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## HIGHLIGHTS OF THIS ISSUE

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

NATIONAL NEWSPAPERBOY DAY, 1971—Presidential proclamation.....	19299
ECONOMIC STABILIZATION—OEP temporary supplementary guidelines for application; effective 10-2-71.....	19311
GRADING/INSPECTION—USDA regulations on charges for services performed on Federal holidays (2 documents).....	19301
NONIMMIGRANT ALIENS—State Dept. amendments conforming regulations with Justice Dept. changes regarding certain visa holders; effective 10-2-71.....	19304
FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION—Labor Dept. standards applicable to contracts and for ratios of apprentices to journeymen (2 documents); effective 1-30-72.....	19304, 19305
EQUAL OPPORTUNITY—Labor Dept. amendments on employee testing and other selection procedures for Federal contracts; effective 10-2-71.....	19307
FM RADIO—FCC amendments to table of station assignments; effective 11-8-71.....	19310
AVAILABILITY OF INFORMATION—DoT amendment to provide consumer information on vehicles without charge; effective 1-1-72.....	19310
FAIR HOUSING—HUD proposed affirmative marketing regulations; comments by 11-3-71.....	19320
PROJECT SELECTION CRITERIA—HUD proposal; comments by 11-3-71.....	19316

(Continued inside)

*30-year Reference Volumes*  
*Consolidated Indexes and Tables*

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HIGHLIGHTS—Continued

TRADEMARKS — Commerce Dept. proposed amendments; comments by 12-3-71.....	19315	FOOD ADDITIVES—FDA notice of petition proposing use of certain slimicide in the manufacture of paper and paperboard intended for contact with food.....	19327
ENVIRONMENT—Interior Dept. notice of availability of draft statement.....	19343	NEW ANIMAL DRUGS—FDA notice of opportunity for hearing on withdrawal of approval for sulfathiazole and notice of adulterated products for treatment of veterinary pinkeye (2 documents)....	19326, 19327
POULTRY INSPECTION—USDA requirement of Federal inspection for Rhode Island.....	19324	DOMESTIC AIR FARES—CAB notice suspending a proposed group inclusive tour fare between West Coast points and Hawaii.....	19329
AUTOMATIC DATA PROCESSING—Commerce Dept. proposed Federal standard for Synchronous Signaling Rates for Data Transmission; comments within 60 days.....	19325	PESTICIDE/FOOD ADDITIVE—EPA notice of filing of petitions for establishment of tolerances.....	19331
CANNED FRUITS—FDA temporary permit to test market in interstate commerce certain types of cherries and plums.....	19326		

Contents

THE PRESIDENT

PROCLAMATION

National Newspaperboy Day, 1971.. 19299

EXECUTIVE AGENCIES

AGRICULTURE DEPARTMENT

See Consumer and Marketing Service; Packers and Stockyards Administration.

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:

American Airlines, Inc., et al.....	19327
Continental Air Lines, Inc.....	19328
Northwest Airlines, Inc.....	19329
United Air Lines, Inc., and American Airlines, Inc.....	19329

COAL RESEARCH OFFICE

Notices

Proposed solvent-refined coal (SRC) pilot plant, Fort Lewis, Wash.; availability of final environmental statement..... 19343

COMMERCE DEPARTMENT

See National Bureau of Standards; National Oceanic and Atmospheric Administration; Patent Office.

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Grading and inspection of certain products; charges for services performed (2 documents).....	19301
Lemons grown in California and Arizona; handling limitations..	19302

Proposed Rule Making

Irish potatoes grown in California and Oregon; proposed shipment limitations.....	19314
Milk in Georgia marketing area; recommended decisions; extension of time for filing exceptions.....	19315

Notices

Poultry inspection; requirement of Federal inspection for Rhode Island..... 19324

EMERGENCY PREPAREDNESS OFFICE

Rules and Regulations

Economic stabilization; supplementary guidance for application..... 19311

Notices

Pennsylvania; notice of major disaster and related determinations.....	19339
Texas; notice of major disaster and related determination.....	19340

ENVIRONMENTAL PROTECTION AGENCY

Notices

Ciba Agrochemical Co., and Nor-Am Agricultural Products, Inc.; filing of pesticide and food additive petitions..... 19331

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Alterations:	
Control zone.....	19303
Control zone and transition area (3 documents).....	19302-19304
Federal airway segment.....	19302
Transition area.....	19303

Proposed Rule Making

Federal airways, controlled airspace and restricted area; proposed alteration and redesignation.....	19321
Restricted area; proposed alteration.....	19322
Transition area; proposed designation.....	19321

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

FM radio; table of assignments... 19310

Proposed Rule Making

Microwave radio facilities; extension of time..... 19323

Notices

Harvit Broadcasting Corp., and Three States Broadcasting Co., Inc.; memorandum opinion and order enlarging issues..... 19331

FEDERAL CONTRACT COMPLIANCE OFFICE

Rules and Regulations

Employee testing and other selection procedures..... 19307

FEDERAL HOUSING ADMINISTRATION

Proposed Rule Making

Affirmative fair housing marketing regulations.....	19320
Project selection criteria.....	19316

(Continued on next page)

**FEDERAL MARITIME COMMISSION****Notices**

- Agreements filed for approval:  
 Delta Steamship Lines, Inc.,  
 and Northern Pan-American  
 Line A/S..... 19333  
 Puerto Rico Marine Lines, Inc.,  
 and Lykes Bros. Steamship  
 Co., Inc..... 19334  
 South Jersey Port Corp., and  
 Nacriema Operating Co., Inc. 19334  
 United States Great Lakes and  
 St. Lawrence River Ports/  
 West Africa Conference..... 19334

**FEDERAL POWER COMMISSION****Notices**

- Hearings, etc.:*  
 Gore, Sidney, et al..... 19339  
 Sells Petroleum, Inc., et al..... 19335  
 Wrightsman Investment Co., et  
 al..... 19336

**FISH AND WILDLIFE SERVICE****Rules and Regulations**

- Tishomingo National Wildlife Ref-  
 uge, Okla.; hunting (2 docu-  
 ments)..... 19311

**FOOD AND DRUG ADMINISTRATION****Notices**

- Canned fruits; temporary to mar-  
 ket test in interstate commerce  
 certain types of cherries and  
 plums..... 19326  
 Food additives; use of certain  
 slimicide in manufacture of  
 paper and paperboard intended  
 for contact with food..... 19327  
 New animal drugs; withdrawal of  
 approval and notice of adul-  
 terated products; notice of op-  
 portunity for hearing (2 docu-  
 ments)..... 19326, 19327

**GEOLOGICAL SURVEY****Notices**

- Kaweah and Tule River Basins,  
 Calif.; power site cancellation... 19343

**HEALTH, EDUCATION, AND WELFARE DEPARTMENT**

See Food and Drug Administra-  
 tion.

**HOUSING AND URBAN DEVELOPMENT DEPARTMENT**

See Federal Housing Administra-  
 tion.

**INTERIOR DEPARTMENT**

See also Coal Research Office; Fish  
 and Wildlife Service; Geological  
 Survey; Reclamation Bureau.

**Notices**

- Preparation of environmental  
 statements; issuance of depart-  
 mental directives..... 19343

**INTERSTATE COMMERCE COMMISSION****Notices**

- Assignment of hearings..... 19347  
 Motor carrier temporary author-  
 ity applications..... 19348  
 Motor carrier transfer proceed-  
 ings..... 19350

**JUSTICE DEPARTMENT**

See Narcotics and Dangerous  
 Drugs Bureau.

**LABOR DEPARTMENT**

See also Federal Contract Compli-  
 ance Office.

**Rules and Regulations**

- Federal and Federally assisted  
 construction; standards applic-  
 able to contracts and ratios of  
 apprentices to journeymen (2  
 documents)..... 19304, 19305

**NARCOTICS AND DANGEROUS DRUGS BUREAU****Notices**

- Hearings regarding registration:  
 Ramzy, Carl Oslin..... 19324  
 Warren, Alois Peter..... 19324

**NATIONAL BUREAU OF STANDARDS****Notices**

- Synchronous signaling rates for  
 data transmission; proposed  
 Federal information processing  
 standard..... 19325

**NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION****Rules and Regulations**

- Availability of information; vehi-  
 cles without charge..... 19310

**NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION****Notices**

- Morris, Leonard M.; notice of loan  
 application..... 19325

**PACKERS AND STOCKYARDS ADMINISTRATION****Notices**

- Los Angeles Producers Stockyards  
 et al.; deposting of stockyards... 19324

**PATENT OFFICE****Proposed Rule Making**

- Trademark rules..... 19315

**RECLAMATION BUREAU****Notices**

- Central Arizona Project; availa-  
 bility of draft environmental  
 statement..... 19343

**SECURITIES AND EXCHANGE COMMISSION****Notices**

- Hearings, etc.:*  
 Battle Mountain Wild Cat, Inc. 19340  
 FICUL, Inc..... 19340  
 Paine Webber Municipal Bond  
 Fund, Second Series (and  
 subsequent funds) and Paine,  
 Webber, Jackson & Curtis,  
 Inc..... 19341  
 Vance, Sanders Institutional-  
 Fund, Inc..... 19342

**STATE DEPARTMENT****Rules and Regulations**

- Nonimmigrant aliens; documenta-  
 tion..... 19304

**TRANSPORTATION DEPARTMENT**

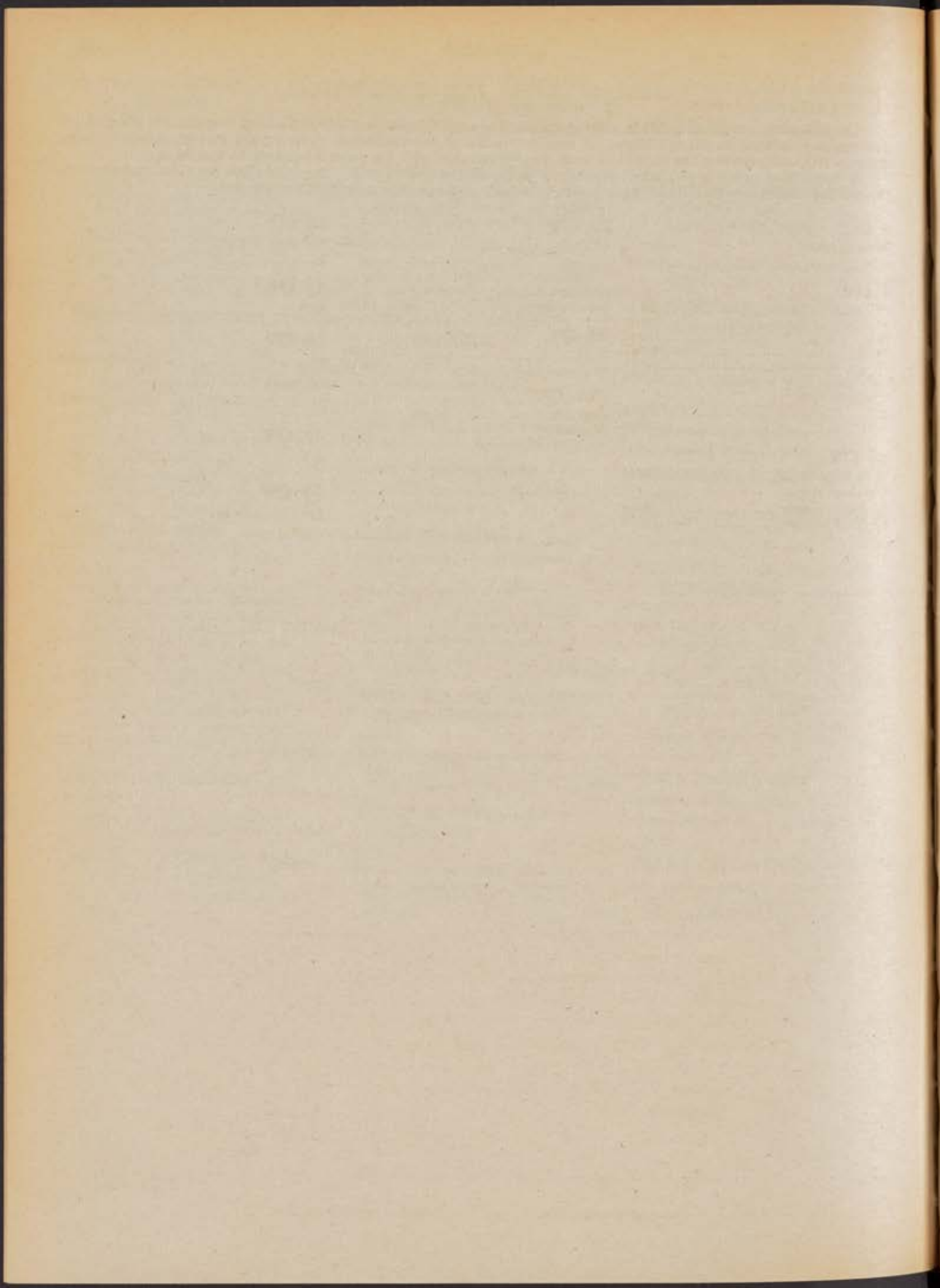
See Federal Aviation Administra-  
 tion; National Highway Traffic  
 Safety Administration.

## List of CFR Parts Affected

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

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

<b>3 CFR</b>		<b>22 CFR</b>		<b>37 CFR</b>	
PROCLAMATION:		41.....	19304	PROPOSED RULES:	
4085.....	19299	<b>24 CFR</b>		2.....	19315
<b>7 CFR</b>		PROPOSED RULES:		<b>41 CFR</b>	
53.....	19301	200 (2 documents).....	19316, 19320	60-3.....	19307
54.....	19301	<b>29 CFR</b>		<b>47 CFR</b>	
55.....	19301	5.....	19304	73.....	19310
56.....	19301	5a.....	19305	PROPOSED RULES:	
70.....	19301	<b>32A CFR</b>		21.....	19323
910.....	19302	OEP (Ch. I):		<b>49 CFR</b>	
PROPOSED RULES:		ES Reg. 1:		575.....	19310
947.....	19314	Circ. 18.....	19311	<b>50 CFR</b>	
1007.....	19315			32 (2 documents).....	19311
<b>14 CFR</b>					
71 (6 documents).....	19302-19304				
PROPOSED RULES:					
71 (2 documents).....	19321				
73 (2 documents).....	19321, 19322				



# Presidential Documents

## Title 3—The President

PROCLAMATION 4085

### National Newspaperboy Day, 1971

*By the President of the United States of America*

#### A Proclamation

This day affords an opportunity to pay tribute to the one million American newspaperboys—who every day travel more than a million miles and distribute more than 62 million newspapers, by their diligence earning some \$600 million each year for themselves and, in many cases, as a help to their families.

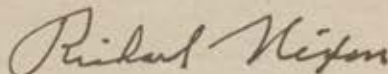
Besides developing sound work habits, these young businessmen—chiefly between the ages of 12 and 15—learn early how to be contributing members of society, acquiring habits of independence and punctuality and a sense of responsibility. Newspaperboys are seldom delinquents. They are busy, and busy boys have neither the time nor the inclination to get into trouble. They are good citizens.

The roster of former newspaperboys reads like a *Who's Who* of successful businessmen, statesmen, government officials, performing artists, clergymen, doctors and lawyers. A partial listing includes Ralph Bunche, Tom C. Clark, Bing Crosby, Bob Considine, Richard Cardinal Cushing, Jack Dempsey, Jimmy Durante, Dwight Eisenhower, Ernie Ford, John Glenn, Herbert Hoover, J. Edgar Hoover, Bob Hope, John W. McCormack, Charles Percy, David Sarnoff, Alan Shepard, Red Skelton, Ed Sullivan and John Wayne.

Without newspaperboys, freedom of the press would be more an ideal than a reality. Since the newspaperboy is the actual link between publisher and reader, he gives practical expression to this basic American right.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Saturday, October 16, 1971, as National Newspaperboy Day. I urge the citizens of this Nation to honor American newspaperboys for their significant contribution to the civic, social and economic good of the United States.

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



[FR Doc.71-14627 Filed 10-1-71;12:03 pm]

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# Rules and Regulations

## Title 7—AGRICULTURE

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

#### SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

#### PART 53—LIVESTOCK, MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

##### Subpart A—Regulations

###### MEANING OF WORDS

Pursuant to the authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), the regulations in Part 53, Title 7, Code of Federal Regulations are hereby amended:

Section 53.1, Paragraph (oo) is amended to read as follows:

###### § 53.1 Meaning of words.

(oo) *Legal holiday.* Those days designated as legal public holidays in title 5, United States Code, section 6103(a).

This amendment is made so that applicants will be charged holiday rates only on those days designated as holidays by Federal Statute. Therefore, under provisions of 5 U.S.C. 553, it is found that notice and other public procedure with respect to this amendment are impracticable and unnecessary and good cause is found to make the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall become effective upon publication in the FEDERAL REGISTER. (10-2-71)

(Secs. 203, 205, 60 Stat. 1087, 1090, 7 U.S.C. 1622, 1624)

Done at Washington, D.C., this 28th day of September 1971.

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

[FR Doc.71-14486 Filed 10-1-71;8:45 am]

#### GRADING AND INSPECTION OF CERTAIN PRODUCTS ON HOLIDAYS

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the U.S. Department of Agriculture hereby amends the Regulations Governing the Grading and Inspection of Domestic Rabbits and Edible Products Thereof and U.S. Specifications for Classes, Standards, and Grades With Respect Thereto (7 CFR Part 54), the Regulations Governing the Voluntary Inspection and Grading of Egg Products (7 CFR Part 55), the Regulations Governing the Grading of Shell Eggs and U.S. Stand-

ards, Grades, and Weight Classes for Shell Eggs (7 CFR Part 56), and the Regulations Governing the Grading and Inspection of Poultry and Edible Products Thereof and U.S. Classes, Standards, and Grades With Respect Thereto (7 CFR Part 70) as set forth below:

*Statement of considerations.* It is the policy of the Consumer and Marketing Service to bill applicants at the holiday rate for work performed on holidays by inspectors or graders in the voluntary inspection of egg products, and the grading of shelled eggs and rabbits, and the mandatory program of inspection of egg products only on those legal holidays specified in section 6103(a) of title 5, of the United States Code. The purpose of these amendments is to define "holiday" or "legal holiday" in the regulations in accordance with the Consumer and Marketing Service policy so applicants are not billed at the holiday rate for other declared holidays not covered by the United States Code. The legal holidays are: New Years Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day.

The amendments are as follows:

#### PART 54—GRADING AND INSPECTION OF DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF AND U.S. SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

As to Part 54:

1. Section 54.1 is amended by adding a new definition in alphabetical order, to read:

###### § 54.1 Definitions.

"Holiday" or "Legal Holiday" shall mean the legal public holidays specified by the Congress in paragraph (a) of section 6103, title 5, of the United States Code.

2. Paragraph (c) of § 54.101 is amended to read:

###### § 54.101 On a fee basis.

(c) Grading services rendered on Saturdays, Sundays, or legal holidays shall be charged for at the rate of \$11.40 per hour. Information on legal holidays is available from the supervisor.

#### PART 55—VOLUNTARY INSPECTION AND GRADING OF EGG PRODUCTS

As to Part 55:

1. Section 55.2 is amended by adding a new definition in alphabetical order, to read:

###### § 55.2 Terms defined.

"Holiday" or "Legal holiday" shall mean the legal public holidays specified by the Congress in paragraph (a) of section 6103, title 5, of the United States Code.

2. Paragraph (c) of § 55.510 is amended, to read:

###### § 55.510 Fees and charges for services other than on a continuous resident basis.

(c) Services rendered on Saturdays, Sundays, or legal holidays shall be charged for at the rate of \$11.40 per hour. Information on legal holidays is available from the supervisor.

#### PART 56—GRADING OF SHELL EGGS AND U.S. STANDARDS, GRADES, WEIGHT CLASSES FOR SHELL EGGS

As to Part 56:

1. Section 56.1 is amended by adding a new definition in alphabetical order to read:

###### § 56.1 Meaning of words and terms defined.

"Holiday" or "legal holiday" shall mean the legal public holidays specified by the Congress in paragraph (a) of section 6103, title 5, of the United States Code.

2. Paragraph (c) of § 56.46 is amended, to read:

###### § 56.46 On a fee basis.

(c) Grading services rendered on Saturdays, Sundays, or legal holidays shall be charged for at the rate of \$11.40 per hour. Information on legal holidays is available from the supervisor.

#### PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF AND U.S. CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

As to Part 70:

1. Section 70.1 is amended by adding a new definition in alphabetical order, to read:

###### § 70.1 Definitions.

"Holiday" or "Legal Holiday" shall mean the legal public holidays specified by the Congress in paragraph (a) of section 6103, title 5 of the United States Code.

2. Paragraph (c) of § 70.131 is amended to read:

§ 70.131 On a fee basis.

(c) Grading services rendered on Saturdays, Sundays, or legal holidays shall be charged for at the rate of \$11.40 per hour. Information on legal holidays is available from the supervisor.

The amendments pertain solely to Agency policy and management. Therefore, public rulemaking would not result in the Department receiving additional information on these matters.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary and good cause is found for making the amendments effective on the date of publication in the FEDERAL REGISTER (10-2-71).

Issued at Washington, D.C., this 28th day of September 1971.

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

[FR Doc. 71-14484 Filed 10-1-71; 8:45 am]

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

[Lemon Reg. 501]

**PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA**

**Limitation of Handling**

§ 910.801 Lemon Regulation 501.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists

for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereof which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 28, 1971.

(b) Order. (1) The quantity of lemons grown in California and Arizona which may be handled during the period October 3, 1971, through October 9, 1971, is hereby fixed at 180,000 cartons.

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

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

Dated: September 30, 1971.

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

[FR Doc. 71-14556 Filed 10-1-71; 8:46 am]

**Title 14—AERONAUTICS AND SPACE**

**Chapter I—Federal Aviation Administration, Department of Transportation**

[Airspace Docket No. 71-RM-18]

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

**Alteration of Federal Airway Segments**

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter segments of VOR Federal airway Nos. 108 and 263.

The Federal Aviation Administration (FAA) has scheduled the relocation of the Hugo, Colo., VOR on December 9, 1971, to a new site located at lat. 38°48'54" N., long. 103°37'32" W. Associated with the relocation of this navigation aid, action is being taken herein to effect a minor realignment of V-108 south alter-

nate segment between Colorado Springs, Colo., and Hugo and V-263 segment from Hugo to Gill, Colo. All other airway segments presently designated via the Hugo VOR are aligned direct station-to-station and will automatically adjust to the relocated facility.

Since these amendments are minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., December 9, 1971, as hereinafter set forth.

1. Section 71.123 (36 F.R. 2010) is amended as follows:

a. In V-108 "Hugo 250" radials;" is deleted and "Hugo 249" radials;" is substituted therefor.

b. In V-263 all between "Hugo, Colo.;" and "From Pierre, S. Dak.," is deleted and "Gill, Colo.," is substituted therefor.

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

Issued in Washington, D.C. on September 24, 1971.

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

[FR Doc. 71-14473 Filed 10-1-71; 8:48 am]

[Airspace Docket No. 71-RM-9]

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

**Alteration of Control Zone and Transition Area**

On August 7, 1971 a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 14658) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Dickinson, N. Dak., control zone and transition area.

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

Effective date. These amendments shall be effective 0901 G.m.t., November 11, 1971.

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

Issued in Aurora, Colo., on September 24, 1971.

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

In § 71.171 (36 F.R. 2055) the description of the Dickinson, N. Dak., control zone is amended to read as follows:

**DICKINSON, N. DAK.**

Within a 5-mile radius of Dickinson Municipal Airport (latitude 46°47'51" N., longitude 102°47'49" W.) and within 3 miles each side of the Dickinson VORTAC 013° radial extending from the 5-mile-radius area to 8 miles north of the VORTAC.

In § 71.181 (36 F.R. 2140) the description of the Dickinson, N. Dak., transition area is amended to read as follows:

**DICKINSON, N. DAK.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Dickinson Municipal Airport (latitude 46°47'51" N., longitude 102°47'49" W.); and that airspace extending upward from 1,200 feet above the surface within a 13-mile-radius circle centered on the Dickinson VORTAC, extending clockwise from the Dickinson VORTAC 259° radial to the Dickinson VORTAC 093° radial; and within 9.5 miles west and 4.5 miles east of the Dickinson VORTAC 013° radial extending from the VORTAC to 18.5 miles north of the VORTAC.

[FR Doc.71-14466 Filed 10-1-71;8:47 am]

[Airspace Docket No. 71-RM-19]

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

**Alteration of Transition Area**

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Colorado Springs, Colo., transition area.

The Federal Aviation Administration plans to convert the Hugo VOR to a VORTAC to permit use of this navaid by TACAN-only equipped aircraft and to provide DME capability for air traffic control purposes. A study conducted on the conversion of the Hugo VOR facility to a VORTAC revealed that relocation of this facility closer to an available 3-phase power supply would substantially reduce initial and recurring costs for converting and operating this navaid as a VORTAC. Therefore, the agency plans to relocate the Hugo facility approximately 12 miles west-southwest of the existing site on December 9, 1971. The relocation of Hugo VOR requires an amendment to the description of the Colorado Springs, Colo., transition area.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing in § 71.181 (36 F.R. 2140) the description of the Colorado Springs, Colo., transition area is amended in part as follows:

In the text of the 1200-foot portion of the transition area delete " \* \* \* on the east by a line 4 NM west of and parallel to the Hugo, Colo., VOR 011° and 185° radials" \* \* \* and substitute " \* \* \* on the east by the west edge of V263" \* \* \* therefor.

*Effective date.* This amendment shall be effective 0901 G.m.t., December 9, 1971.

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

Issued in Aurora, Colo., on September 24, 1971.

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

[FR Doc.71-14467 Filed 10-1-71;8:47 am]

[Airspace Docket No. 71-RM-11]

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

**Alteration of Control Zone and Transition Area**

On August 18, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 15761) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Miles City, Mont., control zone and transition area.

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

*Effective date.* This amendment shall be effective 0901 G.m.t., December 9, 1971.

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

Issued in Aurora, Colo., on September 24, 1971.

