 30, 1969), added a new section 169, "Amortization of Pollution Control Facilities", to the Internal Revenue Code. The new section provides for the amortization of the cost of certified pollution control facilities over a sixty-month period, if certain conditions are met.

The Act defines a "certified pollution control facility" as a "new identifiable treatment facility" which is:

- (a) Used in connection with a plant or other property in operation before January 1, 1969, to abate or control pollution by removing, altering, disposing of, or storing pollutants, contaminants, wastes or heat;
- (b) Constructed, reconstructed, erected or (if purchased) first placed in service by the taxpayer after December 31, 1968;
- (c) Placed in service before January 1, 1975; and
- (d) Certified by both State and Federal authorities, as provided in section 169(d) (1) (A) and (B).

If the facility is a building, moreover, the statute requires that it be exclusively devoted to pollution control. Most questions as to whether a facility is a "building", and, if so, whether it is "exclusively" devoted to pollution control are resolved by § 1.169-2(b) (2) of the Treasury Department regulations.

2. Air pollution control facilities—*a. Pollution control or treatment facilities normally eligible for certification.* The following devices may constitute such facilities for the removal, alteration, disposal or storage of air pollution:

- (1) Inertial separators (cyclones, etc.).
- (2) Wet collection devices (scrubbers).
- (3) Electrostatic precipitators.
- (4) Cloth filter collectors (baghouses).
- (5) Direct fired afterburners.
- (6) Catalytic afterburners.
- (7) Gas absorption equipment.
- (8) Gas adsorption equipment.
- (9) Vapor condensers.
- (10) Vapor recovery systems.

- (11) Floating roofs for storage tanks.
- (12) Combinations of the above.
- (b) Air pollution control facility boundaries. Most facilities are systems consisting of several parts. The facility need not start at the point where the gaseous effluent leaves the last unit of processing equipment, nor will it in all cases extend to the point where the effluent is emitted to the atmosphere or existing stack, breeching, ductwork or vent. It includes all the auxiliary equipment used to operate the control system, such as fans, blowers, ductwork, valves, dampers, electrical equipment, etc. It also includes all equipment used to handle, store, transport, or dispose of the collected pollutant material.

c. Examples of eligibility limits. The amortization deduction is limited to any new identifiable treatment facility which removes, alters, disposes of, or stores contaminants or wastes. It is not available for all expenditures for air pollution control and is limited to devices which actually remove, alter, destroy, dispose of or store air pollutants.

(1) Boiler modifications or replacements. Modifications of boilers to accommodate "cleaner" fuels are not eligible for amortization: e.g., removal of stokers from a coal-fired boiler and the addition of gas or oil burners. The purpose of the burners is to produce heat, and they do not qualify as air pollution control facilities. A new gas or oil fired boiler that replaced a coal-fired boiler would also be ineligible for certification.

(2) Fuel processing. Eligible air pollution control facilities do not include preprocessing equipment which removes potential air pollutants from fuels prior to their combustion. Thus, a desulfurization facility would not be eligible, irrespective of whether it is installed at the plant where the desulfurized coal is burned.

(3) Incinerators. The addition of an afterburner, secondary combustion chamber or particulate collector would be eligible.

(4) Collection devices used to collect product or process material. In some manufacturing operations, collection devices are used to collect product or process material, as in the case of the manufacture of carbon black. The baghouse would be eligible for certification, but the certification would alert the Treasury Department of the profitable waste recovery involved. See paragraph 8, below.

d. Replacement of manufacturing process by another nonpolluting process. An installation will not qualify for certification where it utilizes a process known to be "cleaner" than an alternative, but where it does not actually remove, alter or dispose of pollution; as, for example, a minimally polluting electric induction furnace to melt cast iron which replaces, or is installed instead of, a heavily polluting iron cupola furnace. However, if the replacement equipment has an air pollution control device added to it, the control device would be eligible while the process device would not. For example, in the case where a primary copper smelting reverberatory furnace is replaced by a flash smelting furnace, followed by the installation of a contact sulfuric acid plant, the contact sulfuric acid plant would qualify (since it is a control device not necessary to the process), while the flash smelting furnace would not qualify, as its purpose is to produce copper matte.

3. Water Pollution Control Facilities—*a. Pollution control or treatment facilities normally eligible for certification.* The following types of equipment may constitute such facilities for the removal, alteration, disposal or storage of water pollution:

- (1) Pretreatment facilities such as those which neutralize or stabilize industrial and/or sanitary waste, from a point immedi-

ately preceding the point of such treatment to a point of disposal to, and acceptance by, a municipal waste treatment facility for final treatment, including the necessary pumping and transmitting facilities.

(2) Treatment facilities such as those which neutralize or stabilize industrial and/or sanitary waste, in compliance with established Federal, State, and local effluent or water quality standards, from a point immediately preceding the point of such treatment to a point of disposal, including the necessary pumping and transmitting facilities.

(3) Ancillary devices and facilities such as lagoons, ponds, and structures for the storage and/or treatment of wastewaters or waste from a plant or other property.

(4) Devices, equipment, or facilities constructed or installed for the primary purpose of recovering a byproduct of the operation (saleable or otherwise), previously lost either to the atmosphere or to the waste effluent. Examples are:

(a) A facility to concentrate and recover vaporous byproducts from a process stream for reuse as raw feedstock or for resale, unless the estimated profits from resale exceed the cost of the facility. See paragraph 8, below.

(b) A facility to concentrate and/or remove "gunk" or similar type "tars" or polymerized tar-like materials from the process waste effluent previously discharged in the plant effluents.

(c) A device used to extract or remove a soluble constituent from a solid or liquid by use of a selective solvent; an open or closed tank or vessel in which such extraction or removal occurs; a diffusion battery of tanks or vessels for countercurrent decantation, extraction, or leaching, etc.

(d) A skimmer or similar device for the removal of greases, oils and fat-like materials from an effluent stream.

b. Examples of eligibility limits. (1) In-plant process changes which may prevent the production of pollutants, contaminants, wastes, or heat, but which by themselves cannot be said to remove, alter, dispose of, or store pollutants, contaminants, wastes, or heat, will not be considered eligible for certification as a water pollution control facility.

(2) Any device, equipment and/or facility which is associated with or included in a disposal system for subsurface injection of untreated or inadequately treated industrial or sanitary waste waters or effluent containing pollutants, contaminants or wastes will not be eligible.

4. Multiple-purpose facilities. As the regulations make clear, a facility can qualify for favorable tax treatment if it serves a function other than the abatement of pollution (unless it is a building). Otherwise, the effect might have been to discourage installation of sensible pollution abatement facilities in favor of less efficient single-function facilities which qualified for the deduction.

Accordingly, EPA must decide what percentage of a given facility's cost is properly allocable to its abatement function. The regulations require the applying taxpayer to make such an allocation in his application, and to justify his grounds therefor. The regional offices will review those allocations. Although not generally necessary or desirable for the purpose of such review, on-site inspections may be appropriate in cases involving large sums of money and/or unusual types of equipment.

5. Facilities serving both old and new plants. As noted above, the statute requires that a pollution control facility must be used in connection with a plant or other property that was in operation prior to January 1, 1969. When a facility is used in connection with pre-1969 properties as well as

in connection with newer ones, it may qualify for the rapid amortization to the extent it is used in connection with pre-1969 facilities.

Again, the taxpayer will submit his theory of the allocation of the cost of the facility as between old and new plants or properties, and the regional offices will review that allocation. Such an allocation will result in a percentage. The most appropriate method of making such an allocation is to compare the effluent capacity of the pre-1969 plant to the treatment capacity of the control facility. For example, if the old plant has a capacity of 80 units of effluent (but an average output of 60 units), the new plant has a capacity of 40 units (but an average output of 20 units), and the control facility a capacity of 150 units, then 80/150 of the cost of the control facility would be eligible for rapid amortization.

Should a taxpayer present a seemingly reasonable method of allocation different from the foregoing, Regional Office personnel are invited to consult with the Office of Water Programs or the Air Programs Office, whichever is appropriate, and with the Office of the General Counsel.

6. *State certification.* In order to qualify for rapid amortization under section 169, a facility must first be certified by the State as being installed "in conformity with the State program or requirements for abatement or control of water or atmospheric pollution or contamination." Significantly, the statute does not say that installation of a facility must be required by a State. Accordingly, assuming that use of a facility will not contravene any applicable State requirements, it will be eligible for accelerated depreciation. One example would be a facility installed in order to comply with regulations of the Atomic Energy Commission on emissions of radioactive particulates. The same result would obtain in cases where the certifying State had not yet adopted an implementation plan under the Clean Air Act to meet national ambient air quality standards.

It is contemplated that the facts contained in the taxpayer's application, plus the certification from the State agency, will form the basis for EPA certification. By heavily relying on the State's certification, the administrative task of the regional offices can and should be minimized. It is not contemplated that on-site inspection will be necessary or desirable in the majority of cases. Exceptions to the foregoing must of course depend on the exercise of sound judgment by Regional Office personnel.

Of obvious relevance to the exercise of such judgment would be: The volume and toxicity of the discharge sought to be controlled by the facility in question; the amount of money at stake; and experience on the basis of which it may be said that the certifying State agency is in fact ignoring obvious violations of applicable water or air quality standards.

It should be noted that certification of a facility does not constitute the personal warranty of the certifying official that the conditions of the statute have been met; as in the case with a ruling from the Internal Revenue Service itself, EPA certification is only binding on the Government to the extent the submitted facts are accurate and complete.

7. *Dispersal of pollutants.* Section 169 applies to facilities which remove, alter, dispose of, or store pollutants—including heat. As the legislative history of the section makes clear, a facility which merely disperses pollutants cannot qualify. It is not felt, however, that the legislative intent to disqualify facilities which only disperse pollution is applicable to facilities which dissipate heat; there is no way to "dispose of" heat other than by transferring B.t.u.'s to the environ-

ment. A cooling tower will be eligible for certification, therefore, provided it is used in connection with a pre-1969 plant, as will a cooling pond, or an addition to an outfall structure, the result of which is to lessen the amount by which the temperature of the receiving stream is elevated, and which meets applicable State standards.

8. *Profit-making facilities.* The statute denies favorable tax treatment to facilities the cost of which will be recovered from profits derived through the recovery of waste, "or otherwise."

If an abatement facility recovers marketable wastes, estimated profits on which are not sufficient to recover the entire cost of the facility, the amortizable basis of the facility will be reduced in accordance with Treasury Department regulations. The responsibility of the regional offices will be to identify for the Treasury Department's benefit those cases in which estimated profits will in fact arise; their amount, and the extent to which they can be expected to result in cost recovery, will be determined by the Treasury Department. Accordingly, the responsibility of the regional offices is, for all practical purposes, to notify the Treasury Department when marketable byproducts are recovered by the facility. Such notification will be included in EPA's form of certification.

The phrase "or otherwise" also encompasses situations where the taxpayer is in the business of renting his facility for a fee. In such a case, the facility may theoretically qualify for certification by EPA, the decision as to the extent of its profitability being left to the Treasury Department. Situations may also arise where use of a facility is furnished at no additional charge to a number of users, or to the public, as part of a package of other services. In such a case, no profits will be deemed to arise from operation of the facility unless the other services included in the package are merely ancillary to use of the facility.

It should be noted that § 602.9 of the EPA regulations is not meant to affect general principles of Federal income tax law. An individual other than the title holder of a piece of property may be entitled to take depreciation deductions on it, if the arrangements by which he has use of the property may, for all practical purposes, be viewed as a purchase. In any such case, the facility could qualify for full rapid amortization, notwithstanding that the title holder charges a separate fee for the use of the facility, as long as the taxpayer—in such a case, the user—does not himself charge a separate fee for the use of the facility.

9. *Multiple applications.* Under EPA regulations, a multiple application may be submitted by a taxpayer who applies for certification of substantially identical pollution abatement facilities used in connection with substantially identical properties. It is not contemplated that use of the multiple application option will be used with respect to facilities in different States, since each such facility would require separate applications for certification from the different States involved. EPA regulations also permit an applicant to incorporate by reference in an application material contained in an application previously filed. The purpose of the provision for incorporation by reference is to avoid the burden of furnishing detailed information (which may in some instances include portions of catalogs or process flow diagrams) which the certifying official has previously received. Accordingly, material filed with a Regional Office of EPA may be incorporated by reference only in an application subsequently filed with the same regional office.

[FR Doc.71-14267 Filed 9-28-71; 8:45 am]

## FEDERAL POWER COMMISSION

[Docket No. E-7644]

### PUBLIC SERVICE COMPANY OF INDIANA, INC., ET AL.

#### Notice of Proposed Rate Schedule Changes

SEPTEMBER 20, 1971.

Take notice that on June 28, 1971, Public Service Company of Indiana (applicant) filed rate schedule changes amending interconnection agreements between applicant and Cincinnati Gas and Electric Co. (Cincinnati) and Southern Indiana Gas and Electric Co. (SIGECO).

The interconnection agreement with regard to applicant and Cincinnati is designated rate schedule FPC No. 218 and the amendatory agreement is designated modification No. 1.

Modification No. 1 substitutes for rate schedule E (short-term power) as attached to and made a part of the interconnection agreement an amended rate schedule E (short-term power). The primary difference between the superseded schedule and the new one is an increase in the demand charge for short-term power from \$0.30 per week per kilowatt of billing demand to \$0.40 per week per kilowatt of billing demand. In addition, changes have been made in the method of procuring weekly schedules, both as to reservations of less than a week and as to reductions of short-term power upon request of the supplying party. Other language changes have been made in the interest of clarification and improved expression of actual operating conditions and procedures as developed through experience.

The interconnection agreement with regard to applicant and SIGECO is designated rate schedule FPC No. 207 and the amendatory agreement is designated Third Supplemental Agreement.

The Third Supplemental Agreement substitutes for rate schedule D (short-term power) as attached to and made a part of the interconnection agreement an amended rate schedule D (short-term power). The primary difference between the superseded schedule and the new one is an increase in the demand charge for short-term power from \$0.30 per week per kilowatt of billing demand to \$0.40 per week per kilowatt of billing demand. In addition changes have been made in the method of procuring weekly schedules, both as to reservations of less than a week and as to reductions of short-term power upon request of the supplying party. Other language changes have been made in the interest of clarification and improved expression of actual operating conditions and procedures as developed through experience.

Applicant states that the proposed changes in both agreements were the result of negotiation and discussion between the parties to each agreement and reflect a desire of the parties to attain optimum benefit from the interconnection of their system. The parties to each

agreement agree that the demand charge of \$0.30 per kilowatt does not provide adequate compensation of present and anticipated future costs.

Applicant requests waivers of notice requirements in accordance with § 35.11 of the Commission's regulations to permit both agreements to be effective as of July 1, 1971.

Any person desiring to be heard or to make any protest with any reference to said application should on or before October 4, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission, rules and practice and procedure. (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.71-14271 Filed 9-28-71; 8:45 am]

[Dockets Nos. CS72-184 etc.]

L. E. WINDHAM ET AL.

### Notice of Applications for "Small Producer" Certificates<sup>1</sup>

SEPTEMBER 21, 1971.

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

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 15, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject

<sup>1</sup>This notice does not provide for consolidation for hearing of the several matters covered herein.

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

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

KENNETH F. PLUMB,  
Secretary.

Docket No.	Date filed	Name of applicant
CS72-184...	8-30-71	L. E. Windham, Box 501, Rankin, TX 79778.
CS72-185...	9-1-71	White Shield Oil & Gas Corp. (Operator) et al., Post Office Box 2139, Tulsa, OK 74101.
CS72-186...	9-1-71	Soudas Oil & Gas Co., Inc. (Operator) et al., 226 Loshinvar, Wichita, KS 67207.
CS72-187...	8-20-71	Sklar & Phillips Oil Co., Post Office Box 3735, Shreveport, LA 71103.
CS72-188...	8-20-71	Howard E. Sutton, Post Office Box 639, Oil City, LA 71001.
CS72-189...	9-2-71	Mrs. Tom J. Moffitt et al., Post Office Box 1574, Shreveport, LA 71165.
CS72-190...	9-2-71	Donald B. Anderson, Post Office Box 1000, Roswell, NM 88201.
CS72-191...	9-2-71	Robert L. Nolan, 1256 Board of Trade Bldg., 141 West Jackson Blvd., Chicago, IL 60604.
CS72-192...	9-2-71	True Oil Co., Post Office Drawer 2360, Casper, WY 82601.
CS72-193...	9-2-71	Fred L. Oliver, Post Office Box 297, Dallas, TX 75221.
CS72-194...	9-2-71	Clay J. Calhoun, Post Office Box 5216, New Orleans, LA 70114.
CS72-195...	9-2-71	Ruth Phillips Bulker, c/o Edward H. Forgotson, Suite 1300, 1407 Main St., Dallas, TX 75202.
CS72-196...	9-2-71	Gramplan Co., Ltd., c/o Edward H. Forgotson, Suite 1300, 1407 Main St., Dallas, TX 75202.
CS72-197...	9-2-71	C. R. Walbert, 2821 First National Center, Oklahoma City, OK 73102.
CS72-198...	9-2-71	Mackellar Inc., et al., 3545 Northwest 58, Oklahoma City, OK 73112.
CS72-199...	9-2-71	J. E. Stack, Jr., Post Office Box 1023, Meridian, MS 39301.
CS72-200...	9-2-71	Rober G. Shaw, Post Office Drawer 2072, Longview, TX 75601.
CS72-201...	9-2-71	Southwood Exploration Co. et al., 1224 Denver Club Bldg., Denver, Colo. 80202.
CS72-202...	9-2-71	Santa Fe Corp. et al., 1224 Denver Club Bldg., Denver, Colo. 80202.
CS72-203...	9-2-71	Petro-Lewis Funds, Inc., et al., 1224 Denver Club Bldg., Denver, Colo. 80202.
CS72-204...	9-2-71	Petro-Lewis Corp., 1224 Denver Club Bldg., Denver, Colo. 80202.
CS72-205...	9-2-71	M. K. M. Exploration Co., 254 North Center St., Casper, WY 82601.
CS72-206...	9-2-71	Hixon Development Co., 341 Milam Bldg., San Antonio, Tex. 78205.

Docket No.	Date filed	Name of applicant
CS72-207...	9-2-71	J. J. Weigel, 1502 First Ave., Dodge City, KS 67801.
CS72-208...	9-2-71	Mr. Warren W. Spikes, Professional Bldg., Post Office Box 795, Hugoton, KS 67951.
CS72-209...	9-2-71	Kathrine B. Palmer et al., Box 245, Shamrock TX 79079.
CS72-210...	9-2-71	Howard H. Sidwell, 722 Midland Savings Bldg., Denver, Colo. 80202.
CS72-211...	9-2-71	Donald W. Sidwell et al., 525 Midland Savings Bldg., Denver, Colo. 80202.
CS72-212...	9-2-71	Mrs. Mildred McCutchen, 219 East J St., Ontario, CA 91762.
CS72-213...	9-2-71	Nemours Corp., 1203 Mid South Towers, Shreveport, La. 71101.
CS72-214...	9-2-71	William F. Stevens, 1141 First National Bank Bldg., Denver, Colo. 80202.
CS72-215...	9-2-71	Apache Corp., Post Office Box 2209, Tulsa, OK 74101.
CS72-216...	9-8-71	Chas. A. Neal & Co., Box 269, Miami, OK 74354.
CS72-217...	9-9-71	Tribal Oil Co., Post Office Box 52343, Lafayette, LA 70501.
CS72-218...	9-9-71	J. Malcolm Shelton, 8th Floor, Amarillo Bldg., Amarillo, Tex. 79101.
CS72-219...	9-9-71	American Petroleum & Mineral Co., Inc., 402 Bank of the Southwest, Amarillo, Tex. 79109.
CS72-220...	9-9-71	Preddle Exploration, Inc., 1900 Avenue of the Stars, Suite 1945, Los Angeles, CA 90007.
CS72-221...	9-9-71	Wilhelmina duP. Ross, 1203 Mid South Towers, Shreveport, La. 71101.
CS72-222...	9-9-71	John J. Nolan, 234 Sheridan Road, Kenilworth, IL 60043.

[FR Doc.71-14270 Filed 9-28-71; 8:45 am]

## FEDERAL RESERVE SYSTEM

### BANKS OF IOWA, INC.

#### Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Banks of Iowa, Inc., Cedar Rapids, Iowa, for approval of acquisition of 80 percent or more of the voting shares of Union Bank and Trust Co., Ottumwa, Iowa.

There has come before the Board of Governors, pursuant to section 3(a) (3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a) (3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Banks of Iowa, Inc., Cedar Rapids, Iowa, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Union Bank and Trust Co., Ottumwa, Iowa (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Department of Banking of the State of Iowa and requested its views and recommendation. The Superintendent of Banking of the State of Iowa recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on June 15, 1971 (36 F.R. 11538), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired

and all those received have been considered.

It is hereby ordered, On the basis of the record, that said application be and hereby is approved for the reasons set forth in the Board's Statement<sup>1</sup> of this date: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,<sup>2</sup> September 21, 1971.

[SEAL] TYNAN SMITH,  
Secretary.

[FR Doc.71-14274 Filed 9-28-71; 8:45 am]

#### EMPIRE SHARES CORP.

##### Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Empire Shares Corp., New York, N.Y., for approval of acquisition of 39.9627 percent of the voting shares of Community State Bank, Albany, N.Y.

There has come before the Board of Governors pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Empire Shares Corp., New York, N.Y., a registered bank holding company, which presently owns 42.7 percent of the voting shares of Community State Bank (Bank), Albany, N.Y., for the Board's prior approval of the acquisition of an additional 39.9627 percent of the voting shares of Bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Superintendent of Banks of the State of New York, and requested his views and recommendation. The Superintendent has offered no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on August 19, 1971 (36 F.R. 16144), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the

<sup>1</sup> Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago.

<sup>2</sup> Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, Brimmer and Sherrill. Absent and not voting: Chairman Burns.

effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant is a wholly owned subsidiary of The Morris Plan Corp., New York, N.Y., a registered bank holding company that is a wholly owned subsidiary of Financial General Bankshares, Inc., Washington, D.C., also a registered bank holding company. The shares of Bank which applicant in this application proposes to acquire are presently owned in varying amounts by four other wholly owned subsidiaries of The Morris Plan Corp. each of which is a registered bank holding company. Under applicant's proposal, each of these four bank holding companies would issue its shares of Bank as a dividend to The Morris Plan Corp. which would then contribute said Bank shares to applicant.

Applicant, presently the 12th largest of 14 existing or proposed multibank holding companies in the State of New York, has three subsidiary banks with \$314 million in aggregate deposits, representing 0.4 percent of the total commercial bank deposits in the State. (All banking data, except where otherwise indicated, are as of December 31, 1970, and reflect bank holding company formations and acquisitions approved by the Board to August 31, 1971.) Bank, presently the ninth largest of 15 banking organizations competing in the Albany banking market, which is approximated by Albany, Schenectady, and Rensselaer Counties, had \$34.2 million in deposits as of June 30, 1970, representing 1.6 percent of total commercial bank deposits in the area and 0.04 percent of total commercial bank deposits in the State.

Inasmuch as the proposal merely constitutes a strengthening of applicant's already substantial control over Bank and projects no change in the character of the banking facilities involved, consummation of the proposal would neither increase the amount of deposits which applicant controls, nor alter its present ranking. Similarly, consummation of the proposal would not alter existing banking competition nor foreclose potential competition, nor have any adverse effects on other banks in the Albany market. The financial and managerial resources and future prospects of applicant and Bank are regarded as satisfactory and consistent with approval of the application. It appears that the convenience and needs of the communities involved will not be affected by consummation of this proposal. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

It is hereby ordered, On the basis of the record, that said application be and hereby is approved for the reasons summarized above, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this

order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,<sup>1</sup> September 21, 1971.

[SEAL] TYNAN SMITH,  
Secretary.  
[FR Doc.71-14301 Filed 9-28-71; 8:47 am]

#### FIDELITY AMERICAN BANKSHARES, INC.

##### Order Denying Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Fidelity American Bankshares, Inc., Lynchburg, Va., for approval of acquisition of 80 percent or more of the voting shares of Peoples Bank of Gretna, Gretna, Va.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Fidelity American Bankshares, Inc., Lynchburg, Va., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Peoples Bank of Gretna, Gretna, Va. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Virginia Commissioner of Banking, and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 20, 1971 (36 F.R. 13350), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

It is hereby ordered, For the reasons set forth in the Board's statement<sup>2</sup> of this date, that said application be and hereby is denied.

By order of the Board of Governors,<sup>2</sup> September 21, 1971.

[SEAL] TYNAN SMITH,  
Secretary.  
[FR Doc.71-14272 Filed 9-28-71; 8:45 am]

<sup>1</sup> Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Burns.

<sup>2</sup> Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Richmond.

<sup>3</sup> Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Burns.

## GALBANK, INC.

## Order Approving Acquisition of Bank Stock by Bank Holding Companies

In the matter of the applications of Galbank, Inc., and its wholly owned subsidiary, United States National Bancshares, Inc., both of Galveston, Tex., for approval of acquisition of 61.15 percent or more of the voting shares of Sugar Land State Bank, Sugar Land, Tex.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), applications by Galbank, Inc. (Galbank), and its wholly owned subsidiary, United States National Bancshares, Inc. (National), for the Board's prior approval of the acquisition of 61.15 percent or more of the voting shares of Sugar Land State Bank, Sugar Land, Tex. (Bank). The acquisition will be made by National and as a result Galbank will indirectly acquire voting shares of the Bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the applications to the Texas Commissioner of Banking and requested his views and recommendation. The Commissioner recommended approval of the proposal.

Notice of receipt of the applications was published in the FEDERAL REGISTER on August 3, 1971 (36 F.R. 14284 and 14286), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of each application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

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

Galbank, through National, controls one bank with deposits of \$44.8 million representing approximately 0.2 percent of commercial bank deposits in Texas. (All banking data are as of December 31, 1970, adjusted to reflect holding company formations and acquisitions approved by the Board through August 31, 1971.) Acquisition of Bank (deposits of \$10 million) would not materially affect applicants' share of deposits in the State.

Bank is the second largest of eight banks serving the eastern portion of Fort Bend County and the southwestern edge of Houston, with control of approximately 18 percent of the area deposits. Applicants' bank is located 50 miles southeast of Bank in Galveston and there is little existing competition between the two. Due to the distances involved, the presence of intervening banks, and the Texas prohibition against branching, there is also little probability

of future competition developing between the subsidiary and Bank. Considering these factors and others of record, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area. In fact, acquisition of Bank by applicants may serve to enhance competition since it would result in the first ownership of a Houston area bank by a holding company located outside of Houston.

On the record before the Board, considerations relating to the financial condition, management and prospects of applicants, their subsidiaries, and Bank are consistent with approval of the applications. Convenience and needs of banking customers in the area will be advanced through consummation of the proposed acquisition since applicants will be able to provide more extensive services such as increased commercial loan capabilities, interim construction financing, and greater consumer credit and trust services. It is the Board's judgment that the proposed transaction would be in the public interest and that the applications should be approved.

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

By order of the Board of Governors,<sup>1</sup>  
September 21, 1971.

[SEAL]

TYNAN SMITH,  
Secretary.