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

In § 71.171 (36 F.R. 2055) the description of the Miles City, Mont., control zone is amended to read as follows:

**MILES CITY, MONT.**

Within a 5-mile radius of Miles City Airport (latitude 46°25'40" N., longitude 105°53'10" W.); within 3 miles each side of the 252° bearing from the Horton RBN, extending from the 5-mile-radius zone to 8 miles west of the RBN; within 3 miles each side of the Miles City VORTAC 225° radial, extending from the 5-mile-radius zone to 8 miles southwest of the VORTAC.

In § 71.181 (36 F.R. 2140) the description of the Miles City, Mont., transition area is amended to read as follows:

**MILES CITY, MONT.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Miles City Airport (latitude 46°25'40" N., longitude 105°53'10" W.); within 5 miles each side of the 252° bearing from the Horton RBN, extending from the 7-mile-radius area to 11 miles southwest of the RBN; within 3.5 miles each side of the Miles City VORTAC 225° radial, extending from the 7-mile-radius area to 11 miles southwest of the Miles City VORTAC; within 3.5 miles each side of the Miles City VORTAC 047° radial, extending

from the 7-mile-radius area to 22 miles northeast of the VORTAC, and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of Miles City VORTAC south of V-120 and within a 25-mile radius of Miles City VORTAC north of the south edge of V-120, and within 9.5 miles southeast and 4.5 miles northwest of the Miles City VORTAC 225° radial extending from the VORTAC to 18½ miles southwest of the VORTAC.

[FR Doc.71-14468 Filed 10-1-71;8:47 am]

[Airspace Docket No. 71-WE-47]

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

**Alteration of Control Zone**

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Santa Ana, Calif., (Orange County Airport) control zone.

Due to the lack of sufficient qualified personnel, the MCAS Santa Ana Control Tower will be inoperative on alternating weekends beginning September 26, 1971. During the periods that the control tower is not operating the control zone will also not be effective. Since the control zone is necessary to protect instrument operations at Orange County Airport, the description of the Orange County control zone must be amended to incorporate this airspace during those times that the Santa Ana (MCAS) control zone is not effective.

Since this change does not affect the current airspace configuration and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing in § 71.171 (36 F.R. 2055) the description of the Santa Ana, Calif. (Orange County Airport), control zone is amended to read as follows:

**SANTA ANA, CALIF. (ORANGE COUNTY AIRPORT)**

Within a 5-mile radius of Orange County Airport (latitude 33°40'32" N., longitude 117°52'15" W.) and within a 5-mile radius of MCAS Santa Ana (latitude 33°42'22" N., longitude 117°49'35" W.) excluding the portion within a 1-mile radius of Mile Square MCOLP, that portion east of a line extending from latitude 33°43'55" N., longitude 117°47'00" W. to latitude 33°36'10" N., longitude 117°50'20" W. and that portion within the Santa Ana, Calif. (MCAS) control zone during the time it is effective. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

*Effective date.* This amendment shall be effective 0901 G.m.t., October 29, 1971.

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

Issued in Los Angeles, Calif., on September 21, 1971.

ARVIN O. BASNIGHT,  
Director, Western Region.

[FR Doc.71-14469 Filed 10-1-71;8:47 am]

[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

#### Correction

In F.R. Doc. 71-14286, appearing on page 19115 in the issue of Wednesday, September 29, 1971, the reference to "7,000-foot floor transition area" in the fourth line of amendatory paragraph 2 should read "700-foot floor transition area".

## Title 22—FOREIGN RELATIONS

### Chapter I—Department of State

[Dept. Reg. 108-644]

## PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

### Certain Visa Holders

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is being amended to provide that an alien may be classified under section 101(a) (15) (H) or (L) upon presentation of official notification of the approval of a petition to accord him such status or of the extension of his authorized period of stay in such status, as well as upon receipt of an approved petition to accord him such status.

1. Section 41.55 is amended in part to read as follows:

#### § 41.55 Temporary workers and trainees.

(a) An alien shall be classifiable under the provisions of section 101(a) (15) (H) of the Act if—

(1) (i) He establishes to the satisfaction of the consular officer that he qualifies under the provisions of that section; and (ii) the consular officer shall have received a petition approved by the Immigration and Naturalization Service to accord such classification to the alien, or official notification of the approval thereof; or (iii) the alien shall have presented to the consular officer official confirmation of the approval of the petition to accord him such classification or of the extension of his period of authorized stay in such classification; or

(2) He establishes to the satisfaction of the consular officer that he is the spouse or child of an alien so classified.

(b) The period of validity of a visa issued on the basis of such an approved petition or official notification or confirmation shall not exceed the period of validity or of authorized stay set forth therein. The approval of such a petition shall not, of itself, establish that the alien is eligible to receive a nonimmigrant visa.

2. Section 41.67 is amended in part to read as follows:

#### § 41.67 Executives, managers, and specialists (intracompany transferees).

(a) An alien shall be classifiable under the provisions of section 101(a) (15) (L) of the Act if—

(1) (i) He establishes to the satisfaction of the consular officer that he qualifies under the provisions of that section; and (ii) the consular officer shall have received a petition approved by the Immigration and Naturalization Service to accord such classification to the alien, or official notification of the approval thereof; or (ii) the alien shall have presented to the consular officer official confirmation of the approval of the petition to accord him such classification or of the extension of his period of authorized stay in such classification; or

(2) He establishes to the satisfaction of the consular officer that he is the spouse or child of an alien so classified.

(b) The period of validity of a visa issued on the basis of such an approved petition or official notification or confirmation shall not exceed the period of validity or of authorized stay set forth therein. The approval of such a petition shall not, of itself, establish that the alien is eligible to receive a nonimmigrant visa.

*Effective date.* The amendment to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER (10-2-71).

The provisions of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 553) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

For the Secretary of State,

[SEAL] BARBARA M. WATSON,  
Administrator, Bureau of Security and Consular Affairs,  
Department of State.

SEPTEMBER 24, 1971.

[FR Doc. 71-14476 Filed 10-1-71; 8:48 am]

## Title 29—LABOR

### Subtitle A—Office of the Secretary of Labor

## PART 5—LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION (ALSO LABOR STANDARDS PROVISIONS APPLICABLE TO NONCONSTRUCTION CONTRACTS SUBJECT TO THE CONTRACT WORK HOURS STANDARDS ACT)

### Miscellaneous Amendments

In the notice of proposed rule making published in FEDERAL REGISTER of Decem-

ber 9, 1970 [35 F.R. 18673] regarding Part 5a, Title 29, Code of Federal Regulations, it was indicated that conforming changes would be made in Part 5 of this subtitle. The following revisions in Part 5, Subtitle A, Title 29, Code of Federal Regulations are hereby made concurrently with the publication of Part 5a of this subtitle and with the same effective date.

1. Paragraph (c) of § 5.2 is revised as follows:

#### § 5.2 Definitions.

(c) The terms apprentices and trainees are defined as follows:

(i) The term "Apprentice" means (a) a person employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Bureau of Apprenticeship and Training, or with a State apprenticeship agency recognized by the Bureau; or (b) a person in his first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training or a State Apprenticeship Council (where appropriate) to be eligible for probationary employment as an apprentice;

(ii) The term "Trainee" means a person receiving on-the-job training in a construction occupation under a program which is approved (but not necessarily sponsored) by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, and which is reviewed from time to time by the Manpower Administration to insure that the training meets adequate standards.

2. In § 5.5(a), subdivision (ii) of subparagraph (1), and subparagraphs (2) and (4) are revised as follows:

#### § 5.5 Contract Provisions and Related Matters.

(a) \* \* \*

(1) *Minimum wages.* \* \* \*

(ii) The contracting officer shall require that any class of laborers or mechanics, including apprentices and trainees, which is not listed in the wage determination and which is to be employed under the contract, shall be classified or reclassified conformably to the wage determination and a report of the action taken shall be sent by the Federal agency to the Secretary of Labor. In the event the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics, including apprentices and trainees, to be used, the question accompanied by the recommendation of the contracting officer shall be referred to the Secretary for final determination.

(2) *Withholding.* The (write in name of Federal agency) may withhold or cause to be withheld from the contractor so much of the accrued payments or advances as may be considered necessary

to pay laborers and mechanics, including apprentices and trainees, employed by the contractor or any subcontractor on the work the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice or trainee, employed or working on the site of the work or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project, all or part of the wages required by the contract, the (Agency) may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

(4) *Apprentices and trainees*—(i) *Apprentices*. Apprentices will be permitted to work as such only when they are registered, individually, under a bona fide apprenticeship program registered with a State apprenticeship agency which is recognized by the Bureau of Apprenticeship and Training, U.S. Department of Labor; or, if no such recognized agency exists in a State, under a program registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the contractor as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not a trainee as defined in subdivision (ii) of this subparagraph or is not registered as above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The contractor or subcontractor will be required to furnish to the contracting officer written evidence of the registration of his program and apprentices as well as of the appropriate ratios and wage rates, for the area of construction prior to using any apprentices on the contract work.

(ii) *Trainees*. Trainees will be permitted to work as such when they are bona fide trainees employed pursuant to a program approved by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, and, where subdivision (iii) of this subparagraph is applicable, in accordance with the provisions of Part 5a of this subtitle.

(iii) *Application of 29 CFR Part 5a*. On contracts in excess of \$10,000 the employment of all laborers and mechanics, including apprentices and trainees, as defined in § 5.2(c) shall also be subject to the provisions of Part 5a of this subtitle. Apprentices and trainees shall be hired in accordance with the requirements of Part 5a of this subtitle.

*Effective date*. These revisions shall be applicable to every invitation for bids, and to every negotiation, request for proposals, or request for quotations, for a Federal or federally assisted construction contract, issued after January 30,

1972, and to every such contract entered into on the basis of such invitation or negotiation.

Signed at Washington, D.C., this 28th day of July 1971.

HORACE E. MENASCO,  
Administrator, Employment  
Standards Administration.

[FR Doc. 71-14502 Filed 10-1-71; 8:49 am]

#### PART 5a—LABOR STANDARDS FOR RATIOS OF APPRENTICES AND TRAINEES TO JOURNEYMEN ON FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

By notice of proposed rule making published on December 9, 1970 (35 F.R. 18673), the Secretary of Labor invited the submission of written views, data, and arguments concerning proposed regulations to implement the statement by the President on "Combating Construction Inflation and Meeting Future Construction Needs" (6 Weekly Comp. of Pres. Doc. 376 (1970)), section 1 of the National Apprenticeship Act of 1937 (29 U.S.C. 50), Reorganization Plan No. 14 of 1950 (64 Stat. 1267; 3 CFR 1949-53 Comp., p. 1007), and the Copeland Act (40 U.S.C. 276c), 5 U.S.C. 301.

The response to the notice concerning the desirability and efficacy of the proposed rules has been very broad, representing many letters and comments from all segments of the construction industry.

After careful consideration of all comments received, a new Part 5a of Title 29, Subtitle A, Code of Federal Regulations, is hereby adopted to read as follows:

##### Sec.

- 5a.1 Purpose and scope.
- 5a.2 Definitions.
- 5a.3 Apprentice and trainee employment requirements.
- 5a.4 Criteria for measuring diligent effort.
- 5a.5 Determination of ratios of apprentices or trainees to journeymen.
- 5a.6 Variations, tolerances, and exemptions.
- 5a.7 Enforcement.

*AUTHORITY*: The provisions of this Part 5a issued under sec. 1, 50 Stat. 664, as amended; 20 U.S.C. 50; sec. 2, 48 Stat. 848, as amended; 40 U.S.C. 276c; 5 U.S.C. 301. Reorganization Plan No. 14 of 1950, 64 Stat. 1267; 3 CFR 1949-53 Comp., p. 1007.

##### § 5a.1 Purpose and scope.

(a) (1) The National Apprenticeship Act of 1937 (29 U.S.C. 50) authorizes and directs the Secretary of Labor "to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices, to extend the application of such standards by encouraging the inclusion thereof in contracts of apprenticeship, to bring together employers and labor for the formulation of programs of apprenticeship, \* \* \*"

(2) Section B, 4 of Article III of the statement by the President on "Combating Construction Inflation and Meeting Future Construction Needs," dated March 17, 1970 (6 Weekly Comp. of Pres. Doc. 376 (1970)), indicates that training opportunities in construction

crafts presently are provided on most Federal construction projects, and directs "the heads of all Federal Government agencies to include a clause in construction contracts that will require the employment of apprentices or trainees on such projects, and that 25 percent of apprentices or trainees on each project must be in their first year of training. The number of apprentices employed shall be the maximum permitted in accordance with established ratios."

(b) The purpose of this part is to implement the President's statement of March 17, 1970, and to implement further the National Apprenticeship Act of 1937 and 29 CFR, Part 30, entitled "Equal Employment Opportunity in Apprenticeship and Training," issued pursuant to the Act, by formulating and promulgating labor standards necessary to promote the full realization of training opportunities on Federal and federally assisted construction in construction occupations, consistent with the general welfare of the journeymen employed in those occupations in the area in which the construction is being undertaken. The provisions of this part will be administered in a practicable manner, in order to avoid undue hardship or unreasonable results. Training opportunities must be provided in construction occupations including, but not limited to: Asbestos worker, boilermaker, bricklayer, cabinetmaker-millman, carpenter, cement mason, electrician, elevator installer, floor coverer, glazier, iron worker, marble polisher, millwright, operating engineer, painter, plasterer, plumber-pipe fitter, roofer, sheet metal worker, sprinkler-fitter, steamfitter, stonemason, terrazzo worker, and tile setter. The implementation is in conjunction with the duties of the Secretary of Labor under Reorganization Plan No. 14 of 1950 (64 Stat. 1267), providing for coordinating the administration and enforcement of the Davis-Bacon Act (40 U.S.C. 276a-276a-7) and related labor standards legislation applicable to Federal and federally assisted construction, and also the duties of the Secretary of Labor under the Copeland Act (40 U.S.C. 276c) for making reasonable regulations for contractors and subcontractors engaged in the construction, prosecution, completion, or repair of public buildings, public works or buildings or works financed in whole or in part by loans or grants from the United States.

(c) Section 5a.3 shall constitute the conditions of each Federal or federally assisted construction contract in excess of \$10,000, and each Federal agency concerned shall include these conditions or provide for their inclusion, in each such contract. Sections 5a.4, 5a.5, 5a.6, and 5a.7 shall also be included in each such contract for the information of the contractor.

##### § 5a.2 Definitions.

As used in this part:

(a) "Federal agency" means the United States, the District of Columbia, and any executive department, independent establishment, administrative agency, or instrumentality of the United

States or of the District of Columbia, including any corporation all or substantially all of the stock of which is beneficially owned by the United States, by the District of Columbia, or by any of the foregoing departments, establishments, agencies, and instrumentalities.

(b) "Federal or federally assisted construction contract" means any contract to be performed within the United States as defined in section 8(d) of Public Law 89-286, 41 U.S.C. 351(d), for construction work of a character subject to the Davis-Bacon Act, or requiring the payment of minimum wages determined in accordance with the Davis-Bacon Act, entered into (1) by a Federal agency, or (2) by any other agency or person receiving for such work assistance in the form of grants, loans, or guarantees from a Federal agency.

(c) "Apprentice" means (1) a person employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Bureau of Apprenticeship and Training, or with a State apprenticeship agency recognized by the Bureau; or (2) a person in his first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training or a State Apprenticeship Council (where appropriate) to be eligible for probationary employment as an apprentice.

(d) "Trainee" means a person receiving on-the-job training in a construction occupation under a program which is approved (but not necessarily sponsored) by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, and which is reviewed from time to time by the Manpower Administration to insure that the training meets adequate standards.

(e) "Contract" or "contractor" includes any construction contract or construction subcontractor regardless of tier as well as the primary contract or prime contractor unless otherwise specified.

#### § 5a.3 Apprentice and trainee employment requirements.

(a) The following contract clauses shall be conditions of each Federal or federally assisted construction contract in excess of \$10,000 and each Federal agency concerned shall include the clauses, or provide for their inclusion, in each such contract.

(1) The contractor agrees:

(i) That he will make a diligent effort to hire for the performance of the contract a number of apprentices or trainees, or both, in each occupation, which bears to the average number of the journeymen in that occupation to be employed in the performance of the contract the applicable ratio as determined by the Secretary of Labor;

(ii) That he will assure that 25 percent of such apprentices or trainees in each occupation are in their first year of training, where feasible. Feasibility here involves a consideration of (a) the availability of training opportunities for first year apprentices, (b) the hazardous

nature of the work for beginning workers, (c) excessive unemployment of apprentices in their second and subsequent years of training.

(iii) That during the performance of the contract he will, to the greatest extent possible, employ the number of apprentices or trainees necessary to meet currently the requirements of subdivisions (i) and (ii) of this subparagraph.

(2) The contractor agrees to maintain records of employment by trade of the number of apprentices and trainees, apprentices and trainees by first year of training, and of journeymen, and the wages paid and hours of work of such apprentices, trainees and journeymen. The contractor agrees to make these records available for inspection upon request of the Department of Labor and the Federal agency concerned.

(3) The contractor who claims compliance based on the criterion stated in § 5a.4(b) agrees to maintain records of employment, as described in § 5a.3(a)(2), on non-Federal and nonfederally assisted construction work done during the performance of this contract in the same labor market area. The contractor agrees to make these records available for inspection upon request of the Department of Labor and the Federal agency concerned.

(4) The contractor agrees to supply one copy of the written notices required in accordance with § 5a.4(c) at the request of Federal agency compliance officers. The contractor also agrees to supply at 3-month intervals during performance of the contract and after completion of contract performance a statement describing steps taken toward making a diligent effort and containing a breakdown by craft, of hours worked and wages paid for first year apprentices and trainees, other apprentices and trainees, and journeymen. One copy of the statement will be sent to the agency concerned, and one to the Secretary of Labor.

(5) The contractor agrees to insert in any subcontract under this contract the requirements contained in this paragraph (29 CFR 5a.3(a)(1), (2), (3), (4), and (5)). Sections 5a.4, 5a.5, 5a.6, and 5a.7 shall also be attached to each such contract for the information of the contractor. The term "contractor" as used in such clauses in any subcontract shall mean the subcontractor.

(b) The provisions of paragraph (a) of this section shall not apply with regard to any contract, if the head of the Federal agency concerned finds it likely that making of the contract with the clauses contained in paragraph (a) of this section will prejudice the national security.

#### § 5a.4 Criteria for measuring diligent effort.

A contractor will be deemed to have made a "diligent effort" as required by § 5a.3 if during the performance of his contract he accomplishes at least one of the following three objectives:

(a) The contractor employs on this project a number of apprentices and trainees by craft as required by the con-

tract clauses at least equal to the ratios established in accordance with § 5a.5.

(b) The contractor employs, on all his public and private, construction work combined in the labor market area of this project, an average number of apprentices and trainees by craft as required by the contract clauses, at least equal to the ratios established in accordance with § 5a.5.

(c) (1) Before commencement of work on the project, the contractor if covered by a collective bargaining agreement will give written notice to all joint apprenticeship committees; the local U.S. Employment Security Office; local chapter of the Urban League, Workers Defense League, or other local organization concerned with minority employment; and the Bureau of Apprenticeship and Training Representative, U.S. Department of Labor, for the locality. The Contractor if not covered by a collective bargaining agreement will give written notice to all the groups stated above except joint apprenticeship committees; this contractor also will notify all non-joint apprenticeship sponsors in the labor market area.

(2) The notice will include at least the contractor's name and address, the job site address, value of contract, expected starting and completion dates, the estimated average number of employees in each occupation to be employed over the duration of the contract, and a statement of his willingness to employ a number of apprentices and trainees at least equal to the ratios established in accordance with § 5a.5.

(3) The contractor must employ all qualified applicants referred to him through normal channels (such as the Employment Service, the Joint Apprenticeship Committees and, where applicable, minority organizations and apprentice outreach programs who have been delegated this function) at least up to the number of such apprentices and trainees required by the applicable provision of § 5a.5.

#### § 5a.5 Determination of ratios of apprentices or trainees to journeymen.

The Secretary of Labor has determined that the applicable ratios of apprentices and trainees to journeymen in any occupation shall be as follows:

(a) In any occupation the applicable ratio of apprentices and trainees to journeymen shall be equal to the predominant ratio for the occupation in the area where the construction is to be undertaken, set forth in collective bargaining agreements or other employment agreements, and available through the Regional Manager for the Bureau of Apprenticeship and Training for the applicable area.

(b) For any occupation for which no such ratio is found, the ratio of apprentices and trainees to journeymen shall be determined by the contractor in accordance with the recommendations set forth in the standards of the National Joint Apprentice Committee for the occupation, which are filed with the U.S. Department of Labor's Bureau of Apprenticeship and Training.

(c) For any occupation for which no such recommendations are found, the ratio of apprentices and trainees to journeymen shall be at least one apprentice or trainee for every five journeymen.

**§ 5a.6 Variations, tolerances, and exemptions.**

Variations, tolerances, and exemptions from any requirement of this part with respect to any contract or subcontract may be granted when such action is necessary and proper in the public interest, or to prevent injustice, or undue hardship. A request for a variation, tolerance, or exemption may be made in writing by any interested person to the Secretary, U.S. Department of Labor, Washington, D.C. 20210.

**§ 5a.7 Enforcement.**

(a) Each Federal agency concerned shall insure that the contract clauses required by § 5a.3(a) are inserted in every Federal or federally assisted construction contract subject thereto. Federal agencies administering assistance programs for construction work for which they do not contract directly shall promulgate regulations and procedures necessary to insure that contracts for the construction work subject to § 5a.3(a) will contain the clauses required thereby.

(b) Enforcement activities, including the investigation of complaints of violations, to assure compliance with the requirements of this part, shall be the primary duty of the Federal agency awarding the contract or providing the Federal assistance. The Department of Labor will coordinate its efforts with the Federal agencies, as may be necessary, to assure consistent enforcement of the requirements of this part. Enforcement of these provisions shall be in accordance with the procedures outlined in § 5.6 of Part 5 of this subtitle.

**Effective date.** The provisions of this part shall be applicable to every invitation for bids, and to every negotiation, request for proposals, or request for quotations, for a Federal or federally assisted construction contract, issued after January 30, 1972, and to every such contract entered into on the basis of such invitation or negotiation.

Signed at Washington, D.C. this 27th day of September 1971.

J. D. Hodgson,  
Secretary of Labor.

[FR Doc. 71-14503 Filed 10-1-71; 8:49 am]

**Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT**

**Chapter 60—Office of Federal Contract Compliance, Equal Employment Opportunity, Department of Labor**

**PART 60-3—EMPLOYEE TESTING AND OTHER SELECTION PROCEDURES**

On April 21, 1971, notice of proposed rule making was published in the FEDERAL

REGISTER (36 F.R. 7532) with regard to amending Chapter 60 of Title 41 of the Code of Federal Regulations by adding a new Part 60-3, dealing with employee testing and other selection procedures. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed amendments.

Having considered all relevant material submitted, I have decided to, and do hereby amend Chapter 60 of Title 41 of the Code of Federal Regulations by adding a new Part 60-3, reading as follows:

- Sec.
- 60-3.1 Purpose and scope.
- 60-3.2 Test defined.
- 60-3.3 Violations of the Executive order.
- 60-3.4 Evidence of validity; meaning of technically feasible.
- 60-3.5 Minimum standards for validation.
- 60-3.6 Presentation of evidence of validity.
- 60-3.7 Use of other validity studies.
- 60-3.8 Assumption of validity.
- 60-3.9 Continued use of tests.
- 60-3.10 Employment agencies and state employment services.
- 60-3.11 Disparate treatment.
- 60-3.12 Retesting.
- 60-3.13 Other selection techniques.
- 60-3.14 Affirmative action.
- 60-3.15 Recordkeeping.
- 60-3.16 Sanctions.
- 60-3.17 Exemptions.
- 60-3.18 Effect on other rules and regulations.

**AUTHORITY:** The provisions of this Part 60-3 are issued under secs. 201, 205, 206(a), 301, 303(a), 303(b), and 403(b) of Executive Order 11246, as amended, 30 F.R. 12319; 32 F.R. 14303; 34 F.R. 12986; § 60-1.2 of Part 60-1 of this chapter.

**§ 60-3.1 Purpose and scope.**

(a) This order is based on the belief that properly validated and standardized employee selection procedures can significantly contribute to the implementation of nondiscriminatory personnel policies, as required by Executive Order 11246, as amended. It is also recognized that professionally developed tests, when used in conjunction with other tools of personnel assessment and complemented by sound programs of job design, may significantly aid in the development and maintenance of an efficient work force and, indeed, aid in the utilization and conservation of human resource generally.

(b) (1) An examination of charges of discrimination filed with the Office of Federal Contract Compliance and an evaluation of the results of its compliance activities has revealed a decided increase in total test usage and a marked increase in testing practices which have discriminatory effects. In many cases, contractors have come to rely almost exclusively on tests as the basis for making the decision to hire, to promote, to transfer, to train, or to retain with the result that candidates are selected or rejected on the basis of test scores. Where tests are so used, minority candidates frequently experience disproportionately high rates of rejection by failing to attain score levels that have been established as minimum standards for qualification.

(2) It has also become clear that in many instances contractors are using tests as the basis for employment deci-

sions without evidence that they are valid predictors of employee job performance. Where evidence in support of presumed relationships between test performance and job behavior is lacking, the possibility of discrimination in the application of test results must be recognized. A test lacking demonstrated validity, i.e., having no known significant relationship to job behavior, and yielding lower scores for classes protected by Executive Order 11246, as amended, may result in the rejection of many who have necessary qualifications for successful work performance.