[FR Doc.71-14273 Filed 9-28-71;8:45 am]

## PLAZA BANCSHARES, INC.

## Order Approving Action to Become a Bank Holding Company

In the matter of the application of Plaza Bancshares, Inc., Kansas City, Mo., for approval of action to become a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to the Plaza Bank of Commerce, Kansas City, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Plaza Bancshares, Inc., Kansas City, Mo., for the Board's prior approval of action whereby applicant would become a bank holding company through the acquisition of 100 percent of the voting shares (less

<sup>1</sup> Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Burns.

directors' qualifying shares) of the successor by merger to the Plaza Bank of Commerce, Kansas City, Missouri (Bank). (Bank is to be merged into a nonoperating bank that has significance only as a vehicle to accomplish the acquisition of all the shares of Bank; accordingly, acquisition of the shares of the successor bank is treated as an acquisition of the shares of Bank.)

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Finance of the State of Missouri, and requested his views and recommendation. The Commissioner did not object to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 28, 1971 (36 F.R. 13951), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

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

Applicant is a recently organized corporation, formed for the purpose of becoming a bank holding company. Bank (deposits of \$46.4 million) is the eighth largest of 40 banks in the Kansas City area and the 11th largest of 125 banks in the Kansas City SMSA, controlling 1.4 percent of the deposits in that SMSA and only .4 percent of the total commercial bank deposits in Missouri. (Banking data are as of December 31, 1970.)

The proposal constitutes a corporate reorganization and reflects no expansion of the corporate interests or significant change in the character of banking facilities involved; consummation of the proposal would not alter existing banking competition nor significantly affect potential competition. The financial and managerial resources and future prospects of applicant and Bank are satisfactory and consistent with approval of the application. Consummation of the proposal would not have any immediate effects on the convenience and needs of the community, but improved services may be provided in the future under the more flexible corporate structure of the holding company system. It is the Board's judgment that consummation of the proposal would be in the public interest and that the application should be approved.

It is hereby ordered, On the basis of the record, that said application be and hereby is approved for the reasons summarized above, provided that the action so approved shall not be consummated

(a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,<sup>1</sup>  
September 21, 1971.

[SEAL] TYNAN SMITH,  
Secretary.  
[FR Doc.71-14302 Filed 9-28-71; 8:47 am]

## DEPARTMENT OF LABOR

Office of the Secretary  
KANSAS

### Notice of Termination of Extended Unemployment Compensation

The Federal-State Extended Unemployment Compensation Act of 1970, title II of Public Law 91-373, establishes a program of extended unemployment compensation which provides for payment to unemployed workers who have received all of the regular compensation to which they are entitled, commencing when unemployment is high (according to indicators set forth in the law) and terminating when unemployment ceases to be high (according to indicators set forth in the law). Pursuant to section 203(b)(2) of the Act, notice is hereby given that Leo J. Phalen, Executive Director of the Kansas Employment Security Division, has determined that there was a State "off" indicator in Kansas for the week ending August 21, 1971, and that an extended benefit period terminated in the State with the week ending September 11, 1971.

Signed at Washington, D.C., this 22d day of September 1971.

J. D. HOBGSON,  
Secretary of Labor.

[FR Doc.71-14278 Filed 9-28-71; 8:45 am]

## UTAH

### Notice of Termination of Extended Unemployment Compensation

The Federal-State Extended Unemployment Compensation Act of 1970, title II of Public Law 91-373, establishes a program of extended unemployment compensation which provides for payment to unemployed workers who have received all of the regular compensation to which they are entitled, commencing when unemployment is high (according to indicators set forth in the law) and terminating when unemployment ceases to be high (according to indicators set forth in the law). Pursuant to section 203(b)(2) of the Act, notice is hereby given that Curtis P. Harding, Adminis-

<sup>1</sup> Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisef, Brimmer, and Sherrill. Absent and not voting: Chairman Burns.

trator of the Utah Department of Employment Security, has determined that there was a State "off" indicator in Utah for the week ending August 21, 1971, and that an extended benefit period terminated in the State with the week ending September 11, 1971.

Signed at Washington, D.C., this 22d day of September 1971.

J. D. HOBGSON,  
Secretary of Labor.

[FR Doc.71-14279 Filed 9-28-71; 8:46 am]

## INTERSTATE COMMERCE COMMISSION

### ASSIGNMENT OF HEARINGS

SEPTEMBER 24, 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.

- No. 35270, Soapstone, Texas to Florida—Petition of Southern Freight Association for declaratory order, now assigned October 18, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.
- FP-C-45, Honolulu Freight Service vs. Star Forwarders, Inc., now assigned November 1, 1971, at Los Angeles, Calif., canceled.
- MC 119619 Sub 45, Distributors Service Co., now assigned October 13, 1971, at Chicago, Ill., postponed indefinitely.
- MC 119619 Sub 36, Distributors Service Co., MC 133574 Sub 6, Terrill Trucking Co., assigned October 1, 1971, Omaha, Nebr., canceled.
- MC 14624 Sub 1, Tri State Express, now assigned September 28, 1971, at Frankfort, Ky., postponed indefinitely.
- MC 117574 Sub 184, Daily Express, Inc., MC 117574 Sub 191, Daily Express, Inc., assigned October 18, 1971, at Washington, D.C., is postponed indefinitely.
- MC 109533 Sub 44, Overnite Transportation Co., now assigned October 18, 1971, at Frankfort, Ky., postponed to January 10, 1972, in a hearing room to be designated later, at Lexington, Ky.
- MC 129537 Sub 8, Reeves Transportation Co., continued to October 18, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.
- Fourth Section Application No. 42169, Volume or Trainload Rates, from, to, or between points in the United States assigned October 4, 1971, at Washington, D.C. postponed to December 6, 1971, at the Offices of Interstate Commerce Commission, Washington, D.C.
- ISM-22930, Small Shipment Rate Revision—Eastern Central Territory, now assigned October 4, 1971, at Washington, D.C., postponed to October 26, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 117940 Sub 45, Nationwide Carriers, Inc., assigned November 15, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

Finance Docket No. 26447, Burlington Northern Inc., abandonment between Park Rapids and Cass Lake, Minn., assigned October 26, 1971, at Brainerd, Minn., canceled and reassigned October 26, 1971, in the District Courtroom, Hubbard County Courthouse, Park Rapids, MN.

MC 109307 Sub 252, Tri-State Transit Co., now assigned November 10, 1971, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 112582 Sub 36, T. M. Zimmerman Co., now assigned November 8, 1971, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 117574 Sub 198, Daily Express, Inc., now assigned November 15, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 123383 Sub 54, Boyle Brothers, Inc., now assigned November 15, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 135382, S & S Rental, Inc., now assigned November 29, 1971, at the Offices of Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.71-14312 Filed 9-28-71; 8:48 am]

[Notice 32]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 24, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

### MOTOR CARRIERS OF PROPERTY

No. MC-42487 (Deviation No. 93), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94015, filed September 14, 1971. Carrier's representative: V. E. Oldenburg, Post Office Box 5138, Chicago, IL 60680. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 30 and the

Pennsylvania Turnpike at Exit 7 over the Pennsylvania Turnpike to Exit 9, thence over Pennsylvania Highway 711 to junction Pennsylvania Highway 31, thence over Pennsylvania Highway 31 to junction U.S. Highway 30, near Bedford, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction U.S. Highway 30 and the Pennsylvania Turnpike at Exit 7 over U.S. Highway 30 to junction Pennsylvania Highway 31 near Bedford, Pa., and return over the same route.

By the Commission,

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 71-14308 Filed 9-28-71; 8:47 am]

[Notice 77]

### MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 24, 1971.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

#### MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 109914 (Sub-No. 27), filed August 2, 1971. Applicant: DUNDEE TRUCK LINE, INC., 6006 Stickney Avenue, Toledo, OH 43612. Applicant's representatives: Arthur R. Cline, 420 Security Building, Toledo, Ohio 43604, and Paul F. Berry, Suite 1660, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk). Regular routes (1) Between Cleveland and Cincinnati, Ohio: From Cleveland over Interstate Highway 71 to Cincinnati, Ohio, and return over the same route, serving all intermediate points and the off-route points of Ashland, Clinton, Cuyahoga, Delaware, Fayette, Franklin, Greene, Hamilton, Knox, Madison, Medina, Morrow, Richland, Summit, Warren, and

Wayne Counties, Ohio; (2) between Cincinnati and Toledo, Ohio: From Cincinnati over Interstate Highway 75 and U.S. Highway 25 (and old U.S. Highway 25) to Toledo, Ohio, and return over the same routes, serving all intermediate points and the off-route points of Allen, Auglaize, Butler, Hamilton, Hancock, Lucas, Miami, Montgomery, Shelby, Warren, and Wood Counties, Ohio; (3) between Toledo and Conneaut, Ohio: From Toledo over U.S. Highway 20 to Conneaut, Ohio, and return over the same route, serving all intermediate points and the off-route points of Ashtabula, Cuyahoga, Erie, Huron, Lake Lorain, Lucas, Ottawa, and Sandusky Counties, Ohio; (4) between Toledo and Cleveland, Ohio: From Toledo over Ohio Highway 2 to Cleveland and return over the same route, serving all intermediate points and the off-route points of Cuyahoga, Erie, Huron, Lorain, Lucas, Ottawa, and Sandusky Counties, Ohio; (5) between Toledo and Warren, Ohio: From Toledo, Ohio, over Interstate Highway 280 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Ohio Highway 5, thence over Ohio Highway 5 to Warren, Ohio, and return over the same routes, serving all intermediate points and the off-route points of Ashtabula, Cuyahoga, Erie, Huron, Lake Lorain, Lucas, Ottawa, Sandusky, and Turnbull and Geauga Counties, Ohio;

(6) Between Columbus and Toledo, Ohio: From Columbus, Ohio, over Interstate Highway 71 to junction Interstate Highway 270, thence over Interstate Highway 270 to junction U.S. Highway 23, thence U.S. Highway 23 to junction Ohio Highway 15, thence over Ohio Highway 15 to junction Interstate Highway 75, thence over Interstate Highway 75 (and old U.S. Highway 25) to Toledo, Ohio (also from the junction of U.S. Highway 23 and Ohio Highway 15 over U.S. Highway 23 to the junction of U.S. Highway 23 and U.S. Highway 20, thence over U.S. Highway 20 to Toledo, Ohio), and return over the same routes, serving all intermediate points and the off-route points of Delaware, Franklin, Hancock, Lucas, Marion, Ottawa, Sandusky, Seneca, Wood and Wyandotte Counties, Ohio; (7) between Cleveland and Canton, Ohio: from Cleveland over Interstate Highway 77 (also from Cleveland over U.S. Highway 21 to the junction of U.S. Highway 30) to Canton, Ohio, and return over the same routes, serving all intermediate points and the off-route points of Cuyahoga, Stark, and Summit Counties, Ohio; (8) between Toledo, Ohio, and junction Interstate Highway 280 and U.S. Highway 20: From Toledo over Interstate Highway 280 to junction U.S. Highway 20 and return over the same route, serving all intermediate points; (9) between Fremont, Ohio, and junction Ohio Highway 53 and Ohio Highway 2: From Fremont over Ohio Highway 53 to junction Ohio Highway 2 and return over the same route, serving all intermediate points; (10) between Sandusky and Ashland, Ohio: From Sandusky over U.S. Highway 250 to Ashland,

Ohio, and return over the same route, serving all intermediate points and off-route points in Ashland, Huron, and Erie Counties, Ohio; (11) between Lorain, Ohio, and junction of Ohio Highway 57 and U.S. Highway 224: From Lorain over Ohio Highway 57 to junction Ohio Highway 57 and U.S. Highway 224 (near Wadsworth) and return over the same route, serving all intermediate points and the off-route points of Lorain and Medina Counties, Ohio; (12) between Lorain and Ashland, Ohio: From Lorain, Ohio, over Ohio Highway 58 to Ashland, Ohio, and return over the same route, serving all intermediate points and the off-route points of Ashland, Lorain, and Medina Counties, Ohio; (13) between the junction of Interstate Highway 71 and Ohio Highway 82 and the junction of Ohio Highway 82 and Ohio Highway 57: From the junction of Interstate Highway 71 and Ohio Highway 82 over Ohio Highway 82 to junction Ohio Highway 57, and return over the same route, serving all intermediate points and the off-route points in Lorain County, Ohio;

(14) Between Akron, Ohio, and junction U.S. Highway 224 and Interstate Highway 71: From Akron over U.S. Highway 224 to junction Interstate Highway 71 and return over the same route, serving all intermediate points and the off-route points in Summit County, Ohio; (15) between Akron and Ravenna, Ohio: From Akron, Ohio, over Ohio Highway 8 to junction Ohio Highway 8 and Ohio Highway 303, thence over Ohio Highway 303 to junction of Ohio Highway 14, thence over Ohio Highway 14 to Ravenna, Ohio (also, from Akron over Interstate Highway 80S to junction Ohio Highway 44, thence over Ohio Highway 44 to Ravenna, Ohio), and return over the same routes, serving all intermediate points and the off-route points in Portage County, Ohio; (16) between Akron and Beloit, Ohio: From Akron, Ohio, over U.S. Highway 224 to the junction of Ohio Highway 534, thence over Ohio Highway 534 to the junction Ohio Highway 165, thence over Ohio Highway 165 to the junction Ohio Highway 173, thence over Ohio Highway 173 to Beloit, Ohio (also, from Akron, Ohio, over Interstate Highway 77 to junction Ohio Highway 619, thence over Ohio Highway 619 to junction Ohio Highway 173, thence over Ohio Highway 173 to Beloit, Ohio), and return over the same route, serving all intermediate points and the off-route points of Mahoning, Portage, and Stark Counties, Ohio; (17) between Medina, Ohio, and junction U.S. Highway 21 and Ohio Highway 585: From Medina over U.S. Highway 42 to junction U.S. Highway 42 and Ohio Highway 76, thence over Ohio Highway 76 to junction Interstate Highway 71, thence over Interstate Highway 71 to junction U.S. Highway 224, thence over U.S. Highway 224 to junction Ohio Highway 57, thence over Ohio Highway 57 to junction Ohio Highway 604, thence over Ohio Highway 604 to junction Ohio Highway 585, thence over Ohio Highway 585 to the junction of U.S. Highway 21 and return over the same route, serving

all intermediate points and the off-route points of Medina, Summit, and Wayne Counties, Ohio; (18) between Canton, Ohio, and junction U.S. Highway 20 and Ohio Highway 45: From Canton, Ohio, over Interstate Highway 77 to junction Interstate Highway 80S, thence over Interstate Highway 80S to junction Ohio Highway 59, thence over Ohio Highway 59 to junction Ohio Highway 5, thence over Ohio Highway 5 to junction Ohio Highway 45, thence over Ohio Highway 45 to junction U.S. Highway 20 and return over the same route, serving all intermediate points and the off-route points of Ashtabula, Portage, Stark, Summit, and Trumbull Counties, Ohio; (19) between the junction of Ohio Highway 8 and Interstate Highway 271 and the junction of Ohio Highway 8 and Ohio Highway 303: From the junction of Ohio Highway 8 and Interstate Highway 271 over Ohio Highway 8 to the junction of Ohio Highway 303 and return over the same route, serving all intermediate points and the off-route points of Cuyahoga County, Ohio;

(20) Between the junction of Interstate Highway 90 and Ohio Highway 45 and the junction of Interstate Highway 90 and Interstate Highway 271: From the junction of Interstate Highway 90 and Ohio Highway 45 over Interstate Highway 90 to junction Interstate Highway 271 and return over the same route, serving all intermediate points and the off-route points of Ashtabula, Cuyahoga, Geauga, and Lake Counties, Ohio; (21) between Ashtabula and Conneaut, Ohio: From Ashtabula over Ohio Highway 46 to Jefferson, Ohio, thence over Ohio Highway 167 to junction Ohio Highway 193, thence over Ohio Highway 193 to junction U.S. Highway 6, thence over U.S. Highway 6 to Andover, Ohio (also, from Jefferson, Ohio, over Ohio Highway 307 to junction Ohio Highway 45, thence over Ohio Highway 45 to junction U.S. Highway 6, thence over U.S. Highway 6 to Conneaut, Ohio, and return over the same routes, serving all intermediate points and the off-route points in Ashtabula County, Ohio; (22) between Canton and Warren, Ohio: From Canton over U.S. Highway 62 to junction Ohio Highway 45, thence over Ohio Highway 45 to Warren, Ohio, and return over the same route, serving all intermediate points and the off-route points of Columbiana, Mahoning, Stark, and Trumbull Counties, Ohio; (23) between Cleveland and North Ridgeville, Ohio: From Cleveland over Ohio Highway 10 to North Ridgeville, Ohio, and return over the same route, serving all intermediate points; (24) between Canton and Lima, Ohio: From Canton over U.S. Highway 30 to junction U.S. Highway 30S, thence over U.S. Highway 30S to Lima, Ohio, and return over the same route, serving all intermediate points and the off-route points of Allen, Ashland, Crawford, Hardin, Marion, Richland, Stark, and Wayne Counties, Ohio;

(25) Between Canton and Newcomers-town, Ohio: From Canton over Ohio

Highway 800 to junction Ohio Highway 416, thence over Ohio Highway 416 to junction U.S. Highway 36, thence over U.S. Highway 36 to Newcomers-town (also, from Canton over U.S. Highway 62 to junction Ohio Highway 93, thence over Ohio Highway 93 to junction Ohio Highway 241, thence over Ohio Highway 241 to junction Ohio Highway 39, thence over Ohio Highway 39 to junction Ohio Highway 93, thence over Ohio Highway 93 to junction U.S. Highway 36, thence over U.S. Highway 36 to Newcomers-town) and return over the same routes, serving all intermediate points and the off-route points of Coshocton, Holmes, Stark, Tuscarawas, and Wayne Counties, Ohio; (26) between Canton and Powhatan Point, Ohio: From Canton, Ohio over U.S. Highway 30 to junction Ohio Highway 7, thence over Ohio Highway 7 to Powhatan Point, Ohio, and return over the same route, serving all intermediate points and the off-route points of Belmont, Columbiana, Jefferson, Marion, and Stark Counties, Ohio; (27) between Canton and Cadiz, Ohio: From Canton, Ohio, over Ohio Highway 800 to junction Ohio Highway 183, thence over Ohio Highway 183 to junction Ohio Highway 542, thence over Ohio Highway 542 to junction Ohio Highway 39, thence over Ohio Highway 39 to junction Ohio Highway 212, thence over Ohio Highway 212 to junction Ohio Highway 151, thence over Ohio Highway 151 to junction U.S. Highway 22, thence over U.S. Highway 22 to Cadiz, Ohio (also, from Canton, Ohio, over Interstate Highway 77 to junction U.S. Highway 250, thence over U.S. Highway 250 to Cadiz, Ohio), and return over the same routes, serving all intermediate points and the off-route points of Carroll, Harrison, Stark, and Tuscarawas Counties, Ohio; (28) between Marion, Ohio, and junction Ohio Highway 95 and Interstate Highway 71: From Marion over Ohio Highway 95 to Interstate Highway 71 and return over the same routes, serving all intermediate points and the off-route points of Marion and Morrow Counties, Ohio;

(29) Between Marion, Ohio, and the junction of Ohio Highway 97 and Interstate Highway 71: From Marion, Ohio, over U.S. Highway 30S to junction Ohio Highway 288, thence over Ohio Highway 288 to junction of Ohio Highway 97, thence over Ohio Highway 97 to junction Interstate Highway 71, and return over the same route, serving all intermediate points and the off-route points of Marion, Morrow, and Richland Counties, Ohio; (30) between Wooster, Ohio, and junction of U.S. Highway 250 and Interstate Highway 71: From Wooster over U.S. Highway 250 to junction Interstate Highway 71 and return over the same route, serving all intermediate points and the off-route points of Ashland and Wayne Counties, Ohio; (31) between Wooster, Ohio, and junction of U.S. Highway 30 and Ohio Highway 236: From Wooster, Ohio, over Ohio Highway 585 to junction U.S. Highway 21, thence over U.S. Highway 21 to junction Ohio Highway 93, thence over Ohio Highway

93 to junction Ohio Highway 236, thence over Ohio Highway 236 to junction U.S. Highway 30 and return over the same routes, serving all intermediate points and the off-route points of Stark, Summit, and Wayne Counties, Ohio; (32) between the junction of Ohio Highway 44 and Interstate Highway 80S and the junction of Interstate Highway 80S and Ohio Highway 45: From the junction of Ohio Highway 44 and Interstate Highway 80S over Interstate Highway 80S to the junction of Ohio Highway 45, serving all intermediate points; (33) between the junction of U.S. Highway 30 and Ohio Highway 94 and the junction of Ohio Highway 94 and Ohio Highway 585: From the junction of U.S. Highway 30 over Ohio Highway 94 to the junction of Ohio Highway 585 and return over the same route, serving all intermediate points and the off-route points of Wayne County, Ohio; (34) between Marion and Dayton, Ohio: From Marion, Ohio, over Ohio Highway 4 to Dayton, Ohio, and return over the same route, serving all intermediate points and the off-route points at Champaign, Clark, Greene, Marion, and Union Counties, Ohio;

(35) Between Cincinnati and Washington Court House, Ohio: From Cincinnati, Ohio, over U.S. Highway 42 to junction Ohio Highway 73, thence over Ohio Highway 73 to junction U.S. Highway 22 to Washington Court House, Ohio (also, from Cincinnati, Ohio, over Interstate Highway 275 to junction Ohio Highway 28, thence over Ohio Highway 28 to junction Ohio Highway 73, thence over Ohio Highway 73 to junction Ohio Highway 138, thence over Ohio Highway 138 to junction Ohio Highway 41, thence over Ohio Highway 41 to Washington Court House, Ohio), and return over the same routes, serving all intermediate points and the off-route points of Clinton, Fayette, Hamilton, Highland, and Warren Counties, Ohio; (36) between Cincinnati and West Union, Ohio: From Cincinnati, Ohio, over Ohio Highway 32 to junction Ohio Highway 247, thence over Ohio Highway 247 to West Union, Ohio (also, from Cincinnati, Ohio, over U.S. Highway 52 to junction Ohio Highway 41, thence over Ohio Highway 41 to West Union, Ohio), and return over the same routes, serving all intermediate points and the off-route points of Adams, Brown, Clermont, and Hamilton Counties, Ohio; (37) between Miamisburg and Germantown, Ohio: From Miamisburg over Ohio Highway 725 to junction Ohio Highway 4, thence over Ohio Highway 4 to junction Ohio Highway 122, thence over Ohio Highway 122 to Interstate Highway 75, thence over Interstate Highway 75 to junction Ohio Highway 63, thence over Ohio Highway 63 to junction Ohio Highway 4, thence over Ohio Highway 4 to junction Ohio Highway 177, thence over Ohio Highway 177 to junction Ohio Highway 73, thence over Ohio Highway 73 to the junction of Ohio Highway 732, thence over Ohio Highway 732 to the junction Ohio Highway 177, thence over Ohio Highway 177 to the junction Ohio Highway 725, thence over



Ohio Highway 725 to Germantown, Ohio, and return over the same route, serving all intermediate points and the off-route points of Butler, Hamilton, Montgomery, and Preble Counties, Ohio;

(38) Between Bridgeport, Ohio, and the junction of Interstate Highway 75 and Interstate Highway 70: From Bridgeport, Ohio, over Interstate Highway 70 to the junction of Interstate Highway 75 and return over the same route, serving all intermediate points and the off-route points of Belmont, Clark, Franklin, Guernsey, Licking, Madison, Montgomery, and Muskingum Counties, Ohio; (39) between Mansfield and Belleville, Ohio: From Mansfield over Ohio Highway 13 to Belleville, Ohio, and return over the same route, serving all intermediate points and the off-route point of Richland County, Ohio; (40) between Mansfield and Ashland, Ohio: From Mansfield, Ohio, over U.S. Highway 42 to Ashland, Ohio, and return over the same route, serving all intermediate points and the off-route points of Ashland and Richland Counties, Ohio; (41) between Ashland and Willard, Ohio: From Ashland, Ohio, over Ohio Highway 96 to the junction of Ohio Highway 61, thence over Ohio Highway 61 to the junction of U.S. Highway 224, thence over U.S. Highway 224 to Willard, Ohio, and return over the same route, serving all intermediate points and the off-route points of Ashland, Huron, and Richland Counties, Ohio; (42) between Marion and Willard, Ohio: From Marion, Ohio, over Ohio Highway 4 to the junction of U.S. Highway 224, thence over U.S. Highway 224 to Willard, Ohio, and return over the same route, serving all intermediate points and the off-route points of Crawford, Huron, Marion, and Seneca Counties, Ohio; (43) between Bucyrus and Ontario, Ohio: From Bucyrus, Ohio, over U.S. Highway 30N to Ontario, Ohio, and return over the same route, serving all intermediate points and the off-route points of Crawford and Richland Counties, Ohio; (44) between Marion and Mount Corey, Ohio: From Marion, Ohio, over U.S. Highway 23 to junction Ohio Highway 199, thence over Ohio Highway 199 to junction Ohio Highway 53, thence over Ohio Highway 53 to junction Ohio Highway 81, thence over Ohio Highway 81 to junction Ohio Highway 235, thence over Ohio Highway 235 to Mount Corey and return over the same route, serving all intermediate points and the off-route points of Hancock, Hardin, Marion, and Wyandotte Counties, Ohio;

(45) Between Piqua, Ohio, and the junction of Interstate Highway 70 and Ohio Highway 29: From Piqua, Ohio, over U.S. Highway 36 to the junction of Ohio Highway 29, thence over Ohio Highway 29 to the junction of Interstate Highway 70 and return over the same route, serving all intermediate points and the off-route points of Champaign, Madison, and Miami Counties, Ohio; (46) between Delaware and Piqua, Ohio: From Delaware, Ohio, over U.S. Highway 36 to Piqua, Ohio, and return over the same route, serving all intermediate points and

the off-route points of Delaware, Champaign, Miami, and Union Counties, Ohio; (47) between Columbus and Ironton, Ohio: From Columbus, Ohio, over U.S. Highway 23 to junction U.S. Highway 52, thence over U.S. Highway 52 to Ironton and return over the same route, serving all intermediate points and the off-route points of Franklin, Gallia, Lawrence, Pickaway, Pike, Ross, and Scioto Counties, Ohio; (48) between Columbus and Chillicothe, Ohio: From Columbus, Ohio, over U.S. Highway 33 to Athens, thence over U.S. Highway 50 to McArthur, Ohio, thence over Ohio Highway 93 to Jackson, Ohio, thence over U.S. Highway 35 to Chillicothe and return over the same route, serving all intermediate points and the off-route points of Athens, Fairfield, Franklin, Hocking, Jackson, Meigs, Ross, and Vinton Counties, Ohio; (49) between Zanesville and Cambridge, Ohio: From Zanesville, Ohio, over Ohio Highway 60 to Marietta, Ohio, thence over Interstate Highway 77 to Cambridge, Ohio, and return over the same route, serving all intermediate points and the off-route points of Guernsey, Monroe, Morgan, Muskingum, Noble, and Washington Counties, Ohio; (50) between Delaware and Columbus, Ohio: From Delaware, Ohio, over U.S. Highway 36 to Coshoc-ton, Ohio, thence over Ohio Highway 16 to junction Ohio Highway 161, thence over Ohio Highway 161 to Columbus, Ohio, and return over the same route, serving all points and off-route points in Coshoc-ton, Delaware, Franklin, Knox, Licking, and Muskingum Counties, Ohio;