(c) Section 202 of Executive Order 11246, as amended, requires each Government contractor and subcontractor to take affirmative action to insure that he will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. This order is designed to serve as a set of standards for contractors and subcontractors subject to Executive Order 11246, as amended, in determining whether their use of tests conforms with the requirements of the Executive Order.<sup>1</sup>

**§ 60-3.2 Test defined.**

For the purpose of this order, the term "test" is defined as any paper-and-pencil or performance measure used as a basis for any employment decision. This order applies, for example, to ability tests which are designed to measure eligibility for hire, transfer, promotion, training, or retention. This definition includes, but is not restricted to, measures of general intelligence, mental ability and learning ability; specific intellectual abilities; mechanical, clerical and other aptitudes; dexterity and coordination; knowledge and proficiency; occupational and other interests; and attitudes, personality or temperament. The term "test" also covers all other formal, scored, quantified or standardized techniques of assessing job suitability including, for example, personal history and background requirements which are specifically used as a basis for qualifying or disqualifying applicants or employees, specific educational or work history requirements, scored interviews, biographical information blanks, interviewers' rating scales and scored application forms. The term "test" shall not include other selection techniques discussed in § 60-3.13.

**§ 60-3.3 Violation of Executive order.**

A contractor regularly using a test which has adversely affected the opportunities of minority persons or women for hire, transfer, promotion, training, or retention violates Executive Order 11246, as amended, unless he can demonstrate that he has validated the test pursuant to the requirements of this part.

<sup>1</sup> Except for the necessary differences in language arising from the different legal authority of the two agencies and for reasons of clarity, this order and the Guidelines on Employee Selection Procedures, issued earlier by the Equal Employment Opportunity Commission (35 F.R. 12333, Aug. 1, 1970) are intended to impose the same basic requirements on persons and contractors covered by each of them.

### § 60-3.4 Evidence of validity; meaning of technically feasible.

(a) Each contractor using tests to select from among candidates for hire, transfer, promotion, training, or retention shall have available for inspection evidence that the test is being used in a manner which does not violate § 60-3.3.

(b) Where technically feasible, a test should be validated for each minority group with which it is used; that is, any differential rejection rates that may exist, based on a test, must be relevant to performance on the jobs in question.

(c) The term "technically feasible" as used in paragraph (b) of this section and elsewhere in this part means having or obtaining a sufficient number of minority individuals to achieve findings of statistical and practical significance, the opportunity to obtain unbiased job performance criteria, etc. It is the responsibility of the persons claiming absence of technical feasibility to demonstrate evidence of this absence.

(1) Evidence of a test's validity should consist of empirical data demonstrating that the test is predictive of or significantly correlated with important elements of work behavior which comprise or are relevant to the job or jobs for which candidates are being evaluated.

(2) If job progression structures and seniority provisions are so established that new employees will probably, within a reasonable period of time and in a great majority of cases, progress to a higher level, it may be considered that candidates are being evaluated for jobs at that higher level. However, where job progression is not so nearly automatic, or the time span is such that higher level jobs or employees' potential may be expected to change in significant ways, it shall be considered that candidates are being evaluated for a job at or near the entry level. This point is made to underscore the principle that attainment of or performance at a higher level job is a relevant criterion in validating employment tests only when there is a high probability that persons employed will in fact attain that higher level job within a reasonable period of time.

(3) Where a test is to be used in different units of a multiunit organization and no significant differences exist between units, jobs, and applicant populations, evidence obtained in one unit may suffice for the others. Similarly, where the validation process requires the collection of data throughout a multiunit organization, evidence of validity specific to each unit may not be required. There may also be instances where evidence of validity is appropriately obtained from other companies in the same industry. Both in this instance and in the use of data collected throughout a multiunit organization, evidence of validity specific to each unit or company may not be required provided that no significant differences exist between companies, units, jobs, and applicant populations.

### § 60-3.5 Minimum standards for validation.

(a) For the purpose of satisfying the requirements of this part, empirical evi-

dence in support of a test's validity must be based on studies employing generally accepted procedures for determining criterion-related validity, such as those described in "Standards for Educational and Psychological Tests and Manuals," published by the American Psychological Association, 1200 17th Street NW., Washington, DC 20036. Evidence of content or construct validity, as defined in that publication, may also be appropriate where criterion-related validity is not feasible. However, evidence for content or construct validity should be accompanied by sufficient information from job analyses to demonstrate the relevance of the content, in the case of job knowledge or proficiency tests, or the construct, in the case of trait measures. Evidence of content validity alone will be acceptable for well-developed tests that consist of suitable samples of the essential knowledge, skills or behaviors composing the job in question. The types of knowledge, skills or behaviors contemplated here do not include those which can be acquired in a brief orientation to the job. In the case of personal history, background, educational, and work history requirements which are specifically used as a basis for qualifying or disqualifying applicants (see § 60-3.2), evidence of content or construct validity may be sufficient.

(b) Although any appropriate validation strategy may be used to develop such empirical evidence, the following minimum standards, as applicable, must be met in the research approach and in the presentation of results which constitute evidence of validity:

(1) Where a validity study is conducted in which tests are administered to applicants, with criterion data collected later, the sample of subjects must be representative of the normal or typical candidates group for the job or jobs in question. This further assumes that the applicant sample is representative of the minority population available for the job or jobs in question in the local labor market. Where a validity study is conducted in which tests are administered to present employees, the sample must be representative of the minority groups currently included in the applicant population. If it is not technically feasible to include minority employees in validation studies conducted on the present work force, the conduct of a validation study without minority candidates does not relieve any contractor of his subsequent obligation for validation when inclusion of minority candidates becomes technically feasible.

(2) Tests must be administered and scored under controlled and standardized conditions, with proper safeguards to protect the security of test scores and to insure that scores do not enter into any judgments of employee adequacy that are to be used as criterion measures.

(3) The work behaviors or other criteria of employee adequacy which the test is intended to predict or identify must be fully described; and, additionally, in the case of rating techniques, the appraisal form(s) and instructions to the rater(s) must be included as a part of the validation evidence. Such criteria

may include measures other than actual work proficiency, such as training time, supervisory ratings, regularity of attendance and tenure. Whatever criteria are used they must represent major or critical work behaviors as revealed by careful job analyses.

(4) In view of the possibility of bias inherent in subjective evaluations, supervisory rating techniques should be carefully developed, and the ratings should be closely examined for evidence of bias. In addition, minorities or women might obtain unfairly low performance criterion scores for reasons other than supervisors' prejudice, as, when, as new employees, they have had less opportunity to learn job skills. In general, all criteria must be examined to ensure freedom from factors which would unfairly depress the scores of minority groups or women.

(5) Data must be generated and results separately reported for minority and nonminority groups wherever technically feasible. Where a minority group is sufficiently large to constitute an identifiable factor in the local labor market, but validation data have not been developed and presented separately for that group, evidence of satisfactory validity based on other groups will be regarded as only provisional compliance with this order pending separate validation of the test for the minority group in question (see § 60-3.9). A test which is differentially valid may be used in groups for which it is valid but not for those in which it is not valid. In this regard, where a test is valid for two groups but one group characteristically obtains higher test scores than the other without a corresponding difference in job performance, test results must be applied so as to predict the same probability of job success in both groups.

(c) In assessing the utility of a test the following considerations will be applicable:

(1) The relationship between the test and at least one relevant criterion must be statistically significant. This ordinarily means that the relationship should be sufficiently high as to have a probability of no more than 1 to 20 to have occurred by chance. However, the use of a single test as the sole selection device, when that test is valid against only one component of job performance, will be scrutinized closely.

(2) In addition to statistical significance, the practical significance of the relationship between the test and criterion should also be considered. The magnitude of the relationship needed for practical significance or usefulness is affected by several factors, including:

(i) The larger the proportion of applicants who are hired for or placed on the job, the higher the relationship needs to be in order to be practically useful. Conversely, a relatively low relationship may prove useful when proportionately few job vacancies are available;

(ii) The larger the proportion of applicants who become satisfactory employees when not selected on the basis of the test, the higher the relationship needs to be between the test and a criterion of job success for the test to be practically



useful. Conversely, a relatively low relationship may prove useful when proportionately few applicants turn out to be satisfactory;

(iii) The smaller the economic and human risks involved in hiring an unqualified applicant relative to the risks entailed in rejecting a qualified applicant, the greater the relationship needs to be in order to be practically useful. Conversely, a relatively low relationship may prove useful when the former risks are relatively high.

#### § 60-3.6 Presentation of evidence of validity.

The presentation of the results of a validation study must include statistical and, where appropriate, graphic representations of the relationships between the test and the criteria, permitting judgments of the test's utility in making predictions of future work behavior. (See § 60-3.5(c), concerning assessing utility of a test.) Average scores for all tests and criteria must be reported for all relevant subgroups, including minority and non-minority groups where differential validation is required. Whenever statistical adjustments are made in validity results for less than perfect reliability or for restriction of score range in the test or the criterion, or both, the supporting evidence from the validation study must be presented in detail. Furthermore, for each test that is to be established or continued as an operational employee selection instrument, as a result of the validation study, the minimum acceptable cutoff (passing) score, if any, on the test must be reported. It is expected that each operational cutoff score will be reasonable and consistent with normal expectations of proficiency within the work force or group on which the study was conducted.

#### § 60-3.7 Use of other validity studies.

In cases where the validity of a test cannot be determined pursuant to §§ 60-3.4 and 60-3.5 (e.g., the number of subjects is less than that required for a technically adequate validation study, or an appropriate criterion measure cannot be developed), evidence from validity studies conducted in other organizations, such as that reported in test manuals and professional literature, may be considered acceptable when: (a) The studies pertain to jobs which are comparable (i.e., have basically the same task elements), and (b) there are no major differences in contextual variables or sample composition which are likely to affect significantly validity. Any contractor citing evidence from other validity studies as evidence of test validity for his own jobs must demonstrate that he meets requirements in paragraphs (a) and (b) of this section.

#### § 60-3.8 Assumption of validity.

(a) Under no circumstances will the general reputation of a test, its author or its publisher, or casual reports of test utility be accepted in lieu of evidence of validity. Specifically ruled out are: Assumptions of validity based on test

names or descriptive labels; all forms of promotional literature; data bearing on the frequency of a test's usage; testimonial statements of sellers, users, or consultants; and other nonempirical or anecdotal accounts of testing practices or testing outcomes.

(b) Although professional supervision of testing activities may help greatly to insure technically sound and nondiscriminatory test usage, such involvement alone shall not be regarded as constituting satisfactory evidence of test validity.

#### § 60-3.9 Continued use of tests.

Under certain conditions where validation is required by this order, a contractor may be permitted to continue the use of a test which is not at the moment fully supported by the required evidence of validity. If, for example, evidence of criterion-related validity in a specific setting is technically feasible and required but not yet obtained, the use of the test may continue: *Provided:* (a) The contractor can cite substantial evidence of validity as described in § 60-3.7 (a) and (b); and (b) he has in progress validation procedures which are designed to produce, within a reasonable time, the additional data required. It is expected also that the contractor may have to alter or suspend test cutoff scores so that score ranges broad enough to permit the identification of criterion-related validity will be obtained.

#### § 60-3.10 Employment agencies and state employment services.

A contractor utilizing the services of any private employment agency, state employment agency or any other person, agency or organization engaged in the selection or evaluation of personnel which makes its selections or evaluations of personnel wholly or partially on the basis of the results of any test shall have available evidence that any test used by such person, agency or organization is in conformance with the requirements of this order.

#### § 60-3.11 Disparate treatment.

The principle of disparate or unequal treatment must be distinguished from the concept of test validation. Disparate treatment, for example, occurs where members of a group protected by Executive Order 11246, as amended, have been denied the same opportunities for hire, transfer or promotion as have been made available to other employees or applicants. Those employees or applicants who can be shown to have been denied equal treatment because of prior discriminatory practices or policies must at least be afforded the same opportunities as had existed for other employees or applicants during the period of discrimination. Thus, no new test or other employee selection standard can be imposed upon an individual or class of individuals protected by Executive Order 11246, as amended, who, but for this prior discrimination, would have been granted the opportunity to qualify under less stringent selection standards previously in force.

#### § 60-3.12 Retesting.

Contractors should provide an opportunity for retesting and reconsideration to earlier "failure" candidates who have availed themselves of more training or experience. In particular, if any applicant or employee during the course of an interview or other employment procedure claims more education or experience, that individual should be retested.

#### § 60-3.13 Other selection techniques.

Selection techniques other than tests, as defined in § 60-3.2, may be improperly used so as to have the effect of discriminating against minority groups or women. Such techniques include, but are not restricted to, unscored or casual interviews, unscored application forms and unscored personal history and background requirements not used uniformly as a basis for qualifying or disqualifying applicants. Where there are data suggesting employment discrimination, the contractor may be called upon to present evidence concerning the validity of his unscored procedures regardless of whether tests are also used, the evidence of validity being of the same types referred to in §§ 60-3.4 and 60-3.5. Data suggesting the possibility of discrimination exists, for example, when there are higher rates of rejection of minority candidates than of nonminority candidates for the same job or group of jobs or when there is an underutilization of minority group personnel among present employees in certain types of jobs. If the contractor is unable or unwilling to perform such validation studies, he has the option of adjusting employment procedures so as to eliminate the conditions suggestive of employment discrimination.

#### § 60-3.14 Affirmative action.

Nothing in this order shall be interpreted as diminishing a contractor's obligation under both title VII of the Civil Rights Act of 1964 and Executive Order 11246, as amended, to take affirmative action to ensure that applicants or employees are treated without regard to race, color, religion, sex, or national origin. Specifically, where substantially equally valid tests can be used for a given purpose, the contractor will be expected to use the test or battery of tests which will have the least adverse effect on the employment opportunities of minorities or women. Further, the use of tests which have been validated pursuant to this order does not relieve contractors of their obligation to take affirmative action to afford employment and training opportunities to members of classes protected by Executive Order 11246, as amended.

#### § 60-3.15 Recordkeeping.

Each contractor shall maintain, and submit upon request, such records and documents relating to the nature and use of tests, the validation of tests, and test results, as may be required under the provisions of this chapter and under the orders and directives issued by the Office of Federal Contract Compliance.

### § 60-3.16 Sanctions.

(a) The use of tests and other selection techniques by contractors as qualification standards for hire, transfer, promotion, training or retention shall be examined carefully for possible indications of noncompliance with the requirements of Executive Order 11246, as amended.

(b) A determination of noncompliance pursuant to the provisions of this part shall be grounds for the imposition of sanctions under Executive Order 11246, as amended.

### § 60-3.17 Exemptions.

(a) Requests for exemptions from this order or any part thereof must be made in writing to the Director, Office of Federal Contract Compliance, Washington, D.C., and must contain a statement of reasons supporting the request. Such request shall be forwarded through and shall contain the endorsement of the head of the contracting agency. Exemption may be granted for good cause.

(b) The requirements of this part shall not apply to any contract when the head of the contracting agency determines that such contract is essential to the national security and that its award without complying with such requirements is necessary to the national security. Upon making such a determination, the agency head will notify the Director, in writing, within 30 days.

### § 60-3.18 Effect of this part on other rules and regulations.

(a) All orders, instructions, regulations, and memoranda of the Secretary of Labor, other officials of the Department of Labor and contracting agencies are hereby superseded to the extent that they are inconsistent herewith.

(b) Nothing in this part shall be interpreted to diminish the present contract compliance review and complaint investigation programs.

**Effective date.** This part shall become effective on the date of its publication in the FEDERAL REGISTER (10-2-71).

Signed at Washington, D.C., this 27th day of September 1971.

J. D. HODGSON,  
Secretary of Labor.

[FR Doc.71-14457 Filed 10-1-71; 8:46 am]

## Title 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Docket No. 19254; FCC 71-988]

#### PART 73—RADIO BROADCAST SERVICES

##### Table of Assignments; Ellensburg, Washington, and Certain Other Cities

**Report and order.** In the matter of amendment of § 73.202 *Table of Assignments, FM Broadcast Stations* (Ellens-

burg, Wash.; Leaksville, and Eden, N.C.; Eau Gallie and Melbourne, Fla.).

1. On May 26, 1971, the Commission adopted, on its own motion, a notice of proposed rule making (FCC 71-565, released May 28, 1971) in the above-entitled matter, proposing three changes in the FM Table of Assignments, § 73.202 of the rules. Interested parties were afforded an opportunity to comment on or before July 13, 1971, and to reply to such comments on or before July 23, 1971. No comments of any kind were received.

2. The first of the changes proposed was to eliminate an obvious and prohibitive short separation between Channel 221A, assigned in the FM Table as the only channel at Ellensburg, Wash., and an educational station authorized there on Channel 218, Channel 237A was proposed as the replacement for Channel 221A. Canadian concurrence in the new assignment has been obtained. The other two proposed changes reflect the recent merger of two communities listed in the table into other communities: In North Carolina, Leaksville has been combined with two other communities (Draper and Spray) to form the new city of Eden, and in Florida, Eau Gallie has been merged into Melbourne. Accordingly, the notice proposed to delete the entry for Leaksville and redesignate the listed channel, Channel 233, as a first assignment in Eden, not now included in the table. It was also proposed to delete the entry for Eau Gallie and add its channel (Channel 296A) as a second assignment at Melbourne, additional to Channel 272A now assigned there and occupied.

3. No authorized stations are affected by this proceeding, since the only one of the subject channels now in use, Channel 233 assigned to Leaksville, is used by a station licensed to Eden. An application tendered by KXLE, Inc. (not accepted), for Channel 221A at Ellensburg, Wash., in view of our action herein, must be amended to specify Channel 237A, instead of Channel 221A. This amendment will be permitted without payment of the fee normally required in connection with application amendments; see § 1.1104 of the rules. Two pending applications for the Florida Channel 296A assignment presently at Eau Gallie, BPH-6903 and BPH-7147, which specify Melbourne and Satellite Beach as the cities applied for, will not be affected by the change in the table listing.

4. It appears that the public interest would be served by the proposed changes, and therefore, pursuant to authority contained in sections 4(i), 303(r), and 307 (b) of the Communications Act of 1934, as amended: *It is ordered*, That, effective November 8, 1971, § 73.202(b) of the Commission's rules, the Table of FM Assignments, is amended as follows:

(a) Delete the entries for Eau Gallie, Fla., and Leaksville, N.C.

(b) Add the following new entry:

City	Channel No.
Eden, N.C.-----	233

(c) Change the following entries to read as indicated:

City	Channel No.
Melbourne, Fla.-----	272A, 296A
Ellensburg, Wash.-----	237A

5. *It is further ordered*, That this proceeding (Docket No. 19254) is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: September 24, 1971.

Released: September 29, 1971.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc.71-14498 Filed 10-1-71; 8:49 am]

## Title 49—TRANSPORTATION

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

#### PART 575—CONSUMER INFORMATION REGULATIONS

##### Availability Requirements

The purpose of this notice is to amend § 575.6 of the Consumer Information Regulations (49 CFR Part 575) to require that the information supplied pursuant to Subpart B of the Regulations be provided in sufficient quantity to permit retention by prospective customers or mailing to them upon request. A notice of proposed rule making was published on January 14, 1971 (36 F.R. 557), proposing to carry out the legislative mandate of Public Law 91-625 (84 Stat. 262). That legislation was designed to remedy difficulties resulting from the current practice of making consumer information available only in the showroom, by permitting the Secretary to require that the information be provided in a printed format which could be retained by customers who visit the showroom or mailed to others upon their request.

A limited number of comments were received in response to the notice, some of which merely expressed support for the additional requirement. The Chrysler Corp. requested that the amendment be clarified to provide that temporary unavailability would not constitute a failure to comply with the regulations. As is noted in the notice of proposed rule making, the uncertainty of demand makes it difficult to establish precise standards as to what is "sufficient." It has been determined, therefore, that any further specification of this provision would be inappropriate at this time. It is intended that manufacturers and dealers will cooperate to take all reasonable steps to ensure that a continuous supply of the information is available.

The Chrysler Corp. further requested that the regulation clearly indicate that a reasonable charge can be made for the materials. The legislative history of Public Law 91-625 indicates that a major

<sup>1</sup> Commissioners H. Rex Lee, Wells, and Houser absent.

purpose of the amendment was to make consumer information more easily available to consumers in making their purchase. A charge for consumer information on several makes and models of vehicles could present the car shopper with as great an obstacle to availability of information as is the case with the present system. In view of this purpose and the general aim of the consumer information regulations to provide for as wide a dissemination of information as possible, it has been determined that the retention copies should be provided without charge.

In consideration of the above, 49 CFR 575.6(b) is amended as follows:

§ 575.6 Requirements.

(b) Every manufacturer of motor vehicles shall provide for examination by prospective purchasers, at each location where its vehicles are offered for sale by a person with whom the manufacturer has a contractual, proprietary, or other legal relationship, the information specified in Subpart B of this part that is applicable to each of the vehicles offered for sale at that location. The information shall be provided without charge and in sufficient quantity to be available for retention by prospective purchasers, or sent by mail to a prospective purchaser upon his request. With respect to newly introduced vehicles, the information shall be provided for examination and be available for distribution to prospective purchasers not later than the day on which the manufacturer first authorizes those vehicles to be put on general public display and sold to consumers.

(Sec. 112, 119, National Traffic and Motor Vehicle Safety Act; 15 U.S.C. 1401, 1407, delegation of authority at 49 CFR 1.51)

Effective date: January 1, 1972.

Issued on September 28, 1971.

DOUGLAS W. TOMS,  
Administrator.

[FR Doc. 71-14489 Filed 10-1-71; 8:48 am]

**Title 50—WILDLIFE AND FISHERIES**

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

**PART 32—HUNTING**

Tishomingo National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (10-2-71).

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of quail on the Tishomingo National Wildlife Refuge, Okla., is

permitted only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of quail subject to the following special conditions:

(1) The open season for hunting quail on the Management Unit (Zones 1 and 2) extends from sunrise to 11:45 a.m. November 16, 1971, through January 15, 1972, inclusive, on Tuesdays, Thursdays, Saturdays, and Sundays. The entire area will be closed to hunting on Christmas and New Years.

(2) Dogs may be used for the purpose of hunting and retrieving.

(3) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1972.

ERNEST S. JEMISON,  
Refuge Manager, Tishomingo  
National Wildlife Refuge,  
Tishomingo, Okla.

SEPTEMBER 16, 1971.

[FR Doc. 71-14458 Filed 10-1-71; 8:46 am]

**PART 32—HUNTING**

Tishomingo National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (10-2-71).

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

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Tishomingo National Wildlife Refuge, Okla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) The archery deer hunting season on the Management Unit (Zones 1, 2, and 3) is from October 17 through October 21, 1971, inclusive. Shooting hours are from daylight to 11:45 a.m. on Tuesdays, Thursdays, Saturdays, and Sundays. The gun deer hunting season on the Manage-

ment Unit (Zone 2) is from November 20 through November 28, 1971, inclusive. Shooting hours are from daylight to 11:45 a.m. on Tuesdays, Thursdays, Saturdays, and Sundays.

(2) A maximum of 10-gun hunters per day (Zone 2) will be admitted to the hunting area.

(3) A Federal permit is not required to enter the public hunting area for the hunting of deer, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 28, 1971.

ERNEST S. JEMISON,  
Refuge Manager, Tishomingo  
National Wildlife Refuge,  
Tishomingo, Okla.

SEPTEMBER 16, 1971.

[FR Doc. 71-14459 Filed 10-1-71; 8:46 am]

**Title 32A—NATIONAL DEFENSE, APPENDIX**

Chapter I—Office of Emergency Preparedness

[OEP Economic Stabilization Reg. 1, Circular No. 18]

**SUPPLEMENTARY GUIDANCE FOR APPLICATION**

Economic Stabilization Circular No. 18

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

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

This 18th circular covers determinations and policy statements by the Council through September 27, 1971.

APPENDIX I

ECONOMIC STABILIZATION CIRCULAR NO. 18

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

## RULES AND REGULATIONS

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

(3) The purpose of this circular, the 18th in a series to be issued, is to furnish further guidance to Federal officials and the public in order to promote the program.

(4) The second paragraph of Economic Stabilization Circular No. 101, section 100(3) is amended to read as follows:

"To the extent that any provision of this circular may be inconsistent with the provisions of OEP Economic Stabilization Circulars 11, 12, 13, or 14, the provisions of Circulars 11, 12, 13, or 14 control. To the extent that any provision of this circular may be inconsistent with the provisions of OEP Economic Stabilization Circulars issued or published after the date of this circular, the provisions of the most recently issued or published circular control."

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

The Constitution.

Economic Stabilization Act of 1970, Public Law 91-379, 84 Stat. 799; Public Law 92-15, 85 Stat. 38.

Executive Order No. 11615, as amended, 36 F.R. 15127, August 17, 1971.

Cost of Living Council Order No. 1, 36 F.R. 16215, August 20, 1971.

OEP Economic Stabilization Regulation No. 1, as amended, 36 F.R. 16515, August 21, 1971.

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

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

400. *Price guidelines.*

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

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

## SAMPLE CALCULATION OF CEILING PRICES

## EXAMPLE NO. 1

Class of customer: Retailers.

	Number of units	Percent of total	Price
Highest price sales.....	200	6.7	\$12.00
Next highest price sales.....	1,800	60.0	11.80 (ceiling)
Next highest price sales.....	1,000	33.3	11.55
	3,000	100.0	

## EXAMPLE NO. 2

Class of customer: Wholesalers.

	Number of units	Percent of total	Price
Highest price sales.....	1,000	12.5	\$9.50 (ceiling)
Next highest price sales.....	7,000	87.5	9.25
	8,000	100.0	

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

NOTE: This paragraph corrects and clarifies paragraph 402(1) of Economic Stabilization Circular No. 16.

403. *Specific guidelines—(1) Trading stamps.* Retail outlets may discontinue trading stamps (S&H, Top Value, Blue Chip, Gold Bond, etc.) if they pass on the value of the stamps to their customers in the form of lower prices on their merchandise. Merchants can lower their prices in either of two ways. They can lower the prices of everything they sell by the value of the stamps, or, at cash registers they can deduct the value of the stamps for the prices of those items for which trading stamps would have been given. The value of the stamps is the market value of the merchandise for which they may be exchanged, and not the cost to the retailer.

Retailers choosing to deduct the value of stamps at cash registers on items for which they would have issued stamps, must post in a prominent place in each retail outlet at least one sign (minimum of 30" x 40"), plus a readily visible sign at each cash register, advising customers of the discontinuance of trading stamps and the reduction in total cost to the purchaser of the merchandise they are buying.

(2) *Commodity futures—clarification of previous guidance.* The only trading prices for commodity futures subject to the freeze are those futures contracts that would require physical shipment during the freeze.

Settlement under commodity futures contracts maturing during the freeze period may not be made at prices in excess of the ceiling price for each such commodity during the base period. The ceiling price under mature commodity futures contracts may be increased or decreased by adjustments (penalties and premiums) pursuant to applicable requirements of each commodity exchange for different destinations, variations in grade of the commodity, and prepared charges, other than carrying charges. Such adjustments may not be larger than those of the base period and must be

established practice for the particular exchange.

407. *Commodities and services.* (1) An assessment mutual insurance company may levy a retrospective assessment on its member policyholders to the extent permitted by the insurance contract. No portion of an assessment may include a factor reflecting cost increases incurred by the company subsequent to August 15, 1971.

500. *Wage and salary guidelines.*

502. *Specific.* (1) Because of the number of requests received for information on teacher salaries, the following additional comments are submitted, summarizing the previous rulings of the Cost of Living Council on this issue. The permissibility of salary increases for teachers during the wage-price freeze is determined by the criteria applicable to other wage and salary earners. Whether a teacher can receive a salary increase depends upon the facts and circumstances of the particular case. A teacher may receive pay at a new increased rate under the terms of the freeze only if the teacher was receiving or, in the special circumstances set forth below, could have received pay at the new rate prior to August 15. The date when a new pay rate went into effect or when a teacher signed a contract are not relevant in determining whether the higher salary level is applicable to the teacher. The determining factor is the point in time when the particular teacher could actually receive pay at the higher rate.

An individual teacher is entitled to a pay increase contracted for prior to August 15 if, but only if,

(a) He performed work for the increased pay rate prior to August 15, or

(b) He was entitled to receive immediate payment of wages or salary prior to August 15 at the increased rate, or

(c) In his contract signed prior to August 15, he had an option to receive pay on a 10-month basis rather than a 12-month basis and he elected the 10-month basis and had he elected the 12-month basis he would have actually received pay at the increased rate prior to August 15.

If the teacher performed work at the increased pay rate prior to August 15,

he is entitled to the increased rate even though his first pay check was received after August 15.

(d) If the teacher is eligible under the contract for a pay increase upon completion of additional educational courses, or upon receipt of a degree, this is considered to be a bona fide promotion and is not affected by the wage freeze.

(e) A teacher employed in the school system for the first time must qualify under the criteria set forth above in order to be paid at a new increased rate.

(2) Military pay and benefit increased authorized by Public Law 92-129 may not be implemented during the freeze. Pay and benefit increases authorized under statutes enacted prior to Public Law 92-129 for personnel exempted under OEP Economic Stabilization Circular No. 101, section 501(16), are not affected by this ruling and may be paid to exempted personnel.

503. *Promotions and increased training.* (1) Newly hired reporters progress from year to year at a higher rate of pay until they reach "journeyman" stage. If the conditions specified below apply to any occupation, including reporters, the employee is eligible for scheduled wage increases under the program. If these conditions do not exist, these increases are considered longevity increases which may not be granted. A bona fide apprentice or learners program must be demonstrated by the existence of a formal program of on-the-job or classroom training whereby the apprentice or learner assumes greater responsibilities or additional functions as he progresses through each step of the program. These must be established programs which were in existence prior to the freeze.

(Note: This paragraph corrects paragraph 503(3) in OEP Economic Stabilization Circular No. 101.)

504. *Fringe benefits.* (1) Increases in all types of insurance coverage as a fringe benefit offered by the employer which would involve increased costs to the employer are frozen since this is an increase in compensation to the employee. Subject to Phase II actions, a pension plan or profit sharing plan may be adopted during the freeze if the benefit to the

employee will occur after the freeze period.

An employer may increase contributions to an insurance program during the freeze if that increase is used to pay for benefit increases that were effective prior to August 15. Such increases can be made as long as there has been no change in the formula used during the base period for computing the employer's contribution. Employers may not increase insurance contributions to finance

benefit increases announced during the freeze.

1000. *Information.* (1) Public inquiries on wage-price-rent freeze matters should be directed to the nearest office of the Internal Revenue Service or the Agricultural Stabilization and Conservation Service. Reports of alleged violations should be made to the nearest IRS office. Requests for exemptions should be sent, in writing, to the appropriate OEP Regional Office as indicated below.

Region	Address, telephone	States served
Boston (1)	JFK Federal Bldg., Room 2003 L, Boston, Mass. 02203.	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
New York City (2)	26 Federal Plaza, Room 1355, New York, NY 10007.	New Jersey, New York, Puerto Rico, Virgin Islands.
Philadelphia (3)	Industrial Valley Bank Bldg., Suite 1600, 1700 Market St., Philadelphia, PA 19103.	Delaware, Maryland, Pennsylvania, Virginia, West Virginia, District of Columbia.
Atlanta (4)	Continental Insurance Bldg., Suites 514, 518, 520, 161 Peachtree St. NE., Atlanta, GA 30303.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.
Chicago (5)	33 East Congress Parkway, Room 410, Chicago, IL 60605.	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.
Dallas (6)	Federal Bldg., Room 4C-38, 1100 Commerce St., Dallas, TX 75202.	Arkansas, Louisiana, Oklahoma, New Mexico, Texas.
Kansas City (7)	Federal Office Bldg., Room 2902, 911 Walnut St., Kansas City, MO 64106.	Iowa, Kansas, Missouri, Nebraska.
Denver (8)	7200 West Alameda Ave., Denver, CO 80226.	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.
San Francisco (9)	New Federal Office Bldg., 450 Golden Gate Ave., San Francisco, CA 94102.	Arizona, California, Hawaii, Nevada, American Samoa, Guam.
Seattle (10)	Federal Office Bldg., Room 1095, 909 1st Ave., Seattle, WA 98104.	Alaska, Idaho, Oregon, Washington.

Note: This paragraph supersedes paragraph 1000(4) in OEP Economic Stabilization Circular No. 16.

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

Dated: October 1, 1971.

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

[FR Doc.71-14639 Filed 10-1-71; 2:53 pm]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[ 7 CFR Part 947 ]

### IRISH POTATOES GROWN IN CERTAIN COUNTIES IN CALIFORNIA AND OREGON

#### Proposed Limitation of Shipments

Consideration is being given to the issuance of the limitation of shipments regulation, hereinafter set forth, which was recommended by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in the production area established pursuant to said marketing agreement and order, both as amended, under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

This notice is based on the recommendation and information submitted by the Oregon-California Potato Committee, established pursuant to said marketing agreement and order and other available information. The recommendation of the committee reflects its appraisal of the composition of the 1971 crop in the production area and of the marketing prospects for this season.

The grade, size, quality, and maturity requirements as provided herein are necessary to prevent potatoes of poor quality, or undesirable sizes from being distributed into fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop, and maximize returns to the producers for the preferred quality and sizes.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

A specified quantity of potatoes may be handled without regard to maturity requirements in order to permit growers to make test diggings without loss of the potatoes so harvested.

Shipments may be made to curtail special purpose outlets without regard to minimum grade, size, cleanliness, and maturity requirements, provided that safeguards are used to prevent such potatoes from reaching unauthorized outlets. Certified seed is so exempted because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed within the production area or to specified adjacent areas are likewise exempt; a limit to the destinations of such shipments is provided so that their use for the purpose specified may be reasonably assured. Shipments of potatoes between Districts 2 and 4 for planting, grading,

and storing are exempt from requirements because these two areas have no natural division. Other districts are more clearly separated and do not have this problem. For the same reason, potatoes grown in District 5 may be shipped without regard to the aforesaid requirements to specified locations in Idaho, Washington, and Malheur County, Ore., for grading and storing. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments are exempt. Exemption of potatoes for most processing uses is mandatory under the legislative authority for this part and therefore shipments to processing outlets are unregulated.

Requirements for export shipments differ from those for domestic markets; while high quality standards are desired in foreign outlets, smaller sizes are more acceptable. Therefore, different requirements for export shipments are provided.

Inspection requirements are waived in certain portions of District 4 because the area is remote from inspection facilities and this requirement would cause unreasonable hardship to growers in the area.

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same in quadruplicate with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 5 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

#### § 947.330 Limitation of shipments.

During the period October 16, 1971, through October 15, 1972, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a), (b), (c), and (d) of this section, or unless such potatoes are handled in accordance with paragraphs (e), (f), (g), (h), and (i) of this section.

(a) *Grade requirements.* All varieties—U.S. No. 2, U.S. commercial, or better grade: *Provided*, That potatoes graded U.S. commercial shall meet all of the requirements of U.S. No. 1, except for cleanliness.

(b) *Size requirements.* All varieties—2 inches minimum diameter or 4 ounces minimum weight.

(c) *Cleanliness requirements.* All varieties—U.S. commercial may be no more than "slightly dirty"; all other grades as required in the U.S. Standards for Grades of Potatoes.

(d) *Maturity (skinning) requirements.* (1) All varieties—no more than "moderately skinned."

(2) Not to exceed a total of 100 hundredweight of any variety of a lot of potatoes may be handled for any pro-

ducer any 7 consecutive days without regard to the aforesaid maturity requirements. Prior to each shipment of potatoes exempt from the above maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(e) *Special purpose shipments.* The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a), (b), (c), and (d) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed.

(2) Livestock feed: *Provided*, That potatoes may not be shipped for such purpose outside the production area except that potatoes may be shipped to the States of Idaho, Washington, and to Malheur County in the State of Oregon for livestock feed.

(3) Planting: *Provided*, That potatoes may not be shipped for such purposes outside of the district where grown except that potatoes grown in District No. 2 or District No. 4 may be shipped for planting within, or to such district for such purposes.

(4) Grading or Storing: Potatoes may be shipped:

(i) Within the production area for grading or storing if such shipments meet the safeguard requirements of paragraph (f) of this section;

(ii) Potatoes grown in District No. 2 or District No. 4 may be shipped for grading or storing within or to such districts without regard to the safeguard requirements;

(iii) Potatoes grown in District 5 may be shipped for grading or storing to any specified locations in the adjoining States of Idaho and Washington and Malheur County in the State of Oregon for such purposes; and

(iv) Potatoes grown in any one district may be shipped to a receiver in any other district if such receiver is determined by the committee to be a processor of canned, frozen, dehydrated, prepeeled products, potato chips or potato sticks.

(5) Charity.

(6) Canning, freezing, prepeeling, and "other processing" as hereinafter defined: *Provided*, That shipments of potatoes for the purpose specified pursuant to this subparagraph shall be exempt from inspection requirements specified in § 947.60 and from assessment requirements specified in § 947.41.

(7) Export: *Provided*, That all shipments of potatoes for the purpose specified pursuant to this subparagraph shall be 1½ inches or larger in diameter and U.S. No. 1 grade or better.

(f) *Safeguards.* (1) Each handler making shipments of seed pursuant to paragraph (e) of this section shall furnish the committee with either a copy of

the applicable certified seed inspection certificate or shall apply for and obtain a Certificate of Privilege and, upon request of the committee, furnish reports of each shipment made pursuant to each Certificate of Privilege.

(2) Each handler making shipments of potatoes pursuant to subparagraphs (2), (4) (i), (6), and (7) of paragraph (e) of this section and each receiver of potatoes pursuant to subparagraphs (4) (i) and (4) (iv) of paragraph (e) of this section, shall:

(i) First, apply to the committee for and obtain a Certificate of Privilege to make such shipments.

(ii) Prepare, on forms furnished by the committee, a report in quadruplicate on such shipments as may be requested by the committee.

(iii) Within 48 hours of the date of shipment forward one copy of such diversion report to the committee office and forward two copies to the receiver with instructions to the receiver that he sign and return one copy to the committee office within 14 days of shipping date. The handler and receiver may each keep one copy for their files. Failure of handler to report within 48 hours or receiver to report such shipments within 14 days of shipping date by signing and returning the applicable diversion report to the committee office shall be cause for cancellation of such handler's Certificate of Privilege and/or the receiver's eligibility to receive further shipments pursuant to any Certificate of Privilege. Shipment of potatoes by a Certificate of Privilege holder to an ineligible receiver shall be cause of cancellation of the handler's Certificate of Privilege. Upon the cancellation of any such Certificate of Privilege the handler may appeal to the committee for reconsideration. Such appeal shall be in writing: *Provided*, That such requirements of this paragraph shall not be applicable to shipments of potatoes for starch.

(g) *Minimum quantity exception.* Each handler may ship up to but not to exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment that exceeds 5 hundredweight of potatoes.

(h) *Inspection.* For the purpose of operation under this part, unless exempted from inspection by the provisions of this section, each required inspection certificate is hereby determined, pursuant to § 947.60(c), to be valid for a period of not to exceed 14 days following completion of inspection as shown on the certificate. The validity period of an inspection certificate covering inspected and certified potatoes that are stored in refrigerated storage within 14 days of the inspection shall be the entire period such potatoes remain in such storage: *Provided*, That in District 4, potatoes grown over 40 airline miles from the post office, Tulelake, Calif., shall be exempt from the requirements of § 947.60, Inspection and certification.

(i) Any lot of potatoes previously inspected pursuant to § 947.60(a) is not required to have additional inspection

under § 947.60(b) after regrading, re-sorting, or repacking such potatoes, if the inspection certificate is valid at the time of handling such regraded, resorted, or repacked potatoes.

(j) *Definitions.* (1) The terms "U.S. No. 1," "U.S. commercial," "U.S. No. 2," and "moderately skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540-51.1566 (35 F.R. 18257)) effective September 1, 1971, including the tolerances set forth therein.

(2) The term "slightly dirty" means potatoes that are not damaged by dirt.

(3) The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removing the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 U.S. Standards for Grades of Peeled Potatoes (§§ 52.2421-52.2433 of this title).

(4) The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing."

(5) Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and this part.

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

Dated: September 29, 1971.

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

[FR Doc. 71-14514 Filed 10-1-71; 8:50 am]

[ 7 CFR Part 1007 ]

[Docket No. AO 396-A7]

MILK IN THE GEORGIA MARKETING AREA

Notice of Extension of Time

Notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Georgia marketing area which was issued September 8, 1971 (36 F.R. 18413) is hereby extended to October 15, 1971.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on September 29, 1971.

JOHN C. BLUM,  
Deputy Administrator,  
Regulatory Programs.

[FR Doc. 71-14513 Filed 10-1-71; 8:50 am]

DEPARTMENT OF COMMERCE

Patent Office

[ 37 CFR Part 2 ]

TRADEMARK RULES

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority contained in sec. 41 of the Act of July 5, 1946 (60 Stat. 440; 15 U.S.C. 1123) and sec. 6 of the Act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6), the Patent Office proposes to amend Title 37, Code of Federal Regulations by revising §§ 2.54, 2.67, 2.87, 2.88 and 2.187.

All persons are invited to present their written views, objections, recommendations, or suggestions in connection with the proposed changes to the Commissioner of Patents, Washington, D.C. 20231 on or before December 3, 1971. No oral hearing will be held. Any written comments or suggestions may be inspected by any person upon written request a reasonable time after the closing date for submitting comments.

The proposed revision of § 2.54 would permit the Patent Office to accept substitute drawings in appropriate situations other than those specified in present § 2.54, by deleting the last sentence of present § 2.54.

The proposed revision of § 2.67 is intended to clarify the situations in which an examiner can suspend action on an application.

The proposed revision of § 2.87 and § 2.88 is intended to make clear that both goods and services may be the subject of a single application or certificate of registration in accordance with sec. 30 of the Trademark Act of 1946. Also, a requirement of submitting five specimens for each class would be added to § 2.87.

The proposed revision of § 2.187 would establish a procedure by which the Patent Office could insure that the certificate of registration would issue to the owner of the mark.

The proposed changes are as follows:

1. Revise § 2.54 to read as follows:

§ 2.54 Informal drawings.

A drawing not in conformity with §§ 2.51 to 2.53 may be accepted for purpose of examination, but the drawing must be corrected or a new one furnished, as required, before the mark can be published or the application allowed. The necessary corrections will be made by the Patent Office upon applicant's request and at his expense.

2. Revise § 2.67 to read as follows:

§ 2.67 Suspension of action by the Patent Office.

Action by the Patent Office may be suspended for a reasonable time for good and

sufficient cause. A proceeding pending before the Patent Office or a court which is relevant to the issue of registrability of the applicant's mark, or an application which is the basis for registration under section 44(d) of the Trademark Act pending before a foreign trademark office, will be considered prima facie good and sufficient cause. An applicant's request for a suspension of action must be filed within the response period and may be considered a response. See § 2.62. The first suspension is within the discretion of the Examiner of Trademarks and any subsequent suspension must be approved by the Commissioner.

3. Revise § 2.87 to read as follows:

**§ 2.87 Combined applications.**

An application also may be filed to register the same mark for any or all of the goods and/or services upon or in connection with which the mark is actually used and which fall within a plurality of classes. However, dates of use for each class, five specimens for each class, and a fee equaling the sum of the fees for filing an application in each class are required. A single certificate of registration for the mark may be issued.

4. Revise § 2.88 to read as follows:

**§ 2.88 Applications may be combined.**

(a) When several applications have been filed by the same applicant for registration on the same register of a mark shown in identical form on the drawings for goods and/or services in different classes and each of the applications has been allowed, a single certificate based on such applications may be issued. A request for the issuance of a consolidated certificate must be made of record in each of the applications involved prior to the allowance of any of the applications.

(b) The issuance of any original certificate may be suspended upon request of the applicant, for a period not exceeding 6 months, to permit such consolidation.

5. Revise § 2.187 to read as follows:

**§ 2.187 Certificate of registration may issue to assignee.**

The certificate of registration may be issued to the assignee of the applicant provided the assignment is recorded in the Patent Office at least 10 days before the application is allowed, and written notice of the recording of the assignment and the address of the assignee is made of record in the application file by the applicant or assignee.

Dated: September 24, 1971.

ROBERT GOTTSCHALK,  
Acting Commissioner of Patents.

Approved:

JAMES H. WAKELIN, JR.,  
Assistant Secretary for  
Science and Technology.

[FR Doc. 71-14511 Filed 10-1-71; 8:50 am]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Housing Administration

[ 24 CFR Part 200 ]

[Docket No. R-71-119]

### PROJECT SELECTION CRITERIA

#### Notice of Proposed Rule Making

The purpose of these proposed amendments is to set forth the criteria contained in the Evaluation of Requests to be used by the Department in determining priority of funding projects under sections 235(i) and 236 of the National Housing Act, rent supplement projects and low-rent housing assistance applications under the U.S. Housing Act of 1937.

On June 24, 1971 (36 F.R. 12032), the Department published these criteria as a notice of proposed rule making to amend Part 200, Chapter A, Title 24 of the Code of Federal Regulations. Comments were received from interested persons and consideration has been given to each comment.

The major changes in the proposed regulations are identified below, but a complete review of all changes requires a careful comparison of the proposal published June 24 and the proposal published below.

The major general changes are:

1. The three Evaluations of Requests published for comment on June 24, 1971, have been combined into a single unified version.

2. The Project Selection Criteria apply only to applications for housing involving five or more dwelling units, except where existing housing is leased under section 23 for public housing, in which case the criteria apply to applications for 25 or more units.

3. Objectives have been added for each criterion.

4. Rehabilitation projects, Indian reservation housing, section 235 existing housing or section 23 leased housing of fewer than 25 units are excluded.

5. The priority groupings into which proposals are placed have been expanded from 4 or 5 to 8 or 9 different groups, depending on whether the proposal is for 235 housing or for multifamily proposals.

The major changes in each criterion are:

1. Criterion No. 1, Community Need for Low(er) Income Housing, has been reworded to specify the aspects of need, such as number of bedrooms and structure type. Specific reference to a waiting list for public housing has been omitted, and a "poor" is given if vacancy rates are above specified levels.

2. Criterion No. 2, Minority Housing Opportunities, was previously Criterion No. 3, titled Nondiscriminatory Location. In the instructions for a "superior" as previously drafted, item (1) referred to the likelihood that an area would be-

come one of minority concentration. This has been altered so that item (1) under "superior" now refers to providing opportunities for minorities for housing outside existing areas of minority concentration. The reference to substantially racially mixed areas, which was previously item (1) under "adequate," has now become item (2) under "superior." In the last item under "superior" a specific reference to Urban Renewal, Model Cities or other official local development plan has been added, along with a condition that the plan should not be experiencing delays in execution.

In the "adequate" rating for Minority Housing Opportunities, there are now examples of overriding need which cannot otherwise feasibly be met. These examples include excessive land cost in other acceptable locations, other land of acceptable cost is in areas of minority concentration, and the residents or prospective residents of the proposed housing have expressed a desire for the project to be built in or near an area of minority concentration because the residents have strong cultural, social or economic ties to the area. It also specified that an overriding need may not serve as the basis for an "adequate" rating if discrimination renders sites outside areas of minority concentration unavailable.

A "poor" will now be given in the additional instance where a proposed project is likely to cause a substantially racially mixed area to become one of minority concentration.

3. Criterion No. 3, Improved Location for Low(er) Income Families, was previously numbered Criterion No. 4. The criterion has been reworded to refer to the relative amount of travel time and cost instead of to specific numbers, as in the criteria as previously published, and to refer to facilities and services found in neighborhoods consisting largely of unsubsidized housing of a similar price range. Also the word "section" has been used as the reference unit and defined as the project neighborhood and the surrounding neighborhoods.

4. Criterion No. 4, Relationship to Orderly Community Growth and Development, which was Criterion No. 6, has been amplified by adding as item (1) under "superior" a reference to officially approved land-use or other development plans, and by adding as item (3) under "superior" a reference to implementation of a policy adopted by the local governing body for providing for and dispersing housing for low and moderate income families. Reference to participation in an improvement program for the neighborhood and to A-95 planning have been omitted. The "adequate" rating has been reworded to refer to sound growth patterns although located in a community which does not have officially approved land-use or other development plans.

5. Criterion No. 5 has been retitled Relationship of Proposed Housing to the



Physical Environment and has been reworded to refer to the physical environment, the ecological and environmental impact of the project and the absence of adverse environmental influences on the project. A "poor" rating on this criterion is now disqualifying.

6. Criterion No. 6, Ability to Perform, which was Criterion No. 2, Efficient Production, has been reworded so that the evaluation is made on the basis of the ability of the applicant, and staff he will utilize, as demonstrated by past performance. Specific cost numbers have been eliminated. Applicants without previous experience and LHA's with no units under management may be given an "adequate".

7. Criterion No. 7, Project Potential for Creating Minority Employment and Business Opportunities, was titled Employment and Utilization of Employees and Businesses in Project Area. References to lower income persons and to the project area have been dropped from this criterion and minority persons and businesses is the sole consideration. A "poor" rating on this criterion is now disqualifying.

8. Criterion No. 8, Provision for Sound Housing Management, has been revised extensively. As now proposed, it is adapted to both 236 and low-rent proposals and refers to program requirements relating to management.

9. Criterion No. 9, Homeownership, has been eliminated.

10. As part of the unification of the three forms, references which were in the low-rent public housing form to separation between categories of housing applied for and exceptions to the rating system have been omitted. These matters may be dealt with in related processing procedures.

Because of these changes, the Department deems it appropriate to republish these regulations for further comment. Interested persons are invited to participate in the making of the proposed rule by submitting written data, views or statements with regard to the proposed regulations. Communications should be filed in triplicate, using the above docket number and title, with the Rules Docket Clerk, Office of General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. All relevant material received on or before November 3, 1971, will be considered by the Secretary before taking action on the proposal. Copies of comments submitted will be available during business hours, both before and after the specified closing date, at the above address, for examination by interested persons.

Pursuant to the National Environmental Policy Act of 1969 (Public Law 91-190) and the Guidelines of the Council on Environmental Quality of April 23, 1971 (36 F.R. 7724), a document entitled "Draft Environmental Statement on Proposed HUD Project Selection Criteria for Subsidized Housing" is being placed in the following locations where it will be available for inspection by members of the public: Program Information Division, Room 1202, Depart-

ment of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410, and in Information Centers of the HUD Regional Offices. Single copies of the statement may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Because these proposed regulations were first published in the FEDERAL REGISTER for general comment on June 24, 1971, and because of the urgency of promulgating these criteria, the Council of Environmental Quality has agreed that the normal 90-day period for publishing a draft environmental statement may be shortened. However, all comments received on or before November 3, 1971, will be given full consideration.

The proposed Subpart N reads as follows:

**Subpart N—Project Selection Criteria**  
**§ 200.700 Purpose.**

The purpose of this subpart is to set forth the project selection criteria to be used in evaluating (a) requests for priority registration and reservation of contract authority for projects under section 235(i) of the National Housing Act; (b) requests for early feasibility and reservation of contract authority for projects under section 236 of the Act; (c) requests for reservation of contract authority for rent supplement projects; and (d) applications for low-rent hous-

ing assistance under the U.S. Housing Act of 1937.

**§ 200.705 Authority.**

The regulations in this subpart are issued pursuant to section 7(d) of the Department of Housing and Urban Development Act of 1965, 42 U.S.C. 3535 (d), sections 235(i) and 236 of the National Housing Act (12 U.S.C. 1715z(i) and 1715z-1); and the U.S. Housing Act of 1937 (42 U.S.C. 1401). They implement Executive Order 11063, 27 F.R. 11527; Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3608; and the Department of Housing and Urban Development regulations approved by the President under Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d-1, in 24 CFR Part 1.

**§ 200.710 Requests for priority registration, early feasibility, or reservation of contract authority for section 235(i), rent supplement, or section 236 projects and evaluation of applications for low-rent public housing.**

A request for priority registration, early feasibility, or reservation of contract authority for section 235(i), rent supplement, or section 236 projects and applications for low-rent public housing shall be evaluated and processed in accordance with the following Evaluation of Requests:

Evaluation of requests for priority registration, early feasibility, reservation of contract authority (section 235(i), rent supplement, section 236) or evaluation of application for low-rent public housing.

235(i)  231d3 rent supplement  Low-rent public housing  236  236 rent supplement.

**Sponsorship:**  Profit  Nonprofit  Lim. Div.  Public  
 Priority registration  Early feasibility  Reservation  App. public housing  
 Applicant (name and address).....  
 Census tract (where available).....  
 Date of initial application.....  
 Identification of subdivision/location of proposed project.....  
 Case or application number.....