(51) Between Piqua and Celina, Ohio: From Piqua over Interstate Highway 75 to junction U.S. Highway 33, thence over U.S. Highway 33 to Ohio Highway 29, thence over Ohio Highway 29 to Celina (also, from Piqua, Ohio, over U.S. Highway 36 to junction U.S. Highway 127, thence over U.S. Highway 127 to Celina), and return over the same route, serving all intermediate points and the off-route points of Auglaize, Darke, Mercer, Miami, and Shelby Counties, Ohio; (52) between Piqua and Sidney, Ohio: From Piqua, Ohio, over U.S. Highway 36 to Urbana, thence over U.S. Highway 68 to junction U.S. Highway 274, thence over U.S. Highway 274 to Belle Center, Ohio, thence over U.S. Highway 68 to Ohio Highway 274, thence over Ohio Highway 274 to junction Interstate Highway 75, thence over Interstate Highway 75 to Sidney, Ohio, and return over the same routes, serving all intermediate points and the off-route points in Champaign, Logan, Miami, and Shelby Counties, Ohio; (53) between Bellefontaine and Quincy, Ohio: From Bellefontaine, Ohio, over Ohio Highway 47 to junction Ohio Highway 235, thence over Ohio Highway 235 to Quincy, Ohio, and return over the same route, serving all intermediate points and off-route points in Logan County, Ohio; (54) between Dayton and Xenia, Ohio: From Dayton, Ohio, over U.S. Highway 35 to Xenia, Ohio, and return over the same route, serving all intermediate points and the off-route points of Greene and Montgomery Counties, Ohio; (55)

between Troy and Urbana, Ohio: From Troy, Ohio, over Ohio Highway 41 to Springfield, Ohio, thence over U.S. Highway 68 to Urbana, Ohio, and return over the same route, serving all intermediate points and the off-route points of Champaign and Clark Counties, Ohio;

(56) Between Findlay and Perrysburg, Ohio: From Findlay, Ohio, over U.S. Highway 224 to Tiffin, Ohio, thence over Ohio Highway 199 to Perrysburg, Ohio, and return over the same route, serving all intermediate points and the off-route points of Hancock, Lucas, Seneca, and Wood Counties, Ohio; (57) between Toledo and Bowling Green, Ohio: From Toledo, Ohio, over U.S. Highway 24 to junction U.S. Highway 127, thence over U.S. Highway 127 to Van Wert, Ohio, thence over U.S. Highway 30 to Lima, Ohio, thence over Ohio Highway 65 to junction Ohio Highway 281, thence over Ohio Highway 281 to junction U.S. Highway 25, thence over U.S. Highway 25 to Bowling Green, Ohio, and return over the same route, serving all intermediate points and the off-route points of Allen, Defiance, Henry, Lucas, Mercer, Paulding, Putnam, Van Wert, and Wood Counties, Ohio; (58) between Toledo and Defiance, Ohio: From Toledo, Ohio, over U.S. Highway 20 to junction U.S. Highway 127, thence over U.S. Highway 127 to West Unity, Ohio, thence over Alternate U.S. Highway 20 to junction Ohio Highway 107, thence over Ohio Highway 107 to Montpelier, Ohio, thence over Ohio Highway 576 to Ohio Highway 34, thence over Ohio Highway 34 to Bryan, Ohio, thence over Ohio Highway 15 to Defiance, Ohio, and return over the same route, serving all intermediate points and the off-route points of Defiance, Fulton, Lucas, and Williams Counties, Ohio; (59) between Warren and Youngstown, Ohio: From Warren, Ohio, over Ohio Highway 422 to Youngstown, Ohio, and return over the same route, serving all intermediate points and the off-route points of Mahoning and Trumbull Counties, Ohio; (60) between Warren and Salem, Ohio: From Warren, Ohio, over Ohio Highway 169 to junction Ohio Highway 46, thence over Ohio Highway 46 to Columbiana, Ohio, thence over Alternate Highway 14 to Salem, Ohio, and return over the same route, serving all intermediate points of Columbiana, Mahoning, and Trumbull Counties, Ohio;

(61) Between the junction of Interstate Highway 271 and Ohio Highway 14 and the junction of Ohio Highway 303 and Ohio Highway 14: From the junction of Interstate Highway 271 and Ohio Highway 14 to the junction of Ohio Highway 303 and return over the same route, serving all intermediate points and the off-route points of Cuyahoga and Portage Counties, Ohio, and (62) between Wakeman and Vermilion, Ohio: From Wakeman, Ohio, over Ohio Highway 60 to the junction of Ohio Highway 2, thence over Ohio Highway 2 to Vermilion, Ohio, and return over the same route, serving all intermediate points and the off-route points of Erie and Huron Counties, Ohio. Irregular

routes: (A) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), (1) between Cleveland, Ohio, on the one hand, and, on the other, points in Ohio; (2) between Ashtabula, Ohio, on the one hand, and, on the other, points in Ohio; (3) between Toledo, Ohio, on the one hand, and, on the other, points in Ohio; (4) between Cincinnati, Ohio, on the one hand, and, on the other, points in Ohio; (5) between Canton, Ohio, on the one hand, and, on the other, points in Ohio; and (6) between Columbus, Ohio, on the one hand, and, on the other, points in Ohio, and (B) *commodities*, the transportation of which by reason of size or weight requires special handling and the use of special equipment, between points within the State of Ohio. **NOTE:** Applicant states that the authority sought in this application can be joined with applicant's regular route authority at Toledo, Ohio. By tacking at Toledo, Ohio, applicant would be able to serve between points in Ohio, on the one hand, and, on the other, points on its regular routes in Ohio, Michigan, and Indiana. This application is a matter directly related to MC-F 11023, published in the FEDERAL REGISTER, issue of November 25, 1970. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

APPLICATIONS UNDER SECTIONS  
5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1100.240).

MOTOR CARRIER OF PASSENGERS

No. MC-F-11319. Authority sought for purchase by JAMES RIVER BUS LINES, 310 North Main Street, Blackstone, VA 23824, of a portion of the operating rights of GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, OH 44113, and for acquisition by J. H. RAND AND I. C. HAMMOCK, both of 310 North Main Street, Blackstone, VA 23824, of control of such rights through the purchase. Applicants' attorneys: Anthony P. Carr, 1400 West Third Street, Cleveland, OH 44113 and John C. Goddin, 200 West Grace Street, Richmond, VA 23220. Operating rights sought to be transferred: In MC-1501 Sub-172 and MC-1501 Sub-211 (now assigned MC-1515 Sub-8, but unissued), covering the transportation of passengers, as a common carrier, in interstate commerce, within the State of Virginia. Vendee is authorized to operate as a *common carrier* in Virginia, Maryland, Pennsylvania, North Carolina, South Carolina, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11317. Authority sought for purchase by DAVIS & RANDALL, INC., 154 Chautauqua Street, Fredonia, NY 14063, of the operating rights of BAKER MOTOR EXPRESS, INC. (WYOMING COUNTY BANK AND TRUST COMPANY—Successor-in-interest), 422 North Main Street, Warsaw, NY 14569, and for acquisition by HAROLD L. FURNESS, 42 Central Avenue, Fredonia, NY, of control of such rights through the purchase. Applicants' representative: Raymond A. Richards, 23 Main Street, Webster, NY 14580. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-57798 Sub-1, covering the transportation of general commodities, as a *common carrier*, in interstate commerce, within the State of New York; and *general commodities*, except household goods as defined by the Commission and commodities in bulk, in tank vehicles over irregular routes, between points in Erie and Wyoming Counties, N.Y., on the one hand, and, on the other, certain specified points, with restriction. Vendee is authorized to operate as a *common carrier* in New York, Pennsylvania, Ohio, New Jersey, West Virginia, Kentucky, Michigan, Illinois, Indiana, Connecticut, Massachusetts, Tennessee, Rhode Island, Maryland, Virginia, Wisconsin, Minnesota, Missouri, Iowa, and the District of Columbia. Application has been filed for temporary authority under section 210a(b). **NOTE:** No. MC-56082 Sub-65, is a matter directly related.

No. MC-F-11318. Authority sought for purchase by SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road, NW., Atlanta, GA 30321, of a portion of the operating rights of DANIEL HAMM DRAYAGE COMPANY, 121 Tyler Street, St. Louis, MO 63102, and for acquisition by SPECIALIZED SERVICES, INC., also of Atlanta, Ga., of control of such rights through the purchase. Applicants' attorneys: Guy H. Postell, 3384 Peachtree Road NW., Atlanta, GA 30326 and Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Operating rights sought to be transferred: *Commodities*, the transportation of which because of size, weight, or shape require the use of special handling (except pipe, pipeline machinery, equipment, and supplies incidental to and used in connection with the construction, operation, repair, servicing, and dismantling of pipelines and the stringing or picking up thereof), as a *common carrier* over irregular routes, between Cairo and Hartford, Ill., Paducah, Ky., and St. Charles, Mo., and points in Missouri on the east of a line beginning at the Mississippi River and extending along U.S. Highway 67 to junction U.S. Bypass Highway 67, thence along U.S. Bypass Highway to junction U.S. Highway 61, thence along U.S. Highway 61 to Missouri-Arkansas State line, on the one hand, and, on the other, points in Louisiana, Oklahoma, and Texas (except airplanes and airplane parts, not including engines, between Grand Prairie and Garland, Tex., on the one hand, and, on the other, St. Louis,

Mo.), with restriction; and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between Cairo and Hartford, Ill., Paducah, Ky., and St. Charles, Mo., and points in Missouri on and east of a line beginning at the Mississippi River and extending along U.S. Highway 67 to junction U.S. Bypass Highway 67, thence along U.S. Bypass Highway 67 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Missouri-Arkansas State line, on the one hand, and, on the other, points in Louisiana, Oklahoma and Texas, between points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Missouri, Ohio and Tennessee, with restrictions. Vendee is authorized to operate as a *common carrier* in South Carolina, Tennessee, Georgia, Alabama, Florida, Louisiana, Mississippi, North Carolina, Arkansas, Texas, Virginia, West Virginia, Maryland, Pennsylvania, New Jersey, New York, Massachusetts, Rhode Island, California, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Nevada, New Hampshire, Wisconsin, Ohio, Arizona, New Mexico, Oklahoma, Kansas, Maine, Vermont, Nebraska, North Dakota, South Dakota, Utah, Wyoming, Colorado, Montana, Idaho, Oregon, Washington, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11322. Authority sought for purchase by BRIGGS TRANSPORTATION CO., 2360 West County Road C, St. Paul, MN 55113, of the operating rights and property of LOGAN VALLEY TRANSFER, INC., Lyons, Nebr. 68038, and for acquisition by GEORGE E. BRIGGS and MICHAEL P. WARDWELL, both also of 2360 West County Road C, St. Paul, MN 55113, of control of such rights and property through the purchase. Applicants' attorneys: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102 and Earl H. Scudder, Jr., Post Office Box 82028, Lincoln, NE 68501. Operating rights sought to be transferred: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, as a *common carrier* over regular routes, between Lyons, Nebr., and Omaha, Nebr., serving the intermediate and offroute points of Okland, Craig, Tekamah, and Bertha, Nebr., and Council Bluffs, Iowa, between Lyons, Nebr., and Sioux City, Iowa, serving all intermediate points; and *general commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, over irregular routes, between Lyons, Nebr., and points within 30 miles thereof (except those points north or east of U.S. Highway 275), on the one hand, and, on the other, Sioux City, Iowa, between Lyons, Nebr., and points within 30 miles thereof, on the one hand, and, on the other,

Council Bluffs, Iowa. Vendee is authorized to operate as a *common carrier* in Minnesota, Illinois, Wisconsin, Iowa, Nebraska, Indiana, and Missouri. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11323. Authority sought for control by PUBLIC FREIGHT SYSTEM, 1400 East Fourth Street, Los Angeles, CA 90033, of MILLAGE TRUCKING, INC., 1729 Chapin Road, Montebello, CA 90640, and for acquisition by ROBERT H. FULLER, also of Los Angeles, Calif. 90033, of control of such rights through the transaction. Applicants' attorney and representative: Bart F. Wade, 453 South Spring Street, Los Angeles, CA 90013 and A. Michael Bernstein, 1327 United Bank Building, Phoenix, Ariz. 85012. Operating rights sought to be controlled: Under a certificate of registration, in Docket No. MC-121319 Sub-1, covering the transportation of general commodities, as a *common carrier*, in interstate commerce, within the State of California. PUBLIC FREIGHT SYSTEM is authorized to operate as a *common carrier* in California. Application has been filed for temporary authority.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 71-14309 Filed 9-28-71; 8:47 am]

[Notice 370]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 22, 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 30837 (Sub-No. 444 TA), filed September 17, 1971. Applicant: KENOSHA ANTO TRANSPORTATION CORPORATION, 4200 39th Avenue, Kenosha, WI 53140, Mailing: Post Office

Box 160. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Folding tent campers*, designed to be drawn by passenger automobiles, in truckaway service, from Knoxville, Tenn., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Camel Manufacturing Co., 329 South Central, Knoxville, Tenn. 37902 (Ben D. Bower, Vice President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 103993 (Sub-No. 664 TA), filed September 16, 1971. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Middlesex County, N.J., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Intermodal Structures, Inc., 381 Blair Road, Woodbridge (Avenel), NJ 07001. Send protests to: Acting District Supervisor J. H. Ryden, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, IN 46802.