**General instructions:** In evaluating proposals involving five (5) or more dwelling units (25 or more in the case of existing housing leased under section 23), the area or insuring office having jurisdiction shall take into consideration the following selection criteria. Enter brief explanation of way in which proposal satisfies each applicable consideration on the lines provided so that the factual basis for the evaluation is clear. Attach supporting documentation and extra sheet or sheets if needed for additional explanation. Evaluate each criterion by checking the appropriate box—Superior, Adequate, or Poor. Follow guidance in accompanying instructions.

1. **Need for low(er) income housing**  Superior  Adequate  Poor  
 (a) Proposed housing responds to the needs of the low(er) income households to be served, in term of price, number of bedrooms and structure type.....

(b) Housing will serve as a relocation resource for families displaced or to be displaced by governmental action and the applicant will give preference to those so displaced.....

2. **Minority housing opportunities**  Superior  Adequate  Poor  
 (a) Provides opportunities for minorities for housing outside existing areas of minority concentration.....

(b) In a substantially racially mixed area, and it appears that the housing will have no significant effect on the proportion of minority to nonminority families.....

(c) In a substantially racially mixed area, but it is likely to cause the area to become one of minority concentration.....

(d) In or near an area of minority concentration but housing will be part of development plan including housing for various income levels and a racially varied population.....

(d) Applicant has compiled and/or will comply with Equal Opportunity guidelines and requirements

(e) Applicant is without previous experience or is an LEHA with no units under management

7. Project potential for creating minority employment and business opportunities

(a) Project will provide an opportunity for training and/or employment of minority persons

(b) Project will provide opportunities for business concerns owned, controlled or managed in substantial part by minority persons

8. Provision for sound housing management (not applicable to section 235)  Superior  Adequate  Poor

(a) Sponsor and management firm are qualified by past experience or training, and have evidence of established sponsor-management relationship

(b) Management has specific, acceptable plan for project operation, including, as a minimum, initial occupancy plan, proper fiscal controls, administrative management plan, adequate operating expense estimates, and project maintenance plan.

(c) Management shows evidence of planning for sound tenant-management relationship, including provision of counseling and community services.

SUMMARY OF RATINGS

Priority Group. Check only one box shown below representing the total number of ratings assigned on the form, or Disapproval, A Superior or Adequate rating is required for all criteria.

Priority group	Section 235(f) :			Rent supplement, section 236 or low-cost public housing			
	Superior	Adequate	Poor	Priority group	Superior	Adequate	Poor
1	<input type="checkbox"/>	1	0	1	<input type="checkbox"/>	0	0
2	<input type="checkbox"/>	2	1	2	<input type="checkbox"/>	1	0
3	<input type="checkbox"/>	3	2	3	<input type="checkbox"/>	2	0
4	<input type="checkbox"/>	4	3	4	<input type="checkbox"/>	3	0
5	<input type="checkbox"/>	5	4	5	<input type="checkbox"/>	4	0
6	<input type="checkbox"/>	6	5	6	<input type="checkbox"/>	5	0
7	<input type="checkbox"/>	7	6	7	<input type="checkbox"/>	6	0
8	<input type="checkbox"/>	8	7	8	<input type="checkbox"/>	7	0
9	<input type="checkbox"/>	9	8	9	<input type="checkbox"/>	8	0
10	<input type="checkbox"/>	10	9	10	<input type="checkbox"/>	9	0
11	<input type="checkbox"/>	11	10	11	<input type="checkbox"/>	10	0
12	<input type="checkbox"/>	12	11	12	<input type="checkbox"/>	11	0
13	<input type="checkbox"/>	13	12	13	<input type="checkbox"/>	12	0
14	<input type="checkbox"/>	14	13	14	<input type="checkbox"/>	13	0
15	<input type="checkbox"/>	15	14	15	<input type="checkbox"/>	14	0
16	<input type="checkbox"/>	16	15	16	<input type="checkbox"/>	15	0
17	<input type="checkbox"/>	17	16	17	<input type="checkbox"/>	16	0
18	<input type="checkbox"/>	18	17	18	<input type="checkbox"/>	17	0
19	<input type="checkbox"/>	19	18	19	<input type="checkbox"/>	18	0
20	<input type="checkbox"/>	20	19	20	<input type="checkbox"/>	19	0
21	<input type="checkbox"/>	21	20	21	<input type="checkbox"/>	20	0
22	<input type="checkbox"/>	22	21	22	<input type="checkbox"/>	21	0
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27	<input type="checkbox"/>	27	26	27	<input type="checkbox"/>	26	0
28	<input type="checkbox"/>	28	27	28	<input type="checkbox"/>	27	0
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31	<input type="checkbox"/>	31	30	31	<input type="checkbox"/>	30	0
32	<input type="checkbox"/>	32	31	32	<input type="checkbox"/>	31	0
33	<input type="checkbox"/>	33	32	33	<input type="checkbox"/>	32	0
34	<input type="checkbox"/>	34	33	34	<input type="checkbox"/>	33	0
35	<input type="checkbox"/>	35	34	35	<input type="checkbox"/>	34	0
36	<input type="checkbox"/>	36	35	36	<input type="checkbox"/>	35	0
37	<input type="checkbox"/>	37	36	37	<input type="checkbox"/>	36	0
38	<input type="checkbox"/>	38	37	38	<input type="checkbox"/>	37	0
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46	<input type="checkbox"/>	46	45	46	<input type="checkbox"/>	45	0
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51	<input type="checkbox"/>	51	50	51	<input type="checkbox"/>	50	0
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66	<input type="checkbox"/>	66	65	66	<input type="checkbox"/>	65	0
67	<input type="checkbox"/>	67	66	67	<input type="checkbox"/>	66	0
68	<input type="checkbox"/>	68	67	68	<input type="checkbox"/>	67	0
69	<input type="checkbox"/>	69	68	69	<input type="checkbox"/>	68	0
70	<input type="checkbox"/>	70	69	70	<input type="checkbox"/>	69	0
71	<input type="checkbox"/>	71	70	71	<input type="checkbox"/>	70	0
72	<input type="checkbox"/>	72	71	72	<input type="checkbox"/>	71	0
73	<input type="checkbox"/>	73	72	73	<input type="checkbox"/>	72	0
74	<input type="checkbox"/>	74	73	74	<input type="checkbox"/>	73	0
75	<input type="checkbox"/>	75	74	75	<input type="checkbox"/>	74	0
76	<input type="checkbox"/>	76	75	76	<input type="checkbox"/>	75	0
77	<input type="checkbox"/>	77	76	77	<input type="checkbox"/>	76	0
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92	<input type="checkbox"/>	92	91	92	<input type="checkbox"/>	91	0
93	<input type="checkbox"/>	93	92	93	<input type="checkbox"/>	92	0
94	<input type="checkbox"/>	94	93	94	<input type="checkbox"/>	93	0
95	<input type="checkbox"/>	95	94	95	<input type="checkbox"/>	94	0
96	<input type="checkbox"/>	96	95	96	<input type="checkbox"/>	95	0
97	<input type="checkbox"/>	97	96	97	<input type="checkbox"/>	96	0
98	<input type="checkbox"/>	98	97	98	<input type="checkbox"/>	97	0
99	<input type="checkbox"/>	99	98	99	<input type="checkbox"/>	98	0
100	<input type="checkbox"/>	100	99	100	<input type="checkbox"/>	99	0

Note: Proposals shall be evaluated when received and shall not be stockpiled unreasonably. After rating has been assigned above, proposals in priority group 1 shall be funded ahead of those in priority group 2, proposals in priority group 2 shall be funded ahead of those in priority group 3, and so on. Within each group, proposals shall be funded in order of date of receipt of applications suitable for processing.

EVALUATION PREPARED BY: \_\_\_\_\_ (Date) \_\_\_\_\_ (Name and title)

The above ratings have been assigned with my approval. \_\_\_\_\_ or \_\_\_\_\_ Chief Underwriter, Insuring Office.

Director, Operations Division Area Office.

(e) In or near an area of minority concentration but meets overriding housing needs which cannot otherwise feasibly be met. (Attach supporting documentation.)

3. Improved location for low(er) income families  Superior  Adequate  Poor

Proposed housing will provide opportunities for low(er) income families to live in a neighborhood which is:

(a) In a section which contains little or no subsidized housing

(b) Comparable in terms of neighborhood facilities and services to neighborhoods consisting largely of unsubsidized housing of a similar price range

(c) Accessible to job opportunities. (Specify travel time and cost to major sources of employment.)

(d) In Urban Renewal Area, Model Cities Area or a New Community

4. Relationship to orderly growth and development  Superior  Adequate  Poor

Proposed housing will:

(a) Be consistent with officially approved land-use or other development plans which are consistent with metropolitan or regional plans

(b) Be located in a neighborhood undergoing improvement via Urban Renewal, Model Cities, New Communities, or other similar Federal, State, or local programs.

(c) Implement a policy adopted by the local governing body for providing for and dispersing housing for low- and moderate-income families.

(d) Be consistent with principles of orderly growth and development or with a locally approved land-use or development plan.

5. Relationship of proposed project to physical environment  Superior  Adequate  Poor

(a) Architectural treatment and land-use planning which the project will embody

(b) Effect of proposed project on ecologically valuable and unique areas

(c) Effect of adverse environmental conditions, if any, on the proposed project

6. Ability to perform  Superior  Adequate  Poor

(a) Sponsor or staff has experience and resources to proceed promptly to construction and completion to meet target dates

(b) Housing has been or will be of good quality

(c) Sponsor or staff has ability to provide housing at or below the cost or rentals of similar units of comparable quality

INSTRUCTIONS FOR EVALUATION OF REQUESTS FOR PRIORITY REGISTRATION, EARLY FEASIBILITY, RESERVATION OF CONTRACT AUTHORITY FOR SECTION 235(1), RENT SUPPLEMENT, OR SECTION 236 PROJECTS AND EVALUATION OF APPLICATIONS FOR LOW-RENT PUBLIC HOUSING

**General**—Final feasibility approval is dependent upon satisfying all statutory and administrative requirements which are a normal part of processing. Rehabilitation projects, Indian Reservation housing, section 235 existing housing, or leasing of existing housing under section 23 consisting of fewer than 25 units, and proposed construction projects of fewer than five (5) dwelling units are excluded.

1. Need for low(er) income housing.  
**Objective:** To identify the proposed projects which will best serve the most urgent unmet needs for housing for low(er) income households, including elderly.

A *superior* rating shall be given to a proposed project (1) which responds well to the most urgent housing needs of low(er) income households in terms of number of bedrooms and structure-type, with due regard for the needs of large families and elderly; or (2) as to which there is documented evidence that the housing is needed to serve families displaced or to be displaced by governmental action, including families or individuals being displaced by the proposed project, and that the applicant will give preference to those so displaced.

An *adequate* rating shall be given to a proposed project which responds to the housing needs of low(er) income households in terms of number of bedrooms and structure type, with due regard for the needs of large families and elderly.

A *poor* rating shall be given to a proposed project which (1) does not respond to the housing needs of low(er) income households, or (2) duplicates or competes unreasonably with other subsidized projects in the same locality in such a way as to overbuild the market. A *poor* rating shall also be given (a) to any proposed rental project in a market area where vacancies available for rent in nonseasonal, standard rental accommodations exceed 6 percent for the rent-size category proposed, or, if information by rent-size category is not available, 8 percent for all rental ranges combined; and (b) to sales units in any market area where vacancies available for sale in nonseasonal, standard accommodations exceed 2 percent in the price-size category proposed, or 2½ percent of standard sales housing in all price categories.

2. Minority housing opportunities.

**Objective:** To provide minority families with opportunities for housing in a wide range of locations.

To open up nonsegregated housing opportunities that will contribute to decreasing the effects of past housing discrimination.

A *superior* rating shall be given if the proposed project (1) is located so that, within the housing market area, it will provide opportunities for minorities for housing outside existing areas of minority concentration; or, (2) will be located in an area which is substantially racially mixed and on the basis of factors such as existing demographic trends it appears that the project will have no significant effect on the proportion of minority to non-minority families; or, (3) will be located in or near an area of minority concentration, but the location is part of an Urban Renewal, or Model Cities Area, or other official local development plan which part will include housing which is expected to serve a wide range of income levels and a racially varied population. (The plan should not currently be experiencing unusual delays in execution, nor should there be any indication that such delays will be encountered.)

An *adequate* rating shall be given if the proposed housing will be located in or near an area of minority concentration, but is necessary to meet overriding housing needs which cannot otherwise feasibly be met in that housing market area. Such a need could be demonstrated, for example, by evidence that land costs for appropriately zoned land in all other acceptable locations in the housing market area are too high to accommodate such housing; the only other acceptable locations are in parts of the housing market area which are or are becoming areas of minority concentration; or the residents of the project area or prospective residents of the proposed housing have expressed a desire for the project to be built in or near that area because they have strong cultural, social or economic ties to it. A need based on strong cultural, social or economic ties should be supported by citizens' participation in Model Cities planning, or resolutions or other communications from citizens' associations or other broadly based neighborhood groups; opposing views should be accorded full consideration.

All "adequate" ratings shall be accompanied by documented findings based upon relevant racial, socioeconomic and other data and information supporting both the overriding need and the unavailability of alternate housing. An overriding need may not serve as the basis for an "adequate" rating if the only reason the need cannot otherwise feasibly be met is that discrimination on the basis of race, color, or national origin renders sites outside areas of minority concentration unavailable.

A *poor* rating shall be given to any proposed project which does not satisfy any of the above conditions and to any proposed project which is likely to cause a substantially racially mixed area to become one of minority concentration.

3. Improved location for low(er) income families.

**Objective:** To avoid concentrating subsidized housing in any one section of a city or metropolitan area.

To provide lower(er) income families with opportunities for housing in a wide range of locations.

To locate subsidized housing in neighborhoods containing facilities and services that are typical of those found in neighborhoods consisting largely of unsubsidized housing of a similar price range.

To locate subsidized housing in areas reasonably accessible to job opportunities.

A *superior* rating shall be given if the proposed project is to be located in a section (consisting of the project neighborhood and the surrounding neighborhoods) that contains little or no subsidized housing and (a) the project is, or will be in the near future accessible to social, recreational, educational, commercial, health facilities and services, and other municipal services that are equivalent to or better than those typically found in neighborhoods consisting largely of unsubsidized housing of a similar price range; and (b) travel time and cost via public transportation or private auto from the neighborhood to employment providing a range of jobs for low(er) income workers (excluding elderly) is considered excellent for such families in the metropolitan area or town. A *superior* rating may also be given if the housing is to be located in an Urban Renewal, Model Cities Area or a New Community and such housing is required to fulfill, respectively, the Urban Renewal Plan, Comprehensive City Demonstration Programs, or New Community Development Plan approved under title VII of the Housing and Urban Development Act of 1970.

An *adequate* rating shall be given to a proposal (1) in a section already containing a significant amount of subsidized housing if the addition of the proposed housing will not establish the character of the section as one of subsidized housing and the housing will

provide an expanded range of housing opportunity for low(er) income families; or, (2) in an undeveloped area, if the scale of the project will not be such that it establishes the character of the section as one of subsidized housing; and, in the event of either (1) or (2), (a) the project is, or will be in the near future, accessible to social, recreational, educational, commercial, health facilities and services, and other municipal services that are equivalent to those typically found in neighborhoods consisting largely of unsubsidized housing of a similar price range, and (b) travel time and cost via public transportation or private auto from the neighborhood to employment providing a range of jobs for low(er) income workers (excluding elderly) is reasonable for such families in the metropolitan area or town.

A *poor* rating shall be given if the proposed project is to be located in a section characterized as one of subsidized housing, or if the proposed project would establish the character of the section as one of subsidized housing; or facilities and services accessible to the project are inferior to those generally found in neighborhoods consisting largely of unsubsidized housing of a similar price range, and there is little likelihood for improvement in the near future; or travel time and cost to employment providing a range of jobs for low(er) income workers (excluding elderly) will be appreciably greater than that usually required in the metropolitan area or town.

4. Relationship to orderly growth and development.

**Objective:** To assure that the development is consistent with principles of orderly growth and development and to prevent urban sprawl and the premature development of land before supporting facilities are available consistent with officially approved local or multi-jurisdictional plans.

A *superior* rating shall be given if the proposed housing: (1) Will be consistent with officially approved land use or other development plans which are consistent with metropolitan or regional plans; or (2) will be located in and is consistent with plans for a neighborhood that is undergoing improvement via Urban Renewal, Model Cities, New Communities or other similar Federal, State, or local programs; or (3) is consistent with a policy adopted by the local governing body for providing for and dispersing housing for low- and moderate-income families, especially where this policy implements a multi-jurisdictional approach.

An *adequate* rating shall be given if the project is consistent with a locally approved land use or development plan (either in the absence of a metropolitan or regional plan or where the local plan is not consistent with the metropolitan or regional plan), or if it is consistent with sound growth patterns, although located in a community that does not have officially approved land use or other development plans.

A *poor* rating shall be given if the location of the proposed project is inconsistent with established official plans or is contrary to sound growth patterns.

5. Relationship of proposed project to physical environment.

**Objective:** To provide an attractive and well planned physical environment.

To prevent any adverse impact on the environment resulting from construction of the housing.

To avoid site locations whose environmental conditions would be detrimental to the success of an otherwise sound project.

A *superior* rating shall be given if the proposed housing will embody outstanding land planning and excellent architectural treatment, and will be free from adverse environmental conditions, natural or man made, such as instability, flooding, septic tank backups, sewage hazards; or mudslide; harmful air pollution, smoke or dust; excessive

noise, vibration, or vehicular traffic; unsanitary rodent or vermin infestation; or dangerous fire hazards; and construction of the project will not impact or disrupt ecologically valuable or unique natural areas such as wildlife areas, ground water or surface water areas, and parklands.

An *adequate* rating shall be given if the proposed project will embody a sound land use plan and good architectural treatment, will not be subject to unreasonably adverse environmental conditions that cannot be corrected and will not have an unreasonably adverse impact on the environment.

A *poor* rating shall be given if the proposed project will embody a poor land use plan or poor architectural treatment; or will be subject to serious environmental conditions which cannot be corrected; or will substantially or unreasonably disrupt the environment or ecologically valuable or unique natural areas.

#### 6. Ability to perform.

**Objective:** To produce housing promptly and to provide quality housing at a reasonable cost, taking into account Equal Opportunity guidelines and requirements.

A *superior* rating shall be given if the applicant, his staff, or other staff which he will utilize (including contractors, subcontractors, architects, consultants, etc.) and help he will receive, considered together, has demonstrated good ability in past performance (in either subsidized or unsubsidized or conventionally financed developments or related fields), based on considerations such as the following: (a) ability to perform well within program target dates; (b) high quality of housing produced; (c) ability to produce housing at a cost at or below similar units of comparable quality; (d) compliance with Equal Opportunity guidelines and requirements.

An *adequate* rating shall be given if the applicant, his staff, or other staff which he will utilize, and help he will receive, considered together, has demonstrated an acceptable ability to: (a) Meet program target dates; (b) produce housing of good quality; (c) produce housing at a reasonable cost comparable to similar units; (d) comply with Equal Opportunity guidelines and requirements. In the case of an applicant without previous experience in housing or related fields, or an LHA with no units under management, an adequate rating will be given if there is no demonstrable reason to believe that it will be unable to meet the above conditions.

A *poor* rating shall be given to any proposal which shows no potential for adequately satisfying the above conditions.

#### 7. Project potential for creating minority employment and business opportunities.

**Objective:** To encourage housing proposals which will generate job opportunities for minority workers.

To provide opportunities for business concerns owned in substantial part by minority persons.

A *superior* rating will be given if the proposal shows good potential, based on the applicant's stated goals, hiring timetables and past performance, if any, for (1) providing training and/or employment for minority persons; and (2) utilizing business concerns owned, controlled, or managed in substantial part by minority persons. This potential may include training, employment and business opportunities in all phases of development, including but not limited to planning, site development, building, maintenance, and management.

An *adequate* rating will be given to a proposal which has acceptable potential for satisfying either of the two conditions set forth above for a "superior" rating.

A *poor* rating shall be given to a proposal which shows no potential for satisfying any of the above conditions unless the area from

which labor would customarily be recruited and business concerns customarily contracted has a minority population so low that it would be impossible for the applicant to achieve a "superior" or "adequate" rating. In such cases an "adequate" rating shall be assigned.

#### 8. Provision for sound housing management.

**Objective:** To encourage the development of well-managed and maintained projects. To foster good relations between tenants and management and the surrounding community.

A *superior* rating shall be given if the applicant or staff which will be utilized shows definite potential for significantly exceeding program requirements as defined in applicable Housing Management issuances. Particular attention should be given to defined management-sponsor relationship; total management operation plan including an initial occupancy plan, appropriate fiscal controls, realistic operating expense estimates; plans for administration and project maintenance; plans for good tenant-management relationship and provision for social services as needed.

An *adequate* rating shall be given (1) if management of the proposed project shows good potential for meeting program requirements relating to management, or (2) if the project is proposed by a local housing authority with no units under management but which has an understanding of program requirements and can demonstrate adequate plans to meet these requirements.

A *poor* rating shall be given (1) if the applicant in the past has not been able to provide sound housing management, or (2) if the management of the proposed project does not demonstrate potential for providing the minimum management as required by Housing Management issuances. In those cases where there is inadequate past performance but applicant demonstrates to reviewer that deficiencies have been corrected, then an adequate rating shall be given.

GEORGE ROMNEY,  
Secretary of Housing and  
Urban Development.

[FR Doc. 71-14385 Filed 9-30-71; 8:45 am]

### [ 24 CFR Part 200 ]

[Docket No. R-71-118]

## AFFIRMATIVE FAIR HOUSING MARKETING REGULATIONS

### Notice of Proposed Rule Making

The purpose of these proposed regulations entitled "Affirmative Fair Housing Marketing Regulations" is to promote a condition in which individuals of similar income levels in the same housing market area have available to them a like range of choices in housing regardless of the individuals' race, color, religion, or national origin.

Notice of a proposed amendment to 24 CFR Part 200 was published in the FEDERAL REGISTER on June 22, 1971 (36 F.R. 11869). More than 20 comments were received from interested persons and organizations. Consideration has been given to all comments.

The major changes in the proposed regulations are:

(1) The title of this subpart has been changed from "Affirmative Marketing Guidelines" to "Affirmative Fair Housing Marketing Regulations."

(2) Section 200.615 *Requirements*, in the previously proposed regulations has

been divided into two sections: Section 200.615 *Applicability*, and § 200.620 *Requirements*. Other sections have been renumbered accordingly.

(3) Section 200.615 has been broadened to cover applicants who develop subdivisions, multifamily projects, and mobile home parks of five or more lots, units, or spaces, or who develop dwelling units for occupancy by persons not known at the time of conditional commitment, provided that the applicant's participation in FHA housing programs would thereby exceed five or more such dwelling units during the year preceding the application.

(4) Section 200.620 has been revised to make clear that the applicant remains responsible for seeing that the requirements of the regulations are observed even though he may delegate his marketing responsibility to some other person.

(5) Section 200.620(a) has been modified to indicate that if an applicant customarily utilizes a particular medium for marketing, he would be expected to also use minority outlets in that medium.

(6) Section 200.635 has been revised to specify more clearly sanctions available for enforcement of the guidelines.

(7) Section 200.605 has been revised to make clear that the Secretary's authority to issue the regulations is based on his general rule making authority contained in section 7(d) of the Department of Housing and Urban Development Act of 1965 which permits him to implement the functions, powers, and duties imposed upon him by section 808 (e) (5) of title VIII of the Civil Rights Act of 1968 and by Executive Order 11063.

(8) Section 200.620(d) has been deleted. Reference to notification of local public agencies of housing opportunities is found in § 200.630.

(9) Section 200.620(f) has been added to require an equal housing opportunity sign on FHA project sites.

Because of these changes, the Department deems it appropriate to republish these proposed regulations for further comment. Interested persons are invited to participate in the making of the proposed rule by submitting written data, views, or statements with regard to the proposed regulations. Communications should be filed in triplicate with the above docket number and title with the Rules Docket Clerk, Office of General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. All relevant material received on or before November 3, 1971, will be considered by the Secretary before taking action on the proposal. Copies of comments submitted will be available during business hours, both before and after the specified closing date, at the above address, for examination by interested persons.

The proposed subpart M reads as follows:

### Subpart M—Affirmative Fair Housing Marketing Regulations

#### § 200.600 Purpose.

The purpose of this subpart is to set forth the Department's equal opportunity

regulations for affirmative fair housing marketing under FHA subsidized and unsubsidized housing programs.

**§ 200.605 Authority.**

The regulations in this subpart are issued pursuant to the authority to issue regulations granted to the Secretary by section 7(d) of the Department of Housing and Urban Development Act of 1965, 42 U.S.C. 3535(d), and implement the functions, powers and duties imposed on the Secretary by Executive Order 11063, 27 F.R. 11527, and title VIII of the Civil Rights Act of 1968, Public Law 90-284, 42 U.S.C. 3608.

**§ 200.610 Policy.**

It is the policy of the Department to administer its FHA housing programs affirmatively, so as to achieve a condition in which individuals of similar income levels in the same housing market area have a like range of housing choices available to them regardless of their race, color, religion, or national origin. Each applicant for participation in FHA subsidized and unsubsidized housing programs shall pursue affirmative fair housing marketing policies in soliciting buyers and tenants, in determining their eligibility, and in concluding sales and rental transactions.

**§ 200.615 Applicability.**

The affirmative fair housing marketing requirements, as set forth in paragraphs (a) through (f) of § 200.620, shall apply to all applicants for participation in FHA subsidized and unsubsidized housing programs who hereafter develop:

(a) Subdivisions, multifamily projects and mobile home parks of five or more lots, units or spaces; or

(b) Dwelling units for occupancy by persons not known at the time of conditional commitment, provided that the applicant's participation in FHA housing programs would thereby exceed development of five or more such dwelling units during the year preceding the application.