No. MC 113828 (Sub-No. 194 TA), filed September 17, 1971. Applicant: O'BOYLE TANK LINES, INCORPORATED, Post Office Box 30006, Washington, DC 20014. Office: 5320 Marinelli Drive, Industrial Park, Rockville, MD 20852. Applicant's representative: Michael A. Grimm, Post Office Box 30006, Washington, DC 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement mill stack dust*, in bulk, from Martinsburg, W. Va., to Baltimore, Md., for 180 days. Supporting shipper: Capitol Cement Co., a division of Martin Marietta, Post Office Box 5618, Baltimore, MD 21210. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

No. MC 118142 (Sub-No. 40 TA), filed September 16, 1971. Applicant: M. BRUENGER & CO., INC., 6330 North Broadway, Wichita, KS 67219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and dried whey*, from Russell Springs, Tompkinsville, Herrodsburg, and Cynthiana, Ky., to St. Louis, Mo., and/or Neosho, Mo., for 120 days. Supporting shipper: Cudahy Co., Box C, Neosho, Mo. 64850. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 119880 (Sub-No. 48 TA), filed September 16, 1971. Applicant: DRUM TRANSPORT, INC., Box 2056, 616 Chicago Street, East Peoria, IL 61611. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquid*, in bulk, in tank vehicles, from Lawrenceburg, Ind., Louisville, Ky., Peoria, Ill., and Schenley, Pa., to Fresno, Calif., for 180 days. Supporting shipper: Schenley Distillers, Inc., 36 East Fourth Street, Cincinnati, OH 45202. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 126291 (Sub-No. 15 TA), filed September 17, 1971. Applicant: QUIRION TRANSPORT, INC., La Guadeloupe Ct. Frontenac, PQ, Canada. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodpulp board*, from Lawrence, Mass., to the port of entry on the international boundary lines, between the United States and Canada at Rouses Point, N.Y., for 150 days. Supporting shipper: Graphic Finishers, Inc., 905 Munck Industrial Park, Chomedey East, Laval, PQ, Canada. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 424 Federal Building, Concord, N.H. 03301.

No. MC 128215 (Sub-No. 6 TA), filed September 16, 1971. Applicant: MARTIN TRAILER TOTERS, INC., 4038 Jefferson Highway, New Orleans, LA 70121. Applicant's representative: Zarnoff O. Samford, West 10th Street, Bogalusa, LA 70427. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from plantsite of Guerdon Industries, Inc., near Greenwood, Miss., to points in Louisiana, Arkansas, Alabama, Tennessee, and Missouri, for 150 days. Supporting shipper: Leflore Homes, a division of Guerdon Industries, Inc., Greenwood, Miss. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room T-4009 Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 129600 (Sub-No. 4 TA), filed September 17, 1971. Applicant: POLAR TRANSPORT, INC., 27 York Avenue, Randolph, MA 02368. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Oleomargarine, mayonnaise, salad dressing, sandwich spreads, relish spreads, mustard, cole slaw dressing, puddings, table sauces, advertising matter and premiums*; (a) from Baltimore, Md., to points in Connecticut, District of Columbia, Delaware,

Georgia, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and Vermont; (b) from Atlanta, Ga., to points in Alabama, Arkansas, Florida, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin; (2) *plastic articles, cartons, sleeves, glass jars, metal containers and caps, powdered milk, granulated sugar, frozen eggs, salts, wrapping paper, foil, and pallets*; (a) from points in Connecticut, District of Columbia, Delaware, Georgia, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and Vermont to Baltimore, Md.; (b) from points in Alabama, Arkansas, Florida, Illinois, Indiana, Iowa, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, to Atlanta, Ga. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts, with J. H. Filbert, Inc., for 180 days. Supporting shipper: J. H. Filbert, Inc., 3701 Southwestern Boulevard, Baltimore, MD 21229. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, Bureau of Operations, J. F. K. Federal Building, Room 2211-B, Government Center, Boston, MA 02203.

No. MC 134387 (Sub-No. 6 TA), filed September 16, 1971. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyn Street, South Gate, CA 90280. Applicant's representative: W. Knapp, 825 City National Bank Building, 606 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal cans and can ends*, from points in Los Angeles and Alameda Counties, Calif., to Seattle, Tacoma, and Olympia, Wash., and Portland, Ore. Supporting shipper: Reynolds Metals Co., 500 Crenshaw Boulevard, Post Office Box 3129, Torrance, CA 90510. Send protests to: District Supervisor Walter W. Strakosch, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 134452 (Sub-No. 2 TA), filed September 17, 1971. Applicant: EUREKA CARTAGE COMPANY, INC., 5821 West Ogden Avenue, Cicero, IL 60650. Applicant's representative: William H. Towle, 127 North Dearborn Street, Chicago, IL 60662. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: (1) *Steel tubing and articles fabricated from steel tubing*, from the plant and warehouse sites of Michigan Tube Co. at Eau Claire, Mich., to Norwalk and Fayette, Ohio; Bellwood, Ill., and Adrian and Cassopolis, Mich.; (2) *steel tubing and articles fabricated from steel tubing*, from the plant and warehouse sites of Continental Tube Co. at Bellwood, Ill., to Eau Claire, Adrian and Cassopolis, Mich., and Norwalk and

Fayette, Ohio; (3) *returned shipments of steel tubing and articles fabricated from steel tubing*, from the destinations named in (1) and (2) above to the named origins; and (4) *materials, equipment and supplies used in the manufacture and distribution of steel tubing* (a) from the plant and warehouse sites of Continental Tube Co. at Bellwood, Ill., Eau Claire, Mich., and (b) from the plant and warehouse sites of Michigan Tube Co. at Eau Claire, Mich., to Bellwood, Ill., for 180 days. Supporting shippers: Continental Tube Co., 2401 Grant Avenue, Bellwood, IL; Michigan Tube Co., Eau Claire, Mich. Send protests to: District Supervisor Raymond E. Mauk, Interstate Commerce Commission, Bureau of Operations, Room 1086, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL 60604.

No. MC 134477 (Sub-No. 14 TA), filed September 16, 1971. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Applicant's representative: Paul Schanno (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products*, cooked, cured or preserved, frozen, from Lakeville, Minn., to Laurens and Slou City, Iowa, for 180 days. Supporting Shipper: Round Up Products, Inc., 21150 Hamburg, Lakeville, MN 55044. Send Protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Court House, 110 South Fourth St., Minneapolis, MN 55401.

No. MC 134872 (Sub-No. 3 TA), filed September 17, 1971. Applicant: GOSSELIN EXPRESS, LTD., 141 Smith Boulevard, Thetford Mines, PQ, Canada. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, NY 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Snowmobiles*, from Denver, Colo., to ports of entry on the international boundary line between the United States and Canada located in Michigan, for 120 days. Supporting shipper: Chaparral of Canada, Drummondville, Quebec, Canada. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 424 Federal Building, Concord, NH 03301.

No. MC 135839 (Sub-No. 1 TA), filed September 16, 1971. Applicant: B. LINES SERVICES, INC., Post Office Box 24, South Main Street, Greensburg, LA 70441. Applicant's representative: W. High Sibley (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron or steel ball valves and valve parts*; (2) *rough iron or steel castings and/or forgings*, from TK Valve and Manufacturing, Inc., between Hammond, La., on the one hand, and, on the other, Beaumont, Houston, Lufkin, and San Antonio, Tex., for 180 days. Supporting shipper: TK Valve and

Manufacturing, Inc., Post Office Box 308, Hammond, LA 70401. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room T-4009, Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 136002 TA, filed September 16, 1971. Applicant: DANIELSON AVIATION, INC., Danielson Airport, Danielson, Conn. 06239. Applicant's representative: Reubin Kaminsky, Society Plaza, Suite 211, 342 North Main Street, West Hartford, CT 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except dangerous explosives, household goods as defined in "Practices of Motor Common Carriers of Household Goods," 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, commodities contaminating to other lading, and articles of unusual value, between Brooklyn, Canterbury, Eastford, Griswold, Killingly, Lisbon, Plainfield, Pomfret, Putnam, Sprague, Sterling, Thompson, and Woodstock, Conn., on the one hand, and, on the other, Bradley International Airport, Windsor Locks, Conn., restricted to traffic having an immediately prior or subsequent movement by air, for 180 days. Supported by: There are approximately 16 supporting shippers to this instant application whose names and addresses may be obtained from the Hartford Field Office. Send protests to: District Supervisor David J. Kiernan, Interstate Commerce Commission, Bureau of Operations, 324 U.S. Post Office Building, 135 High Street, Hartford, CT 06101.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc. 71-14310 Filed 9-28-71; 8:48 am]

[Notice 756]

### MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 24, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear hereunder:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73045. By order of September 23, 1971, the Motor Carrier Board approved the transfer to Frederick J. LaPenna, Bangor, Pa., of the operating rights in certificate No. MC-8119 issued

April 12, 1949, to Vito Fioriglio, Bangor, Pa., authorizing the transportation of slate from Bangor, Pa., and points in Pennsylvania within 25 miles of Bangor, to points in Connecticut, New York, New Jersey, Maryland, Virginia, Delaware, and the District of Columbia. Philip S. Ruggiero, 31 South First Street, Bangor, PA 18013, attorney for applicants.

No. MC-FC-73153. By order of September 23, 1971, the Motor Carrier Board approved the transfer to Kahan Delivery Service, Inc., 3974 Page Avenue, St. Louis, MO 63113, of the operating rights in certificate No. MC-667 issued July 11, 1956, to Rose Kahan and Meyer Kahan, a partnership, doing business as Harry Kahan Film Delivery Service, 3974 Page Avenue, St. Louis, MO 63113, authorizing the transportation of bakery products, films, and flowers, to and from, and between, named points in Illinois and Missouri.

No. MC-FC-73163. By order of September 23, 1971, the Motor Carrier Board approved the transfer to Ronald Schneider and Donald Schneider, doing business as Schneider's Iron & Metal Co., Iron Mountain, Mich., of a portion of certificate No. MC-128430 issued July 5, 1967 to Koch-Krueger Trucking Co., Inc., Billion, Wis., authorizing the transportation of: Pig iron, from Green Bay, Wis., to Menominee and Iron Mountain, Mich.; Eugene E. Behling, Attorney, 105 South Main Street, Oconto Falls, WI 54154.

No. MC-FC-73185. By order of September 23, 1971, the Motor Carrier Board approved the transfer to Abe Lurie Parkway Vans, Inc., Brooklyn, N.Y., of certificate No. MC-104130, issued December 20, 1950, to Abe Lurie and Harold Lurie, a partnership, doing business as Abe Lurie Parkway Vans, Brooklyn, N.Y., authorizing the transportation of: Office furniture, hospital equipment, and store furniture (used, uncrated only), and household goods (used, uncrated only), over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in New York, New Jersey, and Connecticut, and specified areas in Pennsylvania and Maryland, and those in the District of Columbia, traversing Delaware for operating convenience only. Morris Honig, 150 Broadway, New York, NY 10038, attorney for applicants.

No. MC-FC-73200. By order of September 23, 1971, the Motor Carrier Board approved the transfer to American Parcel Service, Inc., Greensboro, N.C., of permit No. 127264 (Sub-No. 1), issued January 24, 1969, to Robert B. Thorburn, doing business as American Parcel Service, authorizing the transportation of: toilet preparations, cosmetics, tooth brushes, insecticides and household sprays, from Greensboro, N.C., to points in specified North Carolina counties, restricted to service to be performed under a continuing contract, or contracts, with Avon Products, Inc., Robert M. Ward, 4411 Harvard Avenue, Greensboro, NC 27407, attorney for applicants.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc. 71-14311 Filed 9-28-71; 8:48 am]

### NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

SEPTEMBER 24, 1971.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by §1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket Case No. 5859 (Sub-No. 2), filed September 8, 1971. Applicant: FOUR CORNERS TRUCK SERVICE, INC., Post Office Box 37, Orem, UT 84057. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities* (excluding petroleum and petroleum products, in bulk, in tank vehicles, acids and chemicals in bulk, in tank vehicles, and commodities the transportation of which because of size and weight require the use of special equipment): (A) Between Salt Lake City, Utah, and Blanding, Utah, serving all intermediate and off-route points in Utah County, and all intermediate and off-route points in Grand and San Juan Counties, over regular routes as follows: From Salt Lake City, Utah, over Interstate 15 to the exit southwest of Springville, Utah, which connects with U.S. Highways 50 and 6; thence over U.S. Highways 50 and 6 and 89 to Thistle, Utah; thence over U.S. Highways 50 and 6 to Crescent Junction; thence over U.S. Highway 163 to Blanding, Utah, and return over the same route; (also from Thistle over U.S. Highway 89 to Salina, Utah; thence over Interstate 70 to Crescent Junction; thence over U.S. Highway 163 to Blanding, Utah, and return over the same route). Restricted, however, against transportation of traffic moving between Salt Lake City, Utah, on the one hand, and points in Utah County on the other hand; and restricted against service to and from points in the city of Greenriver when such points are in Emery County. (B) Between points and places in San Juan and Grand Counties, Utah, over irregular routes. Both intrastate and interstate authority sought.

Hearing: November 4, 1971, at 10 o'clock a.m., at 330 East Fourth South, Salt Lake City, UT. Requests for procedural information including the time for filing protests concerning this applica-

tion should be addressed to the State of Utah Department of Business Regulation, 330 East Fourth South, Salt Lake City, UT 84111, and should not be directed to the Interstate Commerce Commission.