**§ 200.620 Requirements.**

Each applicant shall meet the following requirements with respect to all FHA subsidized or unsubsidized programs in which he hereafter participates or, if he contracts marketing responsibility to another party, be responsible for that party's carrying out the requirements:

(a) Carry out an affirmative program to attract buyers or tenants of all races. Such a program shall typically involve publicizing to minority persons the availability of housing opportunities through the type of media customarily utilized by the applicant, including minority publications or other minority outlets which are available in the housing market area. All advertising shall include either the Department-approved Equal Housing Opportunity logo or slogan and all advertising depicting persons shall depict persons of majority and minority races.

(b) Maintain a nondiscriminatory hiring policy in recruiting from both minority and majority races for staff engaged in the sale or rental of properties.

(c) Instruct all employees and agents in the policy of nondiscrimination and fair housing.

(d) Specifically solicit eligible buyers or tenants reported to the applicant by the Area or Insuring Office.

(e) Prominently display in the sales or rental office of the project or subdivision the Department-approved Fair Housing Poster and include in any printed material used in connection with sales or rentals, the Department-approved Equal Housing Opportunity logo or slogan.

(f) Post in a conspicuous position on all FHA project sites a sign displaying prominently either the Department-approved Equal Housing Opportunity logo or slogan.

**§ 200.625 Affirmative fair housing marketing plan.**

Each applicant for participation in FHA housing programs to which these regulations apply shall provide on a form to be supplied by the Department information indicating his affirmative fair housing marketing plan to comply with the requirements set forth in § 200.620.

**§ 200.630 Notice of housing opportunities.**

The Director of each Area and Insuring Office shall prepare monthly a list of all projects and subdivisions covered by this subpart on which commitments have been issued during the preceding 30 days. The Director shall maintain a roster of interested organizations and individuals, including public agencies responsible for providing relocation assistance, desiring to receive the monthly list and shall provide the list to them.

**§ 200.635 Compliance.**

Applicants failing to comply with the requirements of this subpart will make themselves liable to sanctions authorized by regulations rules or policies governing the program pursuant to which the application was made, including but not limited to denial of further participation in Departmental programs and referral to the Department of Justice for suit by the United States for injunctive or other appropriate relief.

GEORGE ROMNEY,  
*Secretary of Housing and  
Urban Development.*

[FR Doc.71-14448 Filed 10-1-71;8:45 am]

**DEPARTMENT OF  
TRANSPORTATION**

**Federal Aviation Administration**

[ 14 CFR Part 71 ]

[Airspace Docket No. 71-GL-5]

**TRANSITION AREA**

**Proposed Designation**

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Van Wert, Ohio.

Interested persons may participate in the proposed rule making by submitting

such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018. 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, 3166 Des Plaines Avenue, Des Plaines, IL 60018.

A new public use instrument approach procedure has been developed for the Van Wert, Ohio, Municipal Airport, utilizing a city-owned NDB as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Van Wert, Ohio.

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

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

VAN WERT, OHIO

That airspace extending upward from 700 feet above the surface within a 5.5 mile radius of the Van Wert Municipal Airport (latitude 40°51'45" N., longitude 84°36'15" W.); and that airspace extending upward from 1200 feet above the surface bounded by: 40°45'15" N., 84°40'00" W.; 40°54'20" N., 84°40'00" W.; 40°53'50" N., 84°15'10" W.; 40°50'45" N., 84°15'45" W.; 40°50'40" N., 84°29'55" W.; 40°42'30" N., 84°29'55" W.; and 40°41'10" N., 84°33'20" W.

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 Chicago, Ill., on September 17, 1971.

LYLE K. BROWN,  
*Director, Great Lakes Region.*

[FR Doc.71-14471 Filed 10-1-71;8:48 am]

[ 14 CFR Parts 71, 73 ]

[Airspace Docket No. 71-WA-28]

**FEDERAL AIRWAYS, CONTROLLED  
AIRSPACE AND RESTRICTED AREA**

**Proposed Alteration and  
Redesignation**

The Federal Aviation Administration (FAA) is considering amendments to

Parts 71 and 73 of the Federal Aviation Regulations which would expand and modify restricted area R-3801 Camp Claiborne, La., modify VOR Federal airways V-114/V-114N, remove R-3801 and add R-3801E to the description of the continental control area.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The U.S. Air Force has requested the redesignation and expansion of the Camp Claiborne, La., Restricted Area R-3801 in order to provide airspace to encompass range activities of more advanced weapons systems.

This proposal would return some of the present R-3801 restricted airspace to the public and will expand the remainder of R-3801 to the north and northwest. Aircraft employing special weapons delivery techniques and utilizing the weapons delivery system would pose a potential collision hazard with other aircraft in that the aircrews attention is concentrated inside the cockpit and adequate visual surveillance cannot be made by the pilot; therefore, the nature of the operations necessitates expanding R-3801 to encompass this required training activity.

The Air Force has stated that every effort has been made to keep the required airspace to a minimum. In consonance with this effort, the Camp Claiborne range complex has been divided into five subareas in order to provide maximum protection for nonparticipating aircraft while leaving as much airspace as possible for normal use. This action will facilitate callup of only the areas actually required for a particular type of operation.

The Air Force has agreed to the joint use of these areas by nonparticipating aircraft whenever the range is not being used. Further, the Air Force has assured that appropriate actions and preventive measures would be executed to ensure the safety of persons and property on the ground within the restricted areas.

At present, it is estimated that the peak volume will equal about 384 sorties per week with each sortie lasting 30 minutes.

Normally, there would be four aircraft on the range at a time. Aircraft will be confined within the proposed airspace by visual or airborne radar reference to geographical landmarks, constructed "initial points", and run-in lines. The bombs that will be expended in training will consist primarily of inert miniature types. Any full size bombs or training shapes will be of the inert type. The expenditure of inert only and training type ordnance minimizes any danger associated with the utilization of these areas for training purposes.

V-114 main airway segment between Gregg County, Tex., and Alexandria, La., and V-114 north alternate segment between Shreveport, La., and Alexandria, La., would be redescribed to exclude the airspace within Restricted Area R-3801D. This exclusion will provide a 7-nautical-mile-wide airway (a reduction to 3 nautical miles on the south side of the centerline). This airway width reduction will facilitate air traffic by permitting air traffic to operate along the segments of V-114 and V-114N while the restricted area is being utilized for its designated purposes. Aircraft cleared to operate on VOR Federal airway No. 212 and on Jet Route No. 50 west of Alexandria, La., will be radar vectored around the restricted area when it is in actual use. By letter of agreement between the FAA and the using agency, aircraft could be cleared through the restricted area whenever it is called up but not in actual use.

The description of the continental control area would be modified by deleting R-3801 and substituting one of the subareas as described herein.

In consideration of the foregoing, the FAA proposes the airspace actions as hereinafter set forth:

1. Restricted Area R-3801 would be redesignated as follows:

a. R-3801A CAMP CLAIBORNE, LA.

Boundaries: Beginning at lat. 31°18'00" N., long. 92°46'30" W.; to lat. 31°13'55" N., long. 92°49'45" W.; to lat. 31°28'00" N., long. 93°15'00" W.; to lat. 31°32'30" N., long. 93°11'50" W.; to point of beginning.

Designated altitudes: 1,500 feet AGL to and including 5,000 feet MSL northwest of a line extending from lat. 31°20'50" N., long. 92°51'15" W.; to lat. 31°16'40" N., long. 92°54'30" W.; 500 feet AGL to and including 5,000 feet MSL southeast of the line extending from lat. 31°20'50" N., long. 92°51'15" W.; to lat. 31°16'40" N., long. 92°54'30" W.

Time of designation: Continuous. R-3801A shall not be activated unless the Houston ARTC Center radar (Alexandria system) is operational.

Controlling agency: FAA, Houston ARTC Center.

Using agency: Commander, England, AFB, La.

b. R-3801B CAMP CLAIBORNE, LA.

Boundaries: Beginning at lat. 31°15'15" N., long. 92°41'45" W.; to lat. 31°11'00" N., long. 92°44'40" W.; to lat. 31°13'55" N., long. 92°49'45" W.; to lat. 31°18'00" N., long. 92°46'30" W.; to point of beginning.

Designated altitudes: Surface to and including 14,000 feet MSL.

Time of designation: Continuous. R-3801B shall not be activated unless the Houston ARTC Center radar (Alexandria system) is operational.

Controlling agency: FAA, Houston ARTC Center.

Using agency: Commander, England AFB, La.

c. R-3801C CAMP CLAIBORNE, LA.

Boundaries: Beginning at lat. 31°09'45" N., long. 92°31'45" W.; to lat. 31°05'15" N., long. 92°34'50" W.; to lat. 31°11'00" N., long. 92°44'40" W.; to lat. 31°15'15" N., long. 92°41'45" W.; to point of beginning.

Designated altitudes: Surface to and including 20,000 feet MSL.

Time of designation: Continuous. R-3801C shall not be activated unless the Houston ARTC Center radar (Alexandria system) is operational.

Controlling agency: FAA, Houston ARTC Center.

Using agency: Commander, England AFB, La.

d. R-3801D CAMP CLAIBORNE, LA.

Boundaries: Beginning at lat. 31°11'45" N., long. 92°30'15" W.; to lat. 31°09'45" N., long. 92°31'45" W.; to lat. 31°15'15" N., long. 92°41'45" W.; to lat. 31°17'10" N., long. 92°40'10" W.; to point of beginning.

Designated altitudes: Surface to and including 20,000 feet MSL.

Time of designation: Continuous. R-3801D shall not be activated unless the Houston ARTC Center radar (Alexandria system) is operational.

Controlling agency: FAA, Houston ARTC Center.

Using agency: Commander, England AFB, La.

e. R-3801E CAMP CLAIBORNE, LA.

Boundaries: Beginning at lat. 31°09'45" N., long. 92°31'45" W.; to lat. 31°05'15" N., long. 92°34'50" W.; to lat. 31°11'00" N., long. 92°44'40" W.; to lat. 31°15'15" N., long. 92°41'45" W.; to point of beginning.

Designated altitudes: 20,000 feet MSL to but not including FL 240.

Time of designation: Continuous. R-3801E shall not be activated unless the Houston ARTC Center radar (Alexandria system) is operational.

Controlling agency: FAA, Houston ARTC Center.

Using agency: Commander, England AFB, La.

2. Redescribe V-114 to exclude the airspace within R-3801D.

3. The description of the continental control area would be altered by eliminating Restricted Area R-3801 and adding Restricted Area R-3801E.

These amendments are proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on September 24, 1971.

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

[FR Doc. 71-14472 Filed 10-1-71; 8:48 am]

[ 14 CFR Part 73 ]

[Airspace Docket No. 71-RM-16]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Part 73 of the Federal Aviation Regulations that would alter the lateral limits,

and the time of designation of Restricted Area R-6403, Tooele, Utah.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, Post Office Box 7213, Denver, CO 80207. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of the comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The expansion is proposed to contain testing of explosive configurations by detonation and burning, to proof test equipment used in explosive operations, and to demilitarize obsolete or unstable munitions as a continuing requirement.

If the alteration is adapted, restricted area R-6403 would be designated as follows:

**R-6403 TOOELE, UTAH**

Boundaries: Beginning at latitude 40°-31'48" N., longitude 112°29'31" W.; to latitude 40°33'14" N., longitude 112°28'20" W.; to latitude 40°29'30" N., longitude 112°25'30" W.; to latitude 40°29'29" N., longitude 112°28'28" W.; to latitude 40°30'45" N., longitude 112°28'28" W.; to latitude 40°-30'45" N., longitude 112°29'33" W., to the point of beginning.

Designated altitude: Surface to 9,000 MSL.

Time of Designation: Continuous.

Using Agency: Commanding Officer, Tooele Army Depot, Tooele, Utah.

These amendments are proposed under the authority of section 307(a) of the

Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on September 24, 1971.

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

[FR Doc.71-14470 Filed 10-1-71;8:47 am]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 21 ]

[Docket No. 19309]

### MICROWAVE RADIO FACILITIES

#### Extension of Time

Order. In the matter of Preston Trucking Co., Inc., Preston, Md., File Nos. 19393-19415-LJ-60X on reconsideration of grant of applications for microwave radio facilities in the Motor Carrier Radio Service. Inquiry into certain arrangements for cooperative use of private microwave systems, Docket No. 19309.

Pursuant to the provisions of §§ 1.45(e) and 0.331(a)(4) of the Commission's rules, and for the reasons set forth in the "Motion for Extension of Time," filed in the above-captioned proceeding on September 20, 1971, by the Central Committee on Communication Facilities of the American Petroleum Institute, the time for filing comments and replies in this proceeding is extended from October 5, 1971 and October 15, 1971, to November 5, 1971, and November 15, 1971 respectively.

Adopted: September 24, 1971.

Released: September 27, 1971.

[SEAL] JAMES E. BARR,  
Chief, Safety and Special  
Radio Services Bureau.

[FR Doc.71-14495 Filed 10-1-71;8:48 am]

# Notices

## DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous  
Drugs

[Docket No. 71-2]

**CARL OSLIN RAMZY**

### Notice of Hearing

Notice is hereby given that on July 2, 1971, the Bureau of Narcotics and Dangerous Drugs, Department of Justice, issued to Dr. Carl Oslin Ramzy an order to show cause as to why the Bureau of Narcotics and Dangerous Drugs Registration No. AR-2255330 issued to him pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be suspended.

Thirty (30) days having elapsed since the said order to show cause was received by Dr. Carl Oslin Ramzy, and written request for a hearing having been filed with the Director of the Bureau of Narcotics and Dangerous Drugs, notice is hereby given that a hearing in this matter will be held commencing at 10 a.m. on October 29, 1971, in Room 812 of the Bureau of Narcotics and Dangerous Drugs, 1405 I Street NW., Washington, DC 20537.

Dated: September 29, 1971.

ANDREW TARTAGLINO,  
*Acting Director, Bureau of Nar-  
cotics and Dangerous Drugs.*

[FR Doc.71-14500 Filed 10-1-71;8:49 am]

[Docket No. 71-1]

**ALOIS PETER WARREN**

### Notice of Hearing

Notice is hereby given that on August 16, 1971, the Bureau of Narcotics and Dangerous Drugs, Department of Justice, issued to Dr. Alois Peter Warren an order to show cause as to why the Bureau of Narcotics and Dangerous Drugs Registration No. AW-1802049 issued to him pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty (30) days having elapsed since the said order to show cause was received by Dr. Alois Peter Warren, and written request for a hearing having been filed by him with the Director of the Bureau of Narcotics and Dangerous Drugs, notice is hereby given that a hearing in this matter will be held commencing at 10 a.m. on October 22, 1971 in Room 812 of the Bureau of Narcotics and Dangerous Drugs, 1405 Eye Street NW., Washington, DC 20537.

Dated: September 29, 1971.

ANDREW TARTAGLINO,  
*Acting Director, Bureau of Nar-  
cotics and Dangerous Drugs.*

[FR Doc.71-14501 Filed 10-1-71;8:49 am]

## DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service  
POULTRY INSPECTION

### Notice of Intended Designation of Rhode Island

Subsection 5(c) of the Poultry Products Inspection Act (21 U.S.C. 454(c)) required the Secretary of Agriculture to designate promptly after August 18, 1970, any State as one in which the requirements of sections 1-4, 6-10, and 12-22 of said Act would apply to intrastate operations and transactions, and to persons engaged therein, with respect to poultry, poultry products, and other articles subject to the Act, if he determined after consultation with the Governor of the State, or his representative, that the State involved had not developed and activated requirements at least equal to those under sections 1-4, 6-10, and 12-22, with respect to establishments within the State (except those that would be exempted from Federal inspection under subsection 5(c) (2) of the Act), at which poultry are slaughtered or poultry products are processed for use as human food, solely for distribution within such State, and the products of such establishments. However, if the Secretary had reason to believe that the State would activate the necessary requirements within an additional year, he could allow the State the additional year in which to activate such requirements.

The Secretary had reason to believe, after consultation with the Governor of the State of Rhode Island, that the State would develop and activate the prescribed requirements by August 18, 1971, and accordingly allowed the State the additional period of time for this purpose. However, the Governor of the State of Rhode Island has now advised the Secretary that the State will not be in a position to enforce such requirements. Therefore, notice is hereby given that the Secretary of Agriculture will designate said State under subsection 5(c) of the Act as soon as necessary arrangements can be made for determining which establishments in this State are eligible for Federal inspection, providing inspection at the eligible establishments, and otherwise enforcing the applicable provisions of the Federal Act with respect to intrastate activities in this State when the designation is made and becomes effective. As soon as these arrangements are completed, notice of the designation 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 the Act shall apply to intrastate operations and transactions and persons engaged therein, in said State, to the same extent and in the same manner as if such operations and trans-

actions were conducted in or for "commerce," within the meaning of the Act, and any establishment in said State 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 in the State of Rhode Island who desires to continue such operations after designation of the State becomes effective should immediately communicate with the Regional Director specified below:

Dr. C. F. Diehl, Director, Northeastern Region for Meat and Poultry Inspection Program, Seventh Floor, 1421 Cherry Street, Philadelphia, PA 19102, Telephone: AC 215/597-4216.

Done at Washington, D.C., on: Sep-  
tember 24, 1971.

G. R. GRANGE,  
*Acting Administrator.*

[FR Doc.71-14485 Filed 10-1-71;8:45 am]

### Packers and Stockyards Administration

**LOS ANGELES PRODUCERS  
STOCKYARDS, ET AL.**

### Depositing of Stockyards

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

*Name, location of stockyard, and date of posting*

Los Angeles Producers Stockyards, Artesia, Calif., July 7, 1960.

Oakdale Livestock Auction Company, Oakdale, Calif., October 22, 1959.

Santee Livestock Auction, Inc., Santee, Calif., September 30, 1959.

Shasta County Farm Bureau Livestock Marketing Association, Anderson, Calif., April 20, 1960.

Willows Livestock Market, Willows, Calif., November 13, 1959.

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

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER (10-2-71).

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



Done at Washington, D.C., this 28th day of September 1971.

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

[FR Doc. 71-14483 Filed 10-1-71; 8:45 am]

## DEPARTMENT OF COMMERCE

### National Bureau of Standards SYNCHRONOUS SIGNALING RATES FOR DATA TRANSMISSION

#### Notice of Proposed Federal Information Processing Standard

Under the provisions of Public Law 89-306, the Secretary of Commerce is authorized to make appropriate recommendations relating to the establishment of uniform Federal automatic data processing standards.

A proposed standard, Synchronous Signaling Rates for Data Transmission, is being recommended by the National Bureau of Standards. This proposed standard adopts in part the conventions specified by the American National Standard for Synchronous Signaling Rates for Data Transmission (X3.1-1969) which was developed and approved by the American National Standards Institute.

This proposed standard, at such time as it may be approved by the Office of Management and Budget (OMB) will be published as a Federal Information Processing Standard.

Prior to the submission of the final endorsement of this proposal to OMB, it is essential to assure that proper consideration is given the needs and views of manufacturers, the public and State and local governments. The purpose of this notice is to solicit such views.

Federal Information Processing Standards contain two basic sections: (1) An announcement section which provides information concerning the applicability, implementation, and maintenance of the standard, and (2) a specification section which details the technical requirements of the standard.

Since this proposed standard is an implementation of an American National Standard, only the announcement section is published herein. The technical specifications are contained in American National Standard X3.1-1969, Synchronous Signaling Rates for Data Transmission. Copies may be obtained from the American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018. Cost \$2.25 a copy.

Interested parties may submit comments to the Associate Director ADP Standards, Center for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, within 60 days after publication of this notice in the FEDERAL REGISTER.

LAWRENCE M. KUSHNER,  
Acting Director.

SEPTEMBER 28, 1971.

### FEDERAL INFORMATION PROCESSING STANDARDS PUBLICATION (DATE -----)

#### ANNOUNCING THE STANDARD FOR SYNCHRONOUS SIGNALING RATES BETWEEN DATA TERMINAL AND DATA COMMUNICATION EQUIPMENT

Federal Information Processing Standards Publications are issued by the National Bureau of Standards under the direction of the Office of Management and Budget in accordance with the provisions of Public Law 89-306 and Office of Management and Budget Circular No. A-86.

*Name of standard.* Synchronous Signaling Rates Between Data Terminal and Data Communication Equipment.

*Category of standard.* Hardware Standard, Data Transmission.

*Explanation.* This standard specifies the rates of transferring binary encoded information in synchronous serial or parallel form between data processing terminal and data communications equipments for transmission over media commonly referred to as voice band communication facilities.

*Approving authority.* Office of Management and Budget.

*Maintenance agency.* Department of Commerce, National Bureau of Standards (Center for Computer Sciences and Technology).

*Cross index.* a. American National Standard ANSI X3.1-1969 entitled "Synchronous Signaling Rates for Data Transmission."

b. FIPS PUB 16, Bit Sequencing of the Code for Information Interchange in Serial-by-Bit Data Transmission (American National Standard X3.15-1966).

c. FIPS PUB 17, Character Structure and Character Parity Sense for Serial-by-Bit Data Communication in the Code for Information Interchange (American National Standard X3.16-1966).

d. FIPS PUB 18, Character Structure and Character Parity Sense for Parallel-by-Bit Data Communication in the Code for Information Interchange (American National Standard X3.25-1968).

*Applicability.* This standard is applicable to data terminal and data processing equipment employed with synchronous data communication equipment which are designed to operate on binary encoded information in either serial or parallel fashion over grade communication channels of nominal 4 kHz bandwidth. This Federal Standard is not intended to hasten the obsolescence of equipment currently existing in the Federal inventory; it is applicable to the planning, design, and procurement of all new data communication facilities.

*Implementation schedule.* All data terminal or data processing equipment and related data communication equipment to be employed with voice grade communication channels ordered on or after the date of this FIPS PUB must be in conformance with this standard unless a waiver has been obtained in accordance with the procedure described below. Exceptions to this standard are made in the following cases:

a. For equipment installed or on order prior to the date of this FIPS PUB.

b. Where procurement actions are into the solicitation phase (i.e., Request for Proposals or Invitation for Bids have been issued) on the date of the FIPS PUB.

*Waivers.* Heads of agencies may waive the provisions of the implementation schedule. Proposed waivers will be coordinated in advance with the National Bureau of Standards. Letters should be addressed to the Director, Center for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234. They should describe the nature of the waiver and set forth the

reasons therefor by providing the following information on each of the waivers:

1. A brief, narrative description of the existing or planned teleprocessing or data communication system to which the waiver applies, including:

a. Statement of purpose and principal function of the system.

b. Potential or planned use of the facilities employed with this system to interchange information with similar systems operated within the agency or by other agencies.

2. A brief description of the system configuration, including a listing of accountable features, such as, numbers (and costs) of data processors, terminals, modems and communication lines, identifying those items to which the waiver applies.

Sixty days should be allowed for review and response by the National Bureau of Standards. The waiver is not to be made until a reply from the National Bureau of Standards is received; however, the final decision for granting the waiver is a responsibility of the agency head.

*Specification.* With one exception this standard adopts the American National Standard for Synchronous Signaling Rates for Data Transmission X3.1-1969 which has been developed and approved by the American National Standards Institute. The exception noted is the serial signaling rate of 2,000 bits-per-second (specified in paragraph 2.12 of the ANSI standard). Paragraph 3 of the ANSI Standard is to be interpreted as—"The deviation from any specified rate shall not exceed 0.01 percent (e.g., 1200 ± 12 bits-per-second).

*Qualifications.* None

*Where to obtain copies of the specifications of the Standard.*

a. Federal Government activities should obtain copies from established sources within each agency. When there is no established source, purchase orders should be submitted to the General Services Administration, Specifications Activity, Printed Materials Supply Division, Building 197, Washington Navy Yard Annex, Washington, D.C. 20407. Refer to Federal Information Processing Standard No. ----- (FIPS -----). (Price ----- cents a copy.)

b. Others may obtain copies from the American National Standards Institute, 1430 Broadway, New York, NY 10018. Refer to ANSI X3.1-1969, Synchronous Signaling Rates for Data Transmission. (Price \$2.25 a copy. Discounts are available on quantity orders. See ANSI catalog.)

[FR Doc. 71-14339 Filed 10-1-71; 8:46 am]

### National Oceanic and Atmospheric Administration

[Docket No. G-515]

LEONARD M. MORRIS

#### Notice of Loan Application

SEPTEMBER 27, 1971.

Leonard M. Morris, 110 Sixth Street, Apalachicola, FL 32320, has applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new fiber glass vessel, about 44 feet in length, to engage in the fishery for shrimp and oysters.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above

entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

PHILIP M. ROEDEL,  
Director.

[FR Doc.71-14491 Filed 10-1-71;8:48 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[Docket No. FDC-D-378; NADA No. 5-119V]

#### HAVER-LOCKHART LABORATORIES

#### Drug Product Containing Sulfathiazole; Notice of Opportunity for a Hearing

In the FEDERAL REGISTER of August 22, 1970 (35 F.R. 13489), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on Sulfathiazole with Vitamins A and D Cream, NADA (new animal drug application) No. 5-119V; by Haver-Lockhart Laboratories, Post Office Box 676, Kansas City, Mo. 64141.

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

No data were received in response to the announcement and available information fails to provide substantial evidence that the drug is effective for treating abrasions and slow healing wounds in all animal species.

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. 360(e)) withdrawing approval of the new animal drug application listed above and all amendments and supplements thereto held by said firm for the listed drug product 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 product 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 application.

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 23, 1971.

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

[FR Doc.71-14452 Filed 10-1-71;8:46 am]

#### MORGAN-McCOOL INC.

#### Canned Red Tart Pitted Cherries, Canned Dark Sweet Pitted Cherries and Canned Whole Purple Plums Deviating From Identity Standards; Temporary Permit for Market Testing

Pursuant to § 10.5 (21 CFR 10.5) concerning temporary permits to facilitate market testing of foods deviating from the requirements of standards of identity promulgated pursuant to section 401 (21 U.S.C. 341) of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to Morgan-McCool Inc., 102 Grandview Parkway, Traverse City, Michigan 49684. This permit covers limited interstate marketing tests of canned red tart pitted cherries, canned dark sweet pitted cherries, and canned whole purple plums that deviate from their respective standards of identity as prescribed in §§ 27.30 and 27.45 (21 CFR 27.30 and 27.45) in that they will be packed in a medium of pear juice prepared from concentrate.

The liquid medium in the can will be equivalent single strength pear juice.

The principal display panel of the label on each container will bear as part of the name the statement "packed in pear juice from concentrate."

This permit expires February 2, 1973.

Dated: September 23, 1971.

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

[FR Doc.71-14453 Filed 10-1-71;8:46 am]

## PHILIPS ROXANE, INC.

## Neomycin Sulfate-Tetracaine Hydrochloride-Methylrosaniline Chloride-Boric Acid Preparation; Notice of Drug Deemed Adulterated

In the FEDERAL REGISTER of December 31, 1969 (34 F.R. 20442, DESI 12-13NV), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on Neo-Tetra Spray and Pinkeye Spray (products which contain neomycin sulfate, tetracaine hydrochloride methylrosaniline chloride, and boric acid) manufactured by Philips Roxane, Inc., 2621 North Belt Highway, St. Joseph, Mo. 64502. Said announcement stated that (1) the drug is probably not effective as an aid in the prevention and treatment of infectious keratitis (pinkeye) in cattle, (2) it is not effective for use in treating pinkeye in sheep, and (3) the drug is probably effective for use as a topical wound dressing for minor cuts and abrasions of cattle, horses, and sheep.

The announcement provided the manufacturer and all interested parties a 6-month period in which to submit new animal drug applications. Philips Roxane, Inc., does not hold an approved new animal drug application for the drug.

Based on the foregoing and the information before him, the Commissioner of Food and Drugs concludes that the above-named drugs are adulterated within the meaning of section 501(a)(5) of the Federal Food, Drug, and Cosmetic Act, in that they are not the subjects of an approved new animal drug application pursuant to section 512 of the act. Therefore, notice is given to Philips Roxane, Inc., and all interested persons that all stocks of said drugs within the jurisdiction of the act are deemed adulterated within the meaning of the act and are subject to appropriate regulatory action.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 501(a)(5), 512, 52 Stat. 1049, as amended, 82 Stat. 343-51; 21 U.S.C. 351(a)(5), 360b) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: September 23, 1971.

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

[FR Doc. 71-14454 Filed 10-1-71; 8:46 am]

## SYRACUSE UNIVERSITY RESEARCH 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 2H2726) has been filed by Syracuse University Research Corp., Life Sciences Di-

vision, Merrill Lane, University Heights, Syracuse, N.Y. 13210, proposing that § 121.2505 *Slimicides* (21 CFR 121.2505) be amended to provide for the safe use of N-(alpha-(1-nitroethyl)benzyl) ethylenediamine as a slimicide in the manufacture of paper and paperboard intended to contact food.

Dated: September 23, 1971.

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

[FR Doc. 71-14455 Filed 10-1-71; 8:46 am]

## CIVIL AERONAUTICS BOARD

[Docket No. 23863; Order 71-9-114]

## AMERICAN AIRLINES, INC., ET AL.

## Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of September 1971.

By tariff revisions<sup>1</sup> marked to become effective October 1, 1971, Pan American World Airways, Inc. (Pan American), proposes to establish one-way affinity and single entity group fares of \$73 for 50 or more passengers between Honolulu and Los Angeles, Portland, San Francisco, and Seattle, applicable on all aircraft types. By tariff revisions<sup>2</sup> marked to become effective October 7, 1971, American Airlines, Inc. (American), proposes to revise its one-way affinity and single entity group fares to remove the provision which would restrict their application to wide-bodied jets, and to make the fares applicable to groups of 52 or more without any compartment-size requirement.<sup>3</sup> Trans World Airlines, Inc. (TWA), has proposed to match American.<sup>4</sup>

In support of its filing, Pan American alleges that it is matching similar fares recently proposed by United Air Lines, Inc. (United). American provides no justification with its filing. TWA alleges it is filing to match American.

A complaint has been filed by certain carrier members of the National Air Carrier Association (the supplementals)<sup>5</sup> re-

<sup>1</sup>Revisions to International Air Traffic Tariffs Corp., agent, tariff CAB No. 382.

<sup>2</sup>Revisions to American's tariff CAB No. 262. American's original tariff (CAB No. 260) was rejected for technical reasons, and the carrier has been granted special tariff permission to refile the fares on short notice effective Oct. 7, 1971.

<sup>3</sup>American is proposing revisions to a tariff which is not yet effective. The original tariff applied only on wide-bodied jets and for specific compartment sizes. The Board has decided to permit that filing in part, but has placed it under investigation (Order 71-9-113).

<sup>4</sup>TWA's tariff CAB No. 243.

<sup>5</sup>The complaint will be accepted as filed by Saturn Airways, Inc., who has filed the power of attorney required by Part 263 of the Board's Regulations and will not be accepted on behalf of any other carrier. We would remind NACA and other carrier associations that the Board's regulations must be complied with, and in the future no complaint requesting suspension of a tariff filing will be accepted unless the complaint, including the requisite powers of attorney, is timely filed.

questing suspension and investigation of Pan American's proposal.<sup>6</sup> They incorporate by reference their complaint against United's affinity group fares. They allege further that Pan American's proposed fares will have an even more severe impact than United's affinity group fares since they (1) are not restricted to wide-bodied jets but will apply to all aircraft types, (2) will apply to any groups of 50 or more passengers and are not restricted to specific compartment sizes, and (3) have been extended to the additional points of Portland and Seattle.

Upon consideration of all relevant matters, the Board finds that the proposals may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. In view of the absence of provisions for common fares and stopovers within the State of Hawaii we will suspend proposed fares involving Honolulu. We have decided, however, not to suspend the remaining proposals here involved but to permit them to become effective pending investigation.

By separate order the Board is permitting to become effective similar proposals by United and American (except for fares involving Honolulu), but has set both those filings for investigation.<sup>7</sup> The instant proposals differ from the previous filings in that the affinity group fares would apply on any aircraft type, not just wide-bodied jets, and the fares are not tied to specific compartment sizes but would apply to any group size exceeding the minimum (52 for American and 50 for Pan American). On this basis, the fares here proposed would seem to raise an even closer question with respect to their relationship to the cost of providing the service. Nevertheless, for the reasons stated in Order 71-9-113, their application during the upcoming off-peak season pending investigation should afford the carriers the opportunity to develop needed additional revenues without burdening existing capacity or adding significantly to carrier costs of operation. Moreover, restricting application of the fares to wide-bodied jets might at this time work to the competitive disadvantage of some carriers and would preclude competitive equality in one instance.

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

1. An investigation is instituted to determine whether the fares in Table 8 on 16th Revised Page 18 and the provisions of Rule 17 on 18th Revised Page 9 and 18th Revised Page 10 of International Air Traffic Tariffs Corp., agent's CAB No. 382

<sup>6</sup>A telegraphic complaint dated Sept. 7, 1971, was followed by a formal complaint dated Sept. 10, 1971.

<sup>7</sup>American's proposed revisions will automatically be included in that investigation, and we will consolidate the investigation of Pan American's and TWA's fares ordered herein into that same investigation.

and the fares and provisions in Trans World Airlines, Inc.'s, CAB No. 243, including subsequent revisions and reissues thereof, and rules, regulations, and practices affecting such fares and provisions, are or will be unjust, unreasonable, unduly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, rules, regulations, and practices affecting such fares and provisions:

2. Pending hearing and decision by the Board, the fares and provisions between Honolulu, Hawaii, on the one hand, and Chicago, Ill., and New York, N.Y., on the other, on Original Page 6 of American Airlines, Inc.'s, CAB No. 262; all fares in Table 8 on 16th Revised Page 18 and the provisions of Rule 17 and 18th Revised Pages 9 and 10 of International Air Traffic Tariffs Corp., agent's CAB No. 382; the fares and provisions between Honolulu, Hawaii, on the one hand, and Chicago, Ill., Los Angeles, Calif., and New York, N.Y., on the other, on Original Page 6 of Trans World Airlines, Inc.'s, CAB No. 243; are suspended and their use deferred to and including December 29, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaint of Saturn Airways, Inc., in Docket 23802 is hereby dismissed;

4. The investigation ordered herein is hereby consolidated into Docket 23862; and

5. A copy of this order will be filed with the aforesaid tariffs and be served upon American Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., and Saturn Airways, Inc., which are made parties to this proceeding, and up on the National Air Carrier Association.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,  
Secretary.

[FR Doc. 71-14506 Filed 10-1-71; 8:49 am]

[Docket No. 23864; Order 71-9-115]

## CONTINENTAL AIR LINES, INC.

### Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of September 1971.

By tariff revisions<sup>1</sup> marked to become effective October 1, and October 15, 1971, Continental Air Lines, Inc. (Continental) proposes to establish one-way non-affinity group fares in coach service for group sizes of 40, 88, 105, and 154 persons between several points within the

<sup>1</sup> Revisions to Airline Tariff Publishers, Inc., Tariffs CAB Nos. 136 and 142.

continental United States<sup>2</sup> and between a number of mainland points and Hawaii.<sup>3</sup> In addition, it proposes to cancel its existing round trip group inclusive tour fares in its Chicago-Hawaii market and its round trip group fares in its Southwest United States-Hawaii markets and substitute one-way nonaffinity group fares. The proposed fares, which involve discounts ranging from 8 to 52 percent, are applicable at all times and are marked to expire September 30, 1972. Trans World Airlines, Inc. has filed matching tariffs.

In support of its proposal, Continental alleges that it has drawn from what it considers to be the best features of the group inclusive tour tariffs now available, and United's proposed one-way, compartment-size, affinity group fares for wide-bodied aircraft. It believes that since the group sizes required to qualify for the greatest discounts are so large, there is little likelihood of substantial dilution of revenue from traffic already moving on scheduled flights.

The carrier asserts that the one-way principle will permit the group to qualify for the lowest fare authorized by its size in one direction; and in the other, the group will be able to take its choice of the same fare, a fare for a smaller group, or individual fares based on individual requirements. It believes that not only will the travelers be better served by this flexibility, but the carriers will benefit from the higher yield of smaller group or individual travel that will result. Continental estimates an annual incremental profit from these fares of approximately \$1,500,000, after consideration of revenue dilution (5 percent) from existing traffic of \$685,000 and expenses of \$794,000.

Complaints requesting investigation and suspension have been filed by Northwest Airlines, Inc. (Northwest), Pan American World Airways, Inc. (Pan American), Western Air Lines, Inc. (Western), and certain carrier members of the National Air Carrier Association (NACA).<sup>4</sup> The essential thrust of the complaints is that the lack of restrictions on these fares will result in serious revenue dilution for all carriers. In answer to the complaints Continental asserts that it recognizes that there will be some diversion from existing traffic

<sup>2</sup> Between Chicago on the one hand and Denver and Los Angeles on the other; and between Denver and Los Angeles.

<sup>3</sup> Between Denver, Los Angeles, Portland, and Seattle on the one hand, and Honolulu on the other.

<sup>4</sup> The complaints will be accepted as filed by Overseas National Airways, Inc., Saturn Airways, Inc., Trans International Airlines, Inc., Universal Airlines, Inc., and World Airways, Inc., who have filed powers of attorney as required by Part 263 of the Board's regulations and will not be accepted on behalf of Capitol International Airways, Inc., and Southern Air Transport, Inc. We would remind NACA and other carrier associations that the Board's regulations must be complied with, and in the future no complaints requesting suspension of a tariff filing will be accepted unless the complaint, including the requisite powers of attorney, is timely filed.

but that it also expects the proposed fares to generate enough new traffic to more than offset diversion.

Upon consideration of all relevant matters, the Board finds that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. We have decided, however, not to suspend the proposal but to permit it to become effective pending investigation.

Concurrently herewith, we are permitting certain affinity group fares proposed by United Air Lines, Inc. (United) and other carriers. The fare levels proposed by Continental are higher than those proposed by United for affinity group travel for all group sizes except for groups of 154 where the level is the same—the only material distinction being that United would impose an affinity requirement.<sup>5</sup> They are also as high or higher than group inclusive tour fares to Hawaii for comparable group sizes which we have recently permitted. As we have indicated with respect to certain related proposals, we question whether the proposed fare levels are reasonably related to the cost of providing the service, particularly since the groups will occupy a substantial portion of the aircraft and, to the extent they are generative, will create pressure for capacity increases over the longer term. Moreover, the question of whether diversion from higher-fare services will have an adverse financial impact is difficult if not impossible to determine in advance since it will depend on the counterbalancing generative effect of the fares. Notwithstanding some reservation, we will permit the proposal to become effective since availability of these fares during the upcoming off-peak season pending investigation should afford Continental and other carriers offering the fares an opportunity to develop needed additional revenues without creating a need for additional capacity or burdening the carriers' costs of operation.

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

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A<sup>6</sup> hereto, including subsequent revisions and reissues thereof and rules, regulations, and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Except to the extent granted herein, the complaint of Overseas National Airways, Inc., Saturn Airways, Inc.,

<sup>5</sup> Unlike United's affinity group fares, Continental's fares to Hawaii permit interisland travel pursuant to the Hawaiian common fares agreement.

<sup>6</sup> Appendix A filed as part of the original document.

Trans International Airlines, Inc., Universal Airlines, Inc., and World Airways, Inc. in Docket 23822; and the complaints of Northwest Airlines, Inc., in Docket 23820, Pan American World Airways, Inc. in Docket 23821, and Western Air Lines, Inc. in Docket 23823 are hereby dismissed;

3. The investigation ordered herein is consolidated into Docket 23862; and

4. This order will be served upon Continental Air Lines, Inc., Northwest Airlines, Inc., Overseas National Airways, Inc., Pan American World Airways, Inc., Saturn Airways, Inc., Trans International Airlines, Inc., Trans World Airlines, Inc., Universal Airlines, Inc., Western Air Lines, Inc., and World Airways, Inc., which are hereby made parties to this proceeding, and the National Air Carrier Association.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,  
Secretary.

[FR Doc. 71-14507 Filed 10-1-71; 8:49 am]

[Docket No. 23855; Order 71-9-88]

#### NORTHWEST AIRLINES, INC.

##### Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of September 1971.

By tariff revisions marked to become effective October 1, 1971,<sup>1</sup> Northwest Airlines, Inc. (Northwest), proposes to establish round-trip group inclusive tour (GIT) fares in coach class (second class) service for groups of 40 or more persons between Seattle/Portland/San Francisco/Los Angeles and Hawaii at \$170 per person. The proposed fares reflect discounts of 21 to 31 percent from off-peak and peak coach fares and 13 to 25 percent from off-peak and peak economy fares. There is a 3-day minimum stay limitation and a tour add-on requirement of at least \$29. The fares are applicable every day of the week and expire September 30, 1972.

In support of its proposal, Northwest asserts that the proposed fares will aid the development of new traffic, primarily composed of first-time visitors to Hawaii and thus dilution will be minimal. It further asserts that its B-747 unit costs are lower than other Mainland-Hawaii operators and its is prepared to pass these savings to the traveling public in the form of the proposed GIT fares. It states that its proposed San Francisco-Honolulu fare per mile conforms to the rate per mile (3.54 cents) prescribed for groups of 40 GIT passengers in Board Order 70-7-60 (Group Inclusive Tour Basing Fares to Hawaii, Docket 20580). Northwest estimates an annual operating profit from these fares of approximately \$1,039,000.

<sup>1</sup> Revisions to Airline Tariff Publishers, Inc., Tariffs CAB Nos. 136 and 142.

Pan American World Airways, Inc. (Pan American),<sup>2</sup> Western Air Lines, Inc. (Western), and certain carrier members of the National Air Carrier Association (the supplementals)<sup>3</sup> have filed complaints against Northwest's proposal requesting its suspension and investigation. The supplementals assert that the proposed fares would cause substantial injury to the charter carriers by diverting the type of passenger they rely on to fill their affinity and inclusive tour charters. They further assert that except in the San Francisco-Honolulu market, the proposed fares are below the minimum level established by the Board in the GIT fares to Hawaii case for groups of 40 or more.

Western alleges that the fares would divert substantial traffic from existing fares and sharply reduce carrier yields which are already severely depressed. It further alleges that the fares will have a particularly severe impact on Western because the Hawaiian market represents 20 percent of its system revenue passenger miles.

Pan American alleges that the basic problem with Northwest's proposal is that it strips the GIT fare of any safeguards against diversion of existing traffic, such as meaningful land tour package, restricted days of travel, minimum stay, and blackout periods.

In answer to the complaints, Northwest asserts that because of the historic common rating of west coast cities, it would be unfair and discriminatory to require the fares from Portland and Seattle to Hawaii to be higher than the fares from Los Angeles and San Francisco. It further asserts that since only a very small percentage of California-Hawaii passengers purchase prepaid tours, the fare diversion will be minimal.

Upon consideration of the tariff proposal, the complaints and answers thereto, and all other relevant matters the Board finds that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the fares should be suspended pending investigation.

We find the fare level proposed by Northwest to be inconsistent with our decision in the Group Inclusive Tour Basing Fares to Hawaii case, Docket 20580. While we have little difficulty with the carrier's proposal to common fare Seattle, Portland, San Francisco, and Los Angeles, we cannot accept a fare

<sup>2</sup> Pan American has filed defensively to match Northwest.

<sup>3</sup> The complaints will be accepted as filed by Saturn Airways, Inc., and Trans International Airlines, Inc., which have filed the powers of attorney required by Part 263 of the Board's regulations and will not be accepted on behalf of any other carrier. We would remind NACA and other carrier associations that the Board's regulations must be complied with, and in the future no complaint requesting suspension of a tariff filing will be accepted unless the complaint, including the requisite powers of attorney, is timely filed.

level which is derived by using the shortest round-trip mileage of the four markets involved. We believe this approach is particularly inappropriate since the round-trip distance between Seattle and Honolulu is over 550 miles greater than between San Francisco and Honolulu.<sup>4</sup> We note also that Northwest carries close to 50 percent of its total west coast traffic between Seattle and Honolulu. Further, we question whether the restrictions on the use of the fares are adequate to prevent uneconomic diversion.

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

1. An investigation be instituted to determine whether the fares and provisions described in appendix A<sup>5</sup> hereto, and rules, regulations, and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in appendix A hereto are suspended and their use deferred to and including December 29, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints in Docket 23791, Docket 23794, and Docket 23764, are hereby dismissed;

4. The investigation ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order be served upon Northwest Airlines, Inc., Pan American World Airways, Inc., Saturn Airways, Inc., Trans International Airlines, Inc., and Western Air Lines, Inc., which are hereby made parties to this proceeding, and the National Air Carrier Association.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,  
Secretary.

[FR Doc. 71-14504 Filed 10-1-71; 8:49 am]

[Docket No. 23862; Order 71-9-113]

#### UNITED AIR LINES, INC., AND AMERICAN AIRLINES, INC.

##### Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of September 1971.

<sup>4</sup> In the Hawaiian GIT fares case we authorized the common faring of Boston, Providence, Hartford, Newark, Philadelphia, Baltimore, and Washington based on the mileage from New York to Honolulu via San Francisco and return to New York via Los Angeles.

<sup>5</sup> Appendix A filed as part of the original document.

By tariff<sup>1</sup> marked to become effective October 1, 1971, United Air Lines, Inc. (United), proposes to establish one-way compartment-size affinity and single entity group fares applicable for travel on its B-747 and DC-10 aircraft. The groups must pay for every seat in the compartment whether or not all seats are used. Six compartment sizes would be available: 69, 87, 91, and 97 in the B-747, and 52 and 120 in the DC-10, and the same fares per seat apply for each group size. Reservations and ticketing for the group must be completed 21 days prior to commencement of travel, and all passengers must travel together on all portions of the trip. Travel is permitted at any time and the fares are valid all year. The tariff expires September 20, 1972. American Airlines, Inc. (American), has filed to match United in competitive markets.<sup>2</sup>

In support of the fares, United alleges that the immense capacity of its wide-bodied jets coupled with today's sluggish traffic growth requires an innovative approach to selling these aircraft. United alleges that the proposal is designed to appeal to the same type of groups presently eligible for charters; that the proposed fares approximate the price per seat of a 98-seat B-727 charter; that the wide-bodied compartment is an attractive alternative to a charter service; and that the varying sizes of zones offers a choice of capacity at the same price per seat.

United alleges that being able to carry a group on a scheduled flight instead of a charter has the cost advantage of not having to operate additional capacity while at the same time flying high-capacity scheduled aircraft with low-load factors over the same routes. United believes the fares will be particularly attractive for incentive-type travel and estimates 80 percent of the traffic carried will be generated and that the fares will produce an incremental profit of \$305,000.

Complaints have been filed by American, Eastern Air Lines, Inc. (Eastern), certain carrier members of the National Air Carrier Association (the supplementals),<sup>3</sup> Western Air Lines, Inc. (Western), and a joint complaint was filed by Aloha Airlines, Inc. (Aloha), and Hawaiian Airlines, Inc. (Hawaiian), all requesting suspension and investigation. In summary, the complaints allege that United failed to justify discounts of the magni-

tude proposed; that no attempt has been made to relate the proposed fares to the cost of operating wide-bodied aircraft; that United's attempt to demonstrate the reasonableness of the fare by comparing it with B-727 charter rates is inappropriate since the group fares apply to less than plane-load groups whereas charter rates are based on 100-percent load factors; that the vast disparity between the proposed fares and other discount fares is clear evidence that the proposed fares are unreasonably low; and that since the fares are not limited to the off-peak season, it is unlikely that newly generated traffic can be accommodated in existing capacity. The complaints also allege that United's generation estimate of 80 percent is inconsistent with its own claim that the proposal is designed to appeal to the same type of groups presently eligible for charters; and that the proposed fares will only divert existing charter traffic.

The supplementals allege that the proposal represents a major departure from established modes of air passenger transportation and raises basic and far-reaching legal and economic issues; that in essence United proposes the mixing of charter and individually ticketed services aboard scheduled flights; that the type of service proposed would alter the competitive relationship of supplemental and scheduled air carriers in the involved markets. The supplementals allege that the rules provide for split charters in violation of Part 207 of the Board's economic regulations which prohibit charter of a portion of an aircraft unless the entire capacity of the aircraft has been chartered. The supplementals also allege that the proposed service is an unfair and destructive competitive practice, the purpose of which is to divert the charter traffic of the supplementals. Aloha and Hawaiian allege that the proposed tariff is in violation of the provisions of United's certificate since it does not contain any provision for Hawaiian common fares.

United has answered the complaints, alleging that it is attempting to capture a new market—not to reduce any existing fare base—and thereby fill presently unused capacity. United alleges that its proposed fares are true group fares and in no way can the carriage of persons pursuant to the fare be considered a charter operating split or otherwise; that equating the price per passenger with that normally charged per seat on a B-727 charter was not done on the basis that similar charter operations were involved, but upon the basis that the absolute dollar value of the B-727 charter seat charge has proven to be a very popular fare; and that the similarities between group compartment fares and charter prices which the supplementals detail are meaningless, since the same similarities are substantially applicable to any group fare.

United alleges its proposal will not deny others the opportunity to achieve added utilization of narrow-bodied aircraft through the offering of charters since charter demand frequently exceeds equipment supply; that costing concepts for charter operations and compartment

fares are substantially different since charter services require the operation of additional equipment and must be costed on a fully allocated basis while compartment fares will be "top off" traffic and must be related to added costs; and alleges, with respect to the allegation that existing capacity will not be sufficient to handle new traffic, that new traffic will not be booked beyond capacity.

Regarding the allegation that the proposed fares will be diversionary and non-generative, United states that this is simply a difference of marketing opinion. United also alleges that Aloha and Hawaiian's request for suspension due to the absence of a common fare agreement has no basis; that its proposed fares do not constitute a class of service for which common fares are required by its certificate, but merely a promotional discount fare to which the common fare requirements are not applicable, and that the certificate restriction with respect to common fares is not relevant since it applies only to Hilo service and the proposed compartment fares will not be applicable to travel to or from Hilo.

Upon consideration of the tariff proposals, the complaints and answer thereto, and all other relevant matters the Board finds that the proposals may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. In view of the absence of a common fare provision permitting stopovers free or at a nominal charge within the State of Hawaii, we will suspend the proposed fares involving Honolulu. We have decided, however, not to suspend the remaining fares here involved but to permit them to become effective pending investigation.

Traffic under these fares will occupy a substantial portion of either wide-bodied jet, even if only one compartment is sold, and we believe that this could tend to either create pressure for additional capacity or displace higher fare traffic, particularly during the peak season. We therefore believe the proposed fares should bear a reasonable share of capacity and noncapacity costs, and should not be priced on an added cost basis as United alleges. In our view, there is some question as to whether or not the proposed fares are reasonably related to the cost of providing the service. The fares are very low, up to 52 percent below normal coach fares, and are approximately 10 percent less than United's plane-load charter rates for B-747 aircraft.

Our principal concern with the proposed fares, however, is the peak season applicability coupled with their low level. Notwithstanding their low level, we are not too concerned with the application of the fares during the forthcoming winter season. In view of the soft traffic situation continuing to be experienced, we doubt that there will be many instances of a capacity problem on the widebodied jets during that period, and we believe the proposed fares may aid in generating traffic and revenues during the off-season without creating any undue pressures on capacity.

<sup>1</sup> United's Tariff CAB No. 322.

<sup>2</sup> American's Tariff CAB No. 262. American's original tariff (CAB 260) was rejected for technical reasons, and the carrier has been granted special tariff permission to refile the fares effective Oct. 1, 1971, on short notice.

<sup>3</sup> The complaints will be accepted as filed by Modern Air Transport, Inc., Overseas National Airlines, Inc., Saturn Airways, Inc., Southern Air Transport, Inc., and Trans International Airlines, Inc., who have filed the powers of attorney required by Part 263 of the Board's regulations and will not be accepted on behalf of any other carrier. We would remind NACA and other carrier associations that the Board's regulations must be complied with, and in the future no complaint requesting suspension of a tariff filing will be accepted unless the complaint, including the requisite powers of attorney, is timely filed.

We seriously question, however, the soundness over the longer term of encouraging discount traffic of the very low yield type here involved to travel during peak periods. We therefore intend to expedite the investigation ordered herein with the objective of reaching a decision as to the reasonableness of the fares prior to the 1972 summer season.