State Docket No. MC 23190 (Sub-No. 2), filed September 14, 1971. Applicant: OKMULGEE EXPRESS, INC., 3202 East 41st Street, Tulsa, OK 74145. Applicant's representative: Rufus H. Lawson, 24 Northwest 23d Street, Post Office Box 75124, Oklahoma City, OK 73107. Certificate of public convenience and necessity sought to operate a freight service over regular routes as follows: Transportation of *General commodities*, between Tulsa, Okla., and Muskogee, Okla., serving all intermediate points except Bixby, Okla., from Tulsa, Okla., via U.S. Highway 64 to Muskogee, Okla., and return over the same route. Between Tulsa, Okla., and Muskogee, Okla., as an alternate route only, serving no intermediate points, from Tulsa, Okla., via State Highway 51 to its intersection with Muskogee Turnpike, thence via Muskogee Turnpike to its intersection with U.S. Highway 69, thence via U.S. Highway 69 to Muskogee, Okla., and return over the same route. Serving the towns of: Tulsa, Leonard, Stone Bluff, Haskell, and Muskogee, and the off-route points of Jamesville, Yahola, and Taft, Okla. Both intrastate and interstate authority sought.

HEARING: October 18, 1971, at 9 a.m., in the Commission's Courtroom, Third Floor, Jim Thorpe Office Building, Oklahoma City, Okla. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Corporation Commission of Oklahoma, Third Floor, Jim Thorpe Office Building, Oklahoma City, Okla., and should not be directed to the Interstate Commerce Commission.

State Docket No. A 52781, filed July 30, 1971. Applicant: WALTON DRAYAGE & WAREHOUSE CO., INC., 3707 San Leandro Street, Oakland, CA 94621. Applicant's representative: Daniel W. Baker, 405 Montgomery Street, Suite 1401, San Francisco, CA 94104. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except the following: (a) *Used household goods and personal effects* not packed in accordance with the crated property requirements; (b) *livestock*; (c) *commodities* requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment; (d) *liquids, compressed gases, commodities in semiplastic form and commodities* in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles; (e) *commodities* when transported in bulk in dump trucks or in hopper-type trucks; (f) *commodities* when transported in motor vehicles equipped for mechanical mixing in transit; (g) *logs*; (h) *fresh fruits and vegetables*; (i) *articles* of extraordinary value. Between all points on and within 10 miles of the points and

places on the following routes: (a) U.S. Highway 101 between Novato and Gilroy, inclusive; (b) State Highway 17 between San Rafael and San Jose, inclusive; (c) Interstate Highway 80 between San Francisco and Vallejo, inclusive; (d) State Highway 4 between Pinole and junction with U.S. Highway 50 near Livermore, thence via said U.S. Highway 50 to Livermore, inclusive; (e) State Highway 24 between Oakland and Antioch, inclusive; (f) Interstate Highway 580 between Oakland and Livermore, inclusive; (g) Interstate Highway 680 between Vallejo and Warm Springs, inclusive. In performing the service herein authorized, applicant may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performance of said service. Both intrastate and interstate authority sought.

**HEARING:** No hearing set. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.71-14313 Filed 9-28-71;8:48 am]

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

#### BICYCLE TIRES AND INNER TUBES FROM JAPAN

##### Notice of Discontinuance of Antidumping Investigation

SEPTEMBER 27, 1971.

On June 29, 1971, there was published in the FEDERAL REGISTER a "Notice of Intent To Discontinue Antidumping Investigation" of bicycle tires and inner tubes from Japan.

The statement of reasons for intending to discontinue this investigation was published in the above-mentioned notice, and interested parties were afforded an opportunity to make written submissions and to present oral views in connection with the intended action.

Presentations were made by the attorneys for both the complainant and the Japanese manufacturers. Upon review of these presentations and for the reasons stated in the "Notice of Intent To Discontinue Antidumping Investigation," I hereby discontinue the antidumping investigation of bicycle tires and inner tubes from Japan.

This "Notice of Discontinuance of Antidumping Investigation" is published pursuant to § 153.15(b) of the Customs Regulations (19 CFR 153.15(b)).

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

[FR Doc.71-14401 Filed 9-28-71;9:39 am]

#### BICYCLES FROM WEST GERMANY Determination of Sales at Less Than Fair Value

Information was received on April 16, 1970, that bicycles from West Germany were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as the "Act").

A "Withholding of Appraisalment Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of June 30, 1971.

I hereby determine that for the reasons stated below, bicycles from West Germany are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

*Statement of reasons on which this determination is based.* The information currently before the Bureau reveals that the proper basis of comparison is between purchase price or exporter's sales price, as appropriate, and home market price of such or similar merchandise.

Purchase price was calculated by deducting inland freight, insurance, and storage and handling from the f.o.b. price for exportation to the United States.

Exporter's sales price was calculated by deducting from the resale price to U.S. purchasers by a related firm selling expenses, duty, Customs brokerage, insurance, ocean freight, foreign inland freight, storage and handling, and miscellaneous charges.

Home market price was based on a delivered price with deductions for inland freight and discounts. Adjustments were made for accessories, production cost differential, selling expenses, and packing cost.

Purchase price or exporter's sales price, as appropriate, was found to be lower than the home market price of such or similar merchandise.

The U.S. Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

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

[FR Doc.71-14399 Filed 9-28-71;9:39 am]

#### DOOR LOCKS AND LATCHES FROM JAPAN

##### Determination of Sales at Not Less Than Fair Value

SEPTEMBER 27, 1971.

On June 29, 1971, there was published in the FEDERAL REGISTER a "Notice of Tentative Negative Determination" that door locks and latches from Japan are not being, nor 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)) (referred to in this notice as the "Act").

The statement of reasons for the tentative determination was published in the above-mentioned notice and interested parties were afforded an opportunity to

make written submissions and to present oral views in connection with the tentative determination. Presentations were made by representatives for the complainant and by an attorney for the Japanese manufacturers.

Upon review of all information submitted and for the reasons stated in the tentative determination, I hereby determine that door locks and latches from Japan are not being, or likely to be, sold at less than fair value (section 201(a) of the Act; 19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)) and § 153.33(c), Customs regulations (19 CFR 153.33(c)).

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

[FR Doc.71-14400 Filed 9-28-71;9:39 am]

#### TUBELESS TIRE VALVES FROM CANADA

##### Determination of Sales at Less Than Fair Value

SEPTEMBER 27, 1971.

Information was received on July 20, 1970, that tubeless tire valves from Canada were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as the "Act").

A "Withholding of Appraisalment Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of June 29, 1971.

I hereby determine that for the reasons stated below, tubeless tire valves from Canada are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

*Statement of reasons on which this determination is based.* Information currently before the Bureau reveals that the proper basis of comparison is between purchase price and home market price of such or similar merchandise.

Purchase price was calculated by deducting, from the duty-paid delivered price to the United States, inland freight charges, the included U.S. duty, and warehouse fees when applicable. Canadian sales tax and Canadian duty rebates on raw materials refunded or not collected by reason of the exportation of the merchandise were added back.

The home market price was calculated on the basis of a weighted-average delivered price. Adjustments were made for packing, sales commissions, and delivery costs.

Purchase price was lower than the adjusted home market price by amounts that were more than minimal in relation to the total volume of sales.

The U.S. Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

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

[FR Doc.71-14398 Filed 9-28-71;9:39 am]

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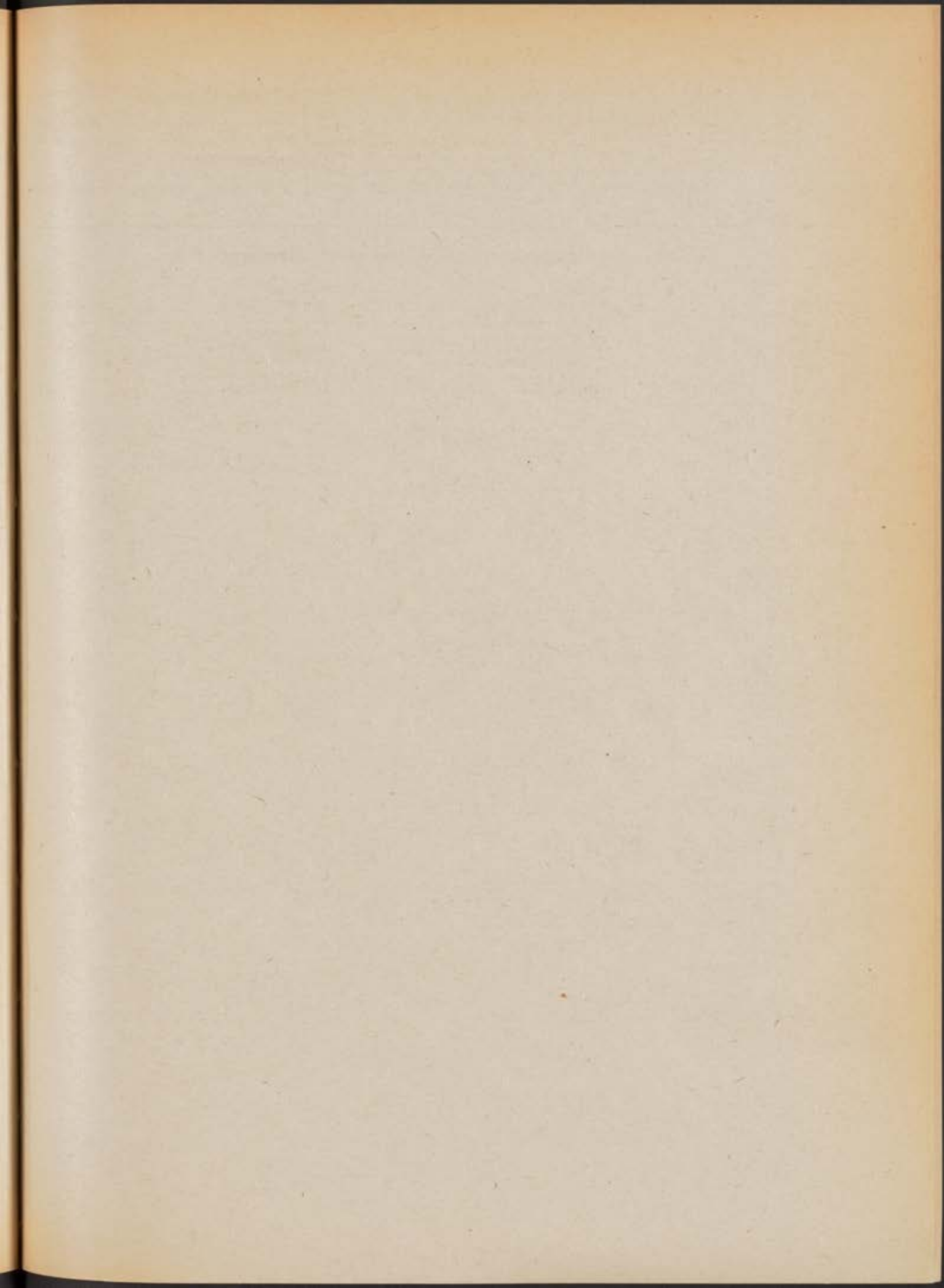
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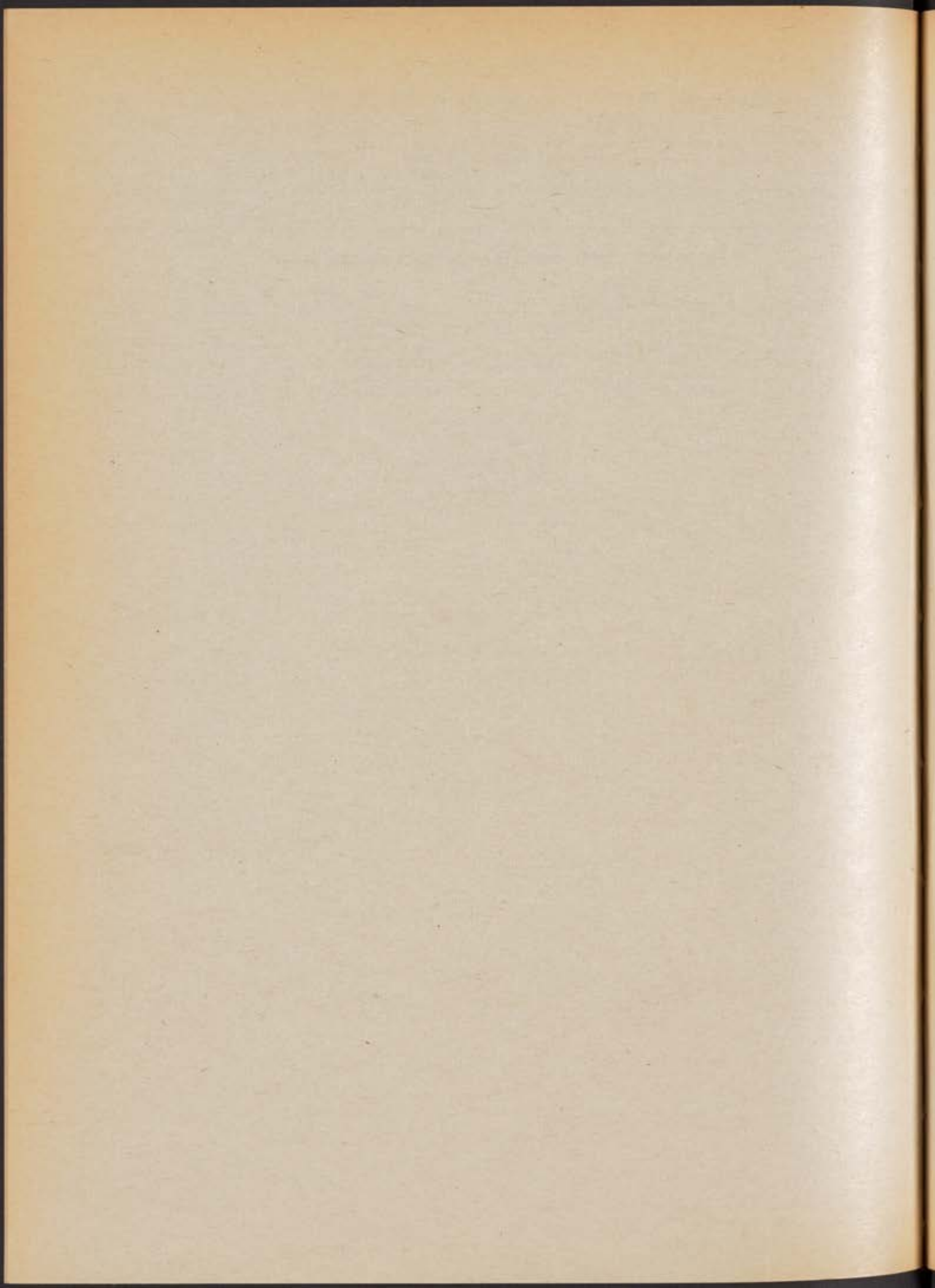
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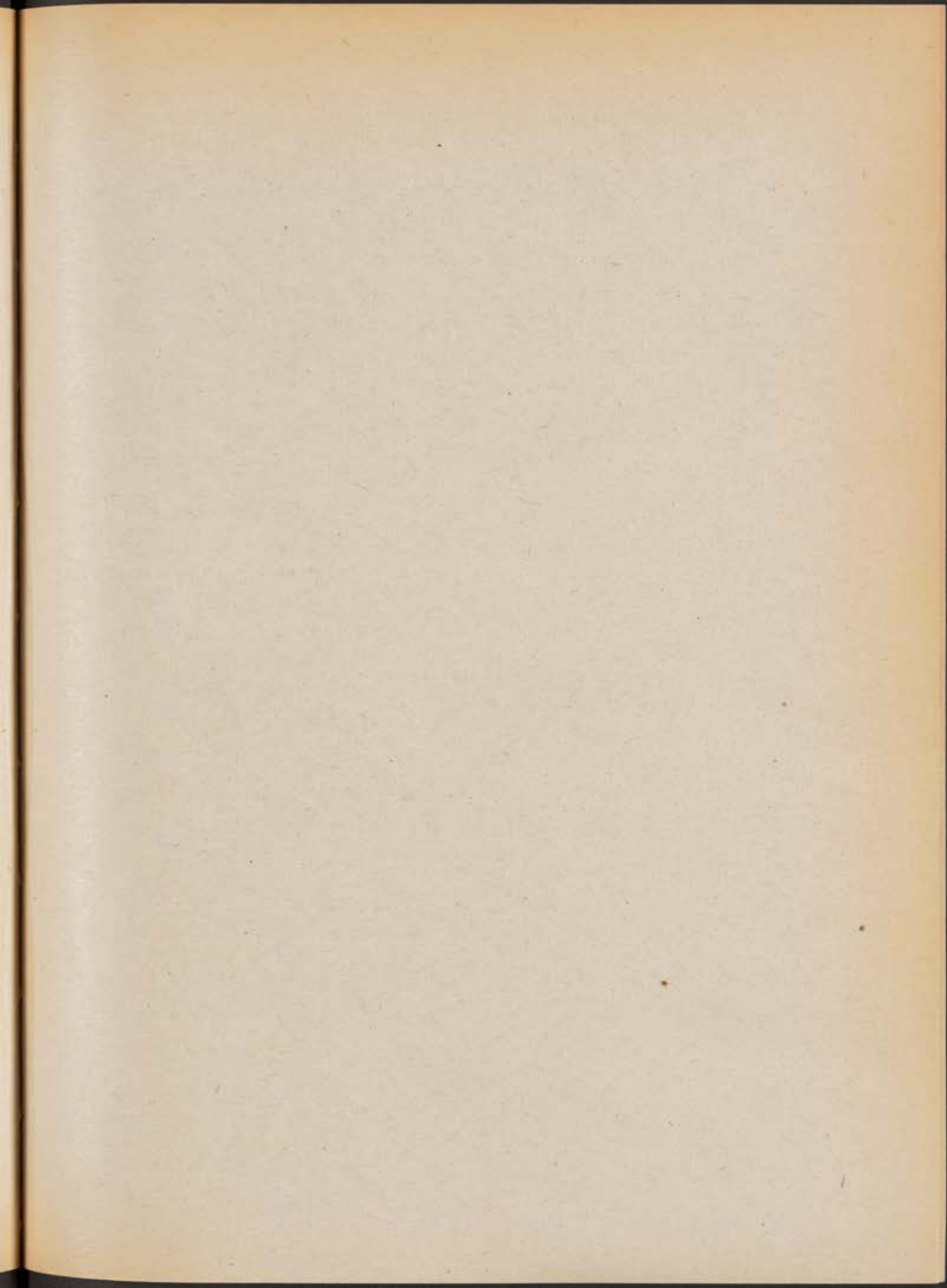
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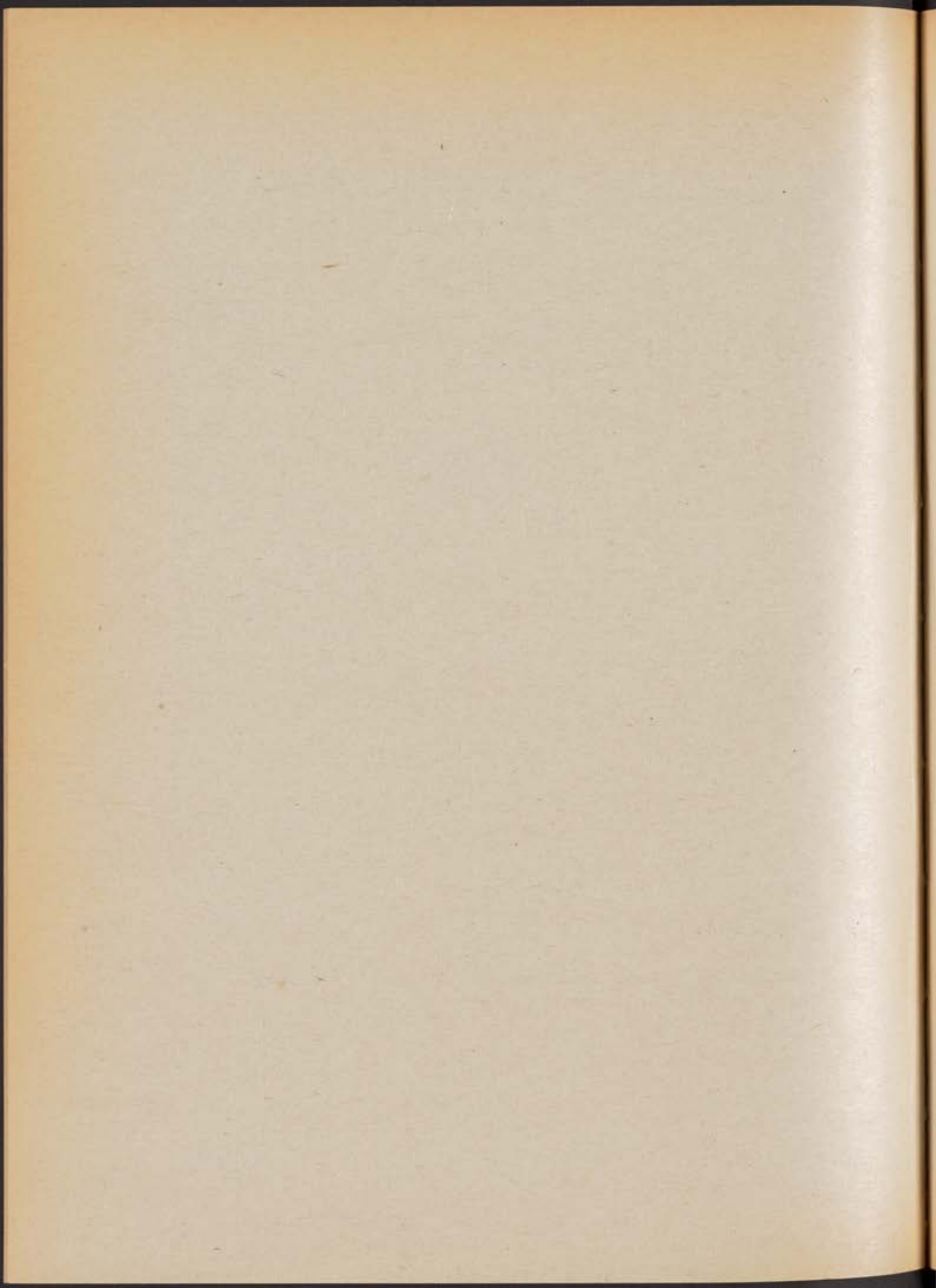
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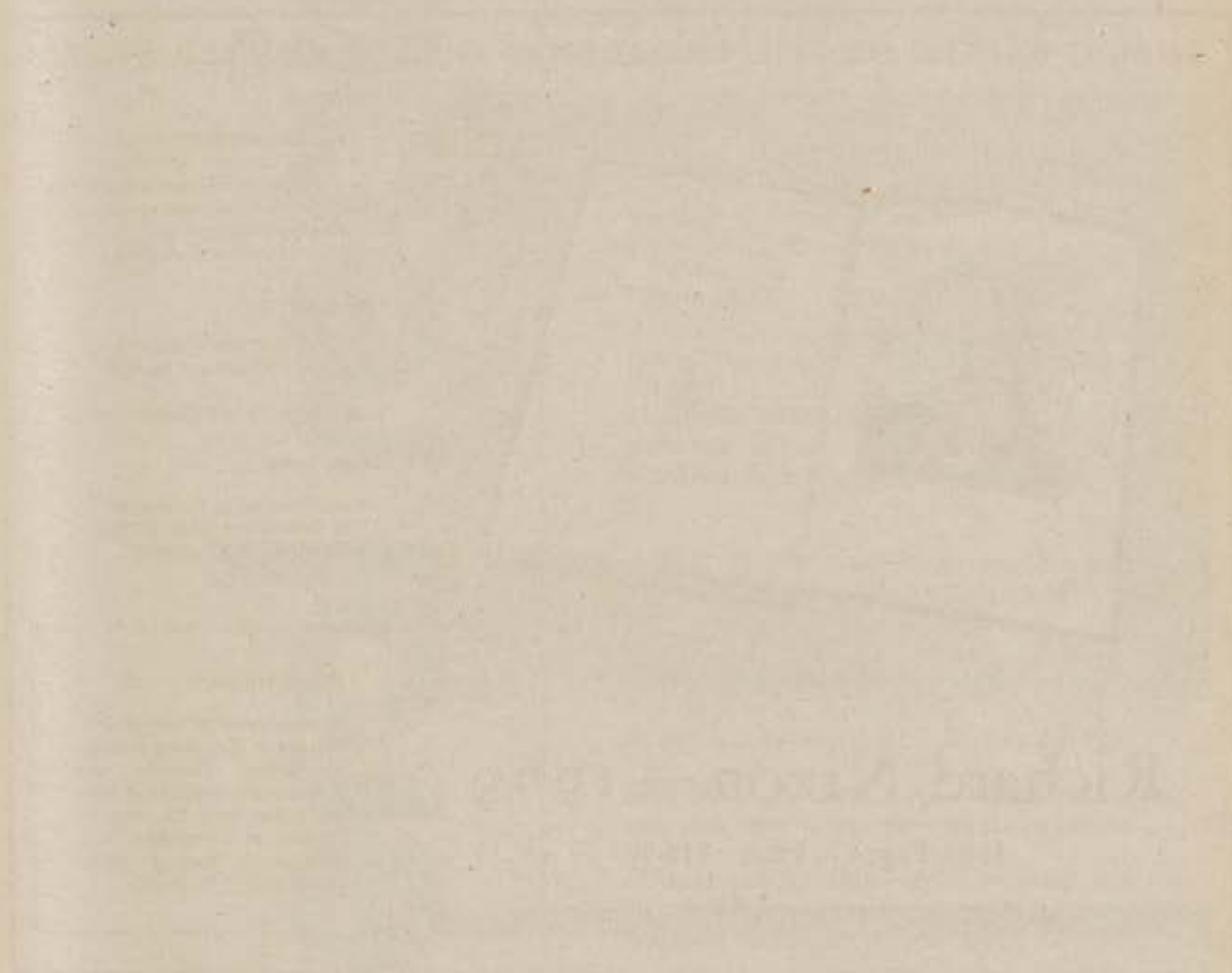
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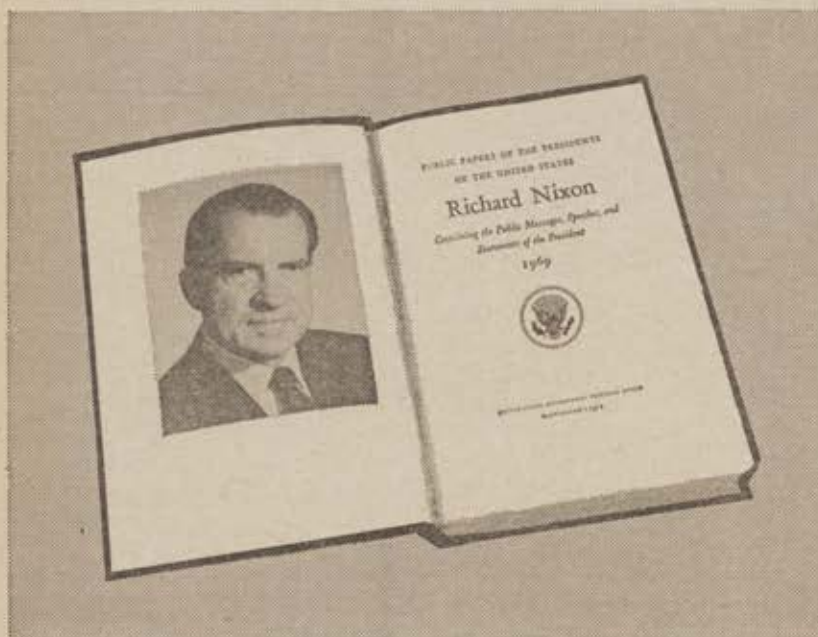








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