Neither proposal includes provisions for common fares or for stopovers at points in the State of Hawaii without charge or at nominal charge, as required by the carrier's authority to serve Hilo. These requirements apply to all classes of fares to Hawaii which the carriers publish. While the proposed fares apply only to Honolulu and not Hilo, the certificate conditions are tied to service authority at Hilo, and we do not believe the carriers should be permitted to circumvent these requirements by naming only Honolulu as a Hawaiian destination. In these circumstances, the Board will not permit the proposed fares to and from Honolulu to become effective prior to investigation.

We cannot accede to the supplementals' argument that United's proposal is in violation of the provisions of Part 207 governing split charters. We need only state that the certificated scheduled carriers traditionally have been permitted to offer group fares on scheduled flights for less-than-plane-load groups, and such group fares have not been regarded as charters governed by the provisions of Part 207. Indeed, we are currently considering the adoption of rules to provide a degree of uniformity between group fares and charters,<sup>4</sup> because the charter rules do not apply to such group fares.

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

1. An investigation be instituted to determine whether the fares and provisions described in American Airlines, Inc.'s, CAB No. 262 and the fares and provisions in United Air Lines, Inc.'s, CAB No. 322 and first revised title page and first revised pages 1, 2, 3, 5, and 6 thereto, and rules, regulations, and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions, including revisions and reissues thereof;

2. Pending hearing and decision by the Board, the fares between Honolulu, Hawaii, on the one hand, and Chicago, Ill., Los Angeles, Calif., New York, N.Y., and San Francisco, Calif., on the other; on original and first revised page 6 of United Air Lines, Inc.'s, CAB No. 322 and the fares between Honolulu, Hawaii, on the

<sup>4</sup>Notice of proposed rule making, EDR-199/PSDR-27, proposing to amend Parts 221 and 399 of the economic regulations to provide that conditions related to certain group fares conform to the rules governing pro rata charters.

one hand, and Chicago, Ill., and New York, N.Y., on the other, on original page 6 of American Airlines, Inc.'s, CAB No. 262, are suspended and their use deferred to and including December 29, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints in Dockets 23732, 23728, 23730, 23724 insofar as it applies to the filing considered herein; and 23725 are hereby dismissed;

4. The proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order be filed in the aforesaid tariffs and be served upon Aloha Airlines, Inc., American Airlines, Inc., Eastern Air Lines, Inc., Hawaiian Airlines, Inc., Modern Air Transport, Inc., Overseas National Airlines, Inc., Saturn Airways, Inc., Southern Air Transport, Inc., Trans International Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc., which are hereby made parties to this proceeding, and upon the National Air Carrier Association.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,  
Secretary.

[FR Doc.71-14505 Filed 10-1-71; 8:49 am]

## ENVIRONMENTAL PROTECTION AGENCY

### CIBA AGROCHEMICAL CO. AND NOR-AM AGRICULTURAL PROD- UCTS, INC.

#### Notice of Filing of Pesticide and Food Additive Petitions

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408 (d) (1), 409(b) (5), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d) (1), 348(b) (5)), notice is given that a pesticide petition (PP 2F1185) has been jointly filed by Ciba Agrochemical Co., Division of Ciba-Geigy Corp., Post Office Box 1105, Vero Beach, FL 32960, and Nor-Am Agricultural Products, Inc., 11710 Lake Avenue, Woodstock, IL 60098, proposing establishment of tolerances (21 CFR Part 420) for combined residues of the insecticide *N'*-(4-chloro-*o*-tolyl)-*N,N*-dimethylformamide and its metabolites containing the 4-chloro-*o*-toluidine moiety (calculated as the parent insecticide) from application of the insecticide as the free base or as the hydrochloride salt in or on the raw agricultural commodities cottonseed at 5 parts per million; meat, fat, and meat byproducts of poultry at 0.2 part per million; and meat, fat, and meat byproducts of cattle, goats, hogs, and sheep at 0.1 part per million.

Notice is also given that the firms have filed a related food additive petition (FAP 2H2666) proposing establishment of a food additive tolerance (21 CFR Part 121) of 10 parts per million for residues of this insecticide in or on cottonseed hulls from application of the insecticide to the growing raw agricultural commodity cotton.

The analytical method proposed in the pesticide petition for determining the insecticide residues is a procedure in which the residue is hydrolyzed to *p*-chlorotoluidine, steam distilled, and extracted into isooctane. The extract is then diazotized and coupled with *N*-ethyl-1-naphthylamine to produce a purple dye which is determined colorimetrically at 535 nanometers.

Dated: September 24, 1971.

WILLIAM M. UPHOLT,  
Deputy Assistant Administrator  
for Pesticides Programs.

[FR Doc.71-14451 Filed 10-1-71; 8:46 am]

## FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18456, 18457; FCC 71R-296]

### HARVIT BROADCASTING CORP. AND THREE STATES BROADCASTING CO., INC.

#### Memorandum Opinion and Order Enlarging Issues

In regard applications of Harvit Broadcasting Corp., Williamson, W. Va., Docket No. 18456, File No. BPH-6075; Three States Broadcasting Co., Inc., Matewan, W. Va., Docket No. 18457, File No. BPH-6157; for construction permits.

1. This proceeding, involving the mutually exclusive applications of Harvit Broadcasting Corp. (Harvit) and Three States Broadcasting Co., Inc. (Three States), for new FM broadcast stations at Williamson and Matewan, W. Va., respectively, was designated for hearing by Commission order, FCC 69-180, 16 FCC 2d 806. Presently before the Review Board are two petitions to enlarge issues, filed May 28, and July 6, 1971, by Harvit and the Broadcast Bureau, respectively.<sup>1</sup> Harvit's petition seeks the addition of nine issues against Three States concerning numerous alleged violations of Commission rules, as well as an issue to determine whether Three States may be expected to exercise the degree of licensee responsibility required of an operator of a broadcast facility.

<sup>1</sup>Also before the Review Board are: (a) Opposition to Harvit's petition, filed July 6, 1971, by Three States; (b) comments on Harvit's petition, filed July 6, 1971, by the Broadcast Bureau; (c) reply to (a) and (b), filed July 29, 1971, by Harvit; (d) supplement to (c), filed July 30, 1971, by Harvit; (e) comments on the Bureau's petition, filed Aug. 2, 1971, by Harvit; (f) opposition to the Bureau's petition, filed Aug. 16, 1971, by Three States; and (g) supplement to (f), filed Aug. 23, 1971, by Three States.

The Broadcast Bureau, in its petition, seeks to add an issue to determine whether Three States possesses the requisite qualifications to be a Commission licensee in view of alleged technical and logging violations that have been brought to light at its present facility, standard broadcast Station WHJC, Matewan, during a Commission inspection which took place on March 30, 1971. As a result of the inspection, the Bureau points out, a notice of violations, alleging infraction of 13 of the Commission's rules, was issued; and on April 25, 1971, Three States filed a response to the notice.<sup>3</sup> Although the violations contained in the notice of violations are not, considered alone, serious enough to warrant an issue inquiring into Three States' basic qualifications, they are similar to, and therefore corroborate, some of the violations alleged by Harvit. They will therefore be considered to that extent and to the extent that they bear on Harvit's request for an issue inquiring into licensee responsibility. See paragraph 10, *infra*. For the sake of clarity, the Board will discuss the issues requested by Harvit in sequence.

2. Harvit first requests an issue inquiring into alleged news suppression; the request is predicated on alleged conduct of George Warren, General Manager of Three States' standard broadcast facility. According to George T. Francis, a former announcer for WHJC, he was instructed by Warren not to repeat a news story previously broadcast concerning the indictment of several local officials, because they were friends of Warren, and he did not wish to embarrass them. Francis' story is corroborated, in part, by an affidavit of Michael Baisden, News Director for WHJC at the time (around September 16 and 17, 1970). Baisden also avers that Warren told him not to use the item. Three States replies, through affidavits of George Warren, General Manager of WHJC, Clifton Branham, chief engineer at WHJC, and T. I. Varney, one of the indicted officials, that the news item was broadcast over WHJC. However, Three States' affidavits appear to refer to broadcast of the item on the day of the indictment, while Harvit's affidavits seem to be charging that the story was suppressed the day after the indictment. Three States' affidavits do not relate directly to this time period and George Warren never denies telling Francis or Baisden to stop broadcasting the story. The Broadcast Bureau (without the benefit of later supplemental affidavits) opposes the addition of this issue principally because a handwriting sample submitted by Harvit to support its charges could not be associated with George Warren. However, since the handwriting analysis is inconclusive and neither Francis nor Baisden swore that they saw Warren write the note, the Board does not consider this

defect fatal to their credibility. In light of the conflicting allegations contained in the affidavits submitted by the applicants, the Board will add the requested issue.

3. Harvit's second requested issue alleges falsification of operating, programming and/or maintenance logs at WHJC. Support for these allegations comes from affidavits of two former employees of WHJC, George T. Francis and Tennis H. Hatfield, announcer-salesmen. The opposition by Three States denies some of the allegations, but appears to support certain of Harvit's charges by stating that it regrets not being able to make certain transmitter readings during an emergency situation and that it is impossible "to say that through inadvertence or error, no unlogged announcement was ever broadcast." Also, the opposition contains apparent admissions by WHJC that its transmitter operator did not sign off for short periods of time when not at his position; that it did not increase to full daytime power at the proper time and that the correct time may not have been noted due to carelessness and inexperience of personnel. Further, Three States implies that certain carrier interruptions have not always been logged. Finally, the opposition corroborates Harvit's allegation, contained in Tennis Hatfield's affidavit, that the station went off the air for 2 or 3 days in 1966. However, Three States simply declines to check its back records to attempt to counter Hatfield's statement that the Commission was not notified of this occurrence, nor were transmitter logs kept. The Broadcast Bureau, in its comments, states that it has checked the Commission's files for the notification required by the rules and that none has been found. The Bureau also notes that the Commission's own inspection of WHJC revealed logging violations and, therefore, it supports the addition of such an issue. The Board is aware that one violation (No. 12) found by the Commission's investigating staff is directly attributable to George Francis; however, we cannot overlook the existence of sworn allegations of these violations substantiated in part by the Commission's own investigation. Therefore, the Review Board will add this requested issue.

4. Harvit's next requested issue concerns alleged violations of Commission rules for tower lighting and related logging requirements. Again, support for Harvit's allegations comes from affidavits of Francis and Hatfield, which attest to many instances of tower lights being off, no notification to the FAA and no indication of the failure in the log. In opposition, Three States relies on affidavits of George Warren, which basically deny the allegations, but Three States' opposition appears to admit to problems in obtaining timely tower repairs. The Broadcast Bureau supports the addition of this issue for reasons of public safety and its concern over the charge that WHJC officials intentionally falsified logs. The Review Board is of the opinion that because several portions of the Francis and Hatfield affidavits, submitted by Harvit, conflict with those of George

Warren, submitted by Three States; and because of other logging irregularities allegedly found by the Commission's own investigation (as noted in the Broadcast Bureau's comments), an issue inquiring into this matter is warranted.

5. Harvit's next requested issue concerning Three States' basic qualifications will be discussed below with the other conclusory issue that has been requested.

6. Harvit also requests an issue to inquire into alleged violations of section 315 of the Communications Act and § 73.120 of the rules; this request is premised on the allegation that political candidates for the same office have been charged differing amounts for similar political broadcasts by Three States at Station WHJC. Again, Harvit relies on affidavits by Francis and Hatfield and is opposed by affidavits of George Warren submitted by Three States. In this instance the Review Board agrees with the Broadcast Bureau that Harvit's allegations are vague, that it is possible that the candidates themselves did not appear on the station (as George Warren avers), and that only one candidate qualified for a volume discount. However, at one point, there is such a clear conflict in affidavits that the Review Board is constrained to add the issue to clear up this difference. Thus, in paragraph 4 of Francis' July 27, 1971, affidavit, he specifically avers that one candidate was sold time from a rate card while others were not, and this is just as specifically denied in paragraph 5 of Warren's July 5, 1971, affidavit. Warren's denial is quite broad since it covers "messages on behalf of" candidates. Since this type of conflict in allegations can only be resolved by an evidentiary hearing, the Board will add the requested issue.

7. Harvit supports addition of a requested issue concerning Three States' alleged failure to identify program sponsors in violation of § 73.119 of the Commission's rules with affidavits of Francis and Hatfield. The latter avers that a program titled *Lifeline* was broadcast twice daily from May 1968 to August 1968, but the local sponsor of the program was neither announced on the air nor listed in the log until sometime in August, although Hatfield brought this to the attention of George Warren on several occasions. The affidavit of George Francis alleges that sponsorship was not logged for advertising messages broadcast in the spring of 1970 for a live gospel show promoted by George Warren, the General Manager. Three States' opposition includes the affidavits of George Warren denying that sponsorship of *Lifeline* was logged incorrectly and two program schedules to substantiate the denial. A later affidavit of Hatfield, however, reiterates the allegations. Regarding the charge of unlogged sponsorship for a gospel show promoted by George Warren, Three States concedes that gospel shows have been brought to the area by Warren, but states that no consideration was paid to the station by him or anyone else for the announcements and the station considered them public service announcements. In response to the allegation that numerous "unlogged

<sup>3</sup> Three States' reply does not deny the alleged violations, but responds by noting the inexperience of the personnel involved and various equipment problems it has experienced, and by stating that the violations have been or will be corrected. On Aug. 18, 1971, the Commission issued a notice of apparent liability to Three States.



commercials" were broadcast. Three States contends that "it is impossible for anyone to say that through inadvertence or error no unlogged announcement was ever broadcast." The Broadcast Bureau supports the addition of this issue based on Hatfield's averments regarding the Lifeline program. The Review Board is of the opinion that the presence of conflicting affidavits, the apparent admission of Three States of unlogged commercials and the possibility that Three States' general manager has benefited materially from these allegedly unlogged announcements requires the addition of this issue.

8. Harvit's next requested issue would inquire into alleged violations of § 73.93 concerning transmitter maintenance and personnel requirements; the request is supported, again, by affidavits of George Francis and Tennis Hatfield. Three States replies with an affidavit of George Warren which admits that he (holding a third-class operator's license) did replace some fuses inside the station's transmitter. Also, there are conflicting allegations on the availability of a first-class operator. The Broadcast Bureau supports the requested issue and the Review Board is of the opinion that there the allegations are sufficient to support the request and we will therefore add the issue.

9. Harvit's request for an issue which would inquire into alleged violations of §§ 73.56 and 73.60 will be granted by the Board because similar violations were allegedly uncovered by the Commission's inspection of Three States' facilities on March 30, 1971, and Three States' response appears to admit that such violations occurred.

10. Harvit, on the basis of the many alleged technical violations, requests an issue to determine whether Three States can be expected to exercise the degree of responsibility required from a Commission licensee. The Review Board is of the opinion that the violations alleged by the petitioner and in the notice of apparent liability, and the fact that Three States has been issued three other notices of apparent liability within the past 5 years of its operation, one of which (issued February 15, 1967) contained violations similar to those alleged in the current notice, are sufficient to warrant addition of an issue to determine whether Three States will act with that degree of responsibility required of a Commission licensee. In addition, in light of the above allegations against Three States, the Board will add the issue requested by Harvit and the Broadcast Bureau inquiring into Three States' basic qualifications.<sup>2</sup>

<sup>2</sup> It should be noted that the Board has considered the arguments in Three States' opposition relating to timeliness and affidavits of persons with personal knowledge. The Board feels that later supplemental affidavits submitted by Harvit satisfy the personal knowledge requirement of the affidavits; and, regarding the timeliness objection to the petition, the Board considers the allegations sufficiently serious that the public interest demands their consideration on the merits. The Edgefield-Saluda Radio Co., 5 FCC 2d 148, 8 RR 2d 611 (1966).

11. Accordingly, it is ordered, That the petition to enlarge issues, filed May 28, 1971, by Harvit Broadcasting Corp., and the petition to enlarge issues, filed July 6, 1971, by the Broadcast Bureau are granted; and that the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine whether Three States Broadcasting Co., Inc., has arbitrarily excluded news on WHJC because of the private beliefs or personal preferences of its management;

(b) To determine whether Three States Broadcasting Co., Inc., has falsified the operating, program and maintenance logs, or any of them, of Station WHJC;

(c) To determine whether Three States Broadcasting Co., Inc., has violated §§ 17.25, 17.47, 17.48 and/or 17.49 of the Commission's Rules with respect to tower lighting and attendant requirements;

(d) To determine whether political candidates for the same office have been charged differing amounts by Three States Broadcasting Co., Inc., for like commercial announcements in violation of section 315 of the Communications Act and § 73.120 of the rules;

(e) To determine whether programs on WHJC have been sponsored with no announcement broadcast identifying the sponsor thereof in violation of § 73.119 of the rules;

(f) To determine whether maintenance on and adjustment of the transmitter of WHJC have been undertaken by unauthorized personnel in violation of § 73.93 of the rules;

(g) To determine whether WHJC has been properly monitored with respect to modulation and frequency as required by §§ 73.56 and 73.60 of the rules, and whether appropriate notifications and repairs as may have been required were made;

(h) To determine the nature and extent of violations of the Commission's rules committed by Three States Broadcasting Co., Inc., for which official notices of apparent liability have been issued on August 18, 1971, February 18, 1970, February 15, 1967, and November 3, 1966; and whether in light of such violations and the evidence adduced pursuant to the foregoing issues, Three States Broadcasting Co., Inc., will exercise that degree of licensee responsibility required of an operator of a broadcast facility;

(i) To determine whether, in light of the evidence adduced pursuant to the foregoing issues, Three States Broadcasting Co., Inc., possesses the requisite and/or comparative qualifications to be a Commission licensee.

12. It is further ordered, That the burden of proceeding with the introduction of evidence shall be on petitioner

and the burden of proof under the added issues shall be on Three States Broadcasting Co., Inc.

Adopted: September 27, 1971.

Released: September 29, 1971.

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

[FR Doc. 71-14496 Filed 10-1-71; 8:49 am]

## FEDERAL MARITIME COMMISSION

DELTA STEAMSHIP LINES, INC., AND  
NORTHERN PAN-AMERICA LINE A/S

### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Thomas E. Stakem, Esquire, Macleay, Lynch, Bernhard & Gregg, Commonwealth Building, 1625 K Street, NW., Washington, DC 20006.

Agreement No. 9966, between Delta Steamship Lines, Inc., and the Northern Pan-America Line A/S (Nopal) covers the establishment of a sailing and rate-making arrangement by the parties in the trade between U.S. gulf ports and ports of West Africa in the Mauritania-Angola range, both inclusive. The parties intend to cooperate in the scheduling of their sailings so as to avoid conflicting sailing dates and to establish rates, charges, and practices in the trade where not prescribed by any conference of which the parties are members or by any

agreement to which the signatories are party.

Dated: September 29, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.71-14516 Filed 10-1-71;8:50 am]

**PUERTO RICO MARINE LINES, INC.  
AND LYKES BROS. STEAMSHIP CO.,  
INC.**

**Notice of Agreement Filed**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

**Notice of agreement filed by:**

Mr. William F. Roush, Traffic Manager, Puerto Rico Marine Lines, Inc., Post Office Box 3783, Seattle, WA 98124.

Agreement No. T-2560, between Puerto Rico Marine Lines, Inc. (PRML) and Lykes Bros. Steamship Co., Inc. (Lykes), is an agency agreement appointing Lykes as PRML's traffic and husbanding agent. As compensation, Lykes is to receive 5 percent of the ocean freight revenue for all cargo loaded at U.S. Gulf ports to Puerto Rico and 2½ percent of the ocean freight revenue for all cargo loaded at Puerto Rico to U.S. Gulf ports.

Dated: September 29, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.71-14517 Filed 10-1-71;8:50 am]

**SOUTH JERSEY PORT CORP. AND  
NACIREMA OPERATING CO., INC.**

**Notice of Agreement Filed**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

**Notice of agreement filed by:**

Mr. Francis A. Scanlan, Kelly, Deasey & Scanlan, 926 Four Penn Center Plaza, Philadelphia, PA 19103.

Agreement No. T-2561, between the South Jersey Port Corporation (Port) and Nacirema Operating Co., Inc. (Nacirema), provides for the 1-year appointment by the Port of Nacirema as terminal operating contractor at Piers 1, 1A, and 2 at Broadway Terminal, Camden, N.J. Nacirema is to perform terminal services in accordance with and under the provisions of the Port's applicable Tariff for such services. Revenue derived from terminal services will be shared by the parties.

Dated: September 29, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.71-14518 Filed 10-1-71;8:50 am]

**U.S. GREAT LAKES AND ST. LAWRENCE RIVER PORTS/WEST AFRICA CONFERENCE**

**Notice of Agreement Filed**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

**Notice of agreement filed by:**

John K. Cunningham, Secretary, U.S. Great Lakes and St. Lawrence River Ports/West Africa Conference, 67 Broad Street, New York, NY 10004.

Agreement No. 9420-5, among the member lines of the U.S. Great Lakes and St. Lawrence River Ports/West Africa Conference, modifies the basic agreement to provide for (1) the elimination from Article 3(b) the requirement that records of action under the agreement taken by telephone poll or by circular letter shall be signed by each of the parties prior to submitting copies thereof to the Federal Maritime Commission; (2) changing the designation of Articles 5 (h), (i), and (j) to Articles 5 (g), (h), and (i), respectively; (3) changing the designation of present Articles 5, 6, and 7 to Articles 6, 7, and 8, respectively; and (4) the addition of a new Article 5 to incorporate language authorizing the member lines to agree on matters relating to amounts of brokerage and/or compensation to forwarders and conditions for the payment thereof.

Dated: September 29, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 71-14519 Filed 10-1-71; 8:50 am]

## FEDERAL POWER COMMISSION

[Docket No. G-4533, etc.]

SELLS PETROLEUM INC. (OPERATOR),  
ET AL.Notice of Applications for Certificates,  
Abandonment of Service and Petitions  
to Amend Certificates<sup>1</sup>

SEPTEMBER 24, 1971.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments 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 20, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment 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. PLUMS,  
Secretary.

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

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-4533 D 9-13-71	Sells Petroleum Inc. (Operator) et al., Post Office Box 336, Tyler, TX 75701 (partial abandonment).	Arkansas Louisiana Gas Co., South Hallsville Field, Harrison County, Tex.	Depleted	.....
G-5716 D 9-8-71	Northern Natural Gas Producing Co. (Operator) et al., Post Office Box 1774, Houston, TX 77001.	Northern Natural Gas Co., Hugoton Field, Stevens County, et al., Kans.	( <sup>1</sup> )	.....
G-11379 C 9-9-71	Skelly Oil Co., Post Office Box 1650, Tulsa, OK 74102.	Northern Natural Gas Co., acreage in Edwards County, Kans.	15.5	14.65
C163-489 C 9-10-71	Ashland Oil, Inc. (Operator) et al., Post Office Box 18695, Oklahoma City, OK 73118.	Michigan Wisconsin Pipe Line Co., South Lonewolf Field, Major County, Okla.	120.0	14.65
C166-352 C 9-13-71	Hunt Oil Co., 1401 Elm St., Dallas, TX 75202.	Michigan Wisconsin Pipe Line Co., Grand Isle, Blocks 24 and 25 Field, (Offshore) Louisiana.	226.0	15.025
C166-355 C 9-13-71	Hunt Industries, 1401 Elm St., Dallas, TX 75202.	do	226.0	15.025
C167-248 C 9-3-71	Beacon Gasoline Co., Post Office Box 306, Minden, LA 71055.	Texas Gas Transmission Corp., Walker Creek Field, Columbia County, Ark.	0.25	15.025
C167-248 C 9-9-71	do	Texas Gas Transmission Corp., Walker Creek and Welcome Fields, Columbia and Lafayette Counties, Ark.	0.25	15.025
C167-248 C 9-15-71	do	Texas Gas Transmission Corp., East Dykesville Field, Claiborne Parish, La.	0.25	15.025
C172-108 A 8-19-71	Gulf Oil Corp., Post Office Box 1089, Tulsa, OK 74102.	Tennessee Gas Pipeline Co., a division of Teuneco Inc., South Marsh Island Block 29, Vermilion Block 191 Field, Vermilion Area and South Marsh Island Area, Offshore Louisiana.	28.63	15.025
C172-111 A 8-20-71	do	Transcontinental Gas Pipe Line Corp., East Lake Decade Field, Terrebonne Parish, La.	28.0	15.025
C172-138 A 9-3-71	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	Columbia Gas Transmission Corp., Grand Isle Block 16 Field, Offshore (Zone D), Louisiana.	30.0	15.025
C172-139 (C168-1281) F 8-30-71	Imperial-American Management Co. (successor to King Resources Co.) 777 Main Bldg., Houston, Tex. 77002.	Panhandle Eastern Pipe Line Co., South Taloga Field, Dewey County, Okla.	18.31	14.65
C172-141 (C170-26) F 9-3-71	Industrial Electronic Engineering Corp. (successor to Arthur Lipper Co.) 1501 North Mayfair Rd., Milwaukee, WI 53226.	El Paso Natural Gas Co., Kant Area, Lea County, N. Mex.	11.0	14.65
C172-142 B 9-3-71	Stuare Oil Co., Inc. (Operator) et al., 2117 First National Bank Bldg., Denver, Colo. 81802.	Kansas-Nebraska Natural Gas Co., Inc., Bonanza Field, Logan County, Colo.	( <sup>6</sup> )	.....
C172-144 A 9-7-71	McCulloch Oil Corp., 6151 West Century Blvd., Los Angeles, CA 90045.	Northern Natural Gas Co., Viel Area, Dewey County, Okla.	226.5	14.65
C172-145 A 9-7-71	Gulf Oil Corp., Post Office Box 1889, Tulsa, OK 74102.	Sea Robin Pipeline Co., Block 238 Field, Eugene Island Area, Offshore Louisiana.	235.0	15.025
C172-146 A 9-7-71	Marathon Oil Co., 539 South Main St., Findlay, OH 45840.	Texas Gas Transmission Corp., Walker Creek Field, Columbia County, Ark.	26.0	15.025
C172-147 (C166-470) F 9-7-71	Atlantic Richfield Co. (successor to Sun Oil Co. (Operator), et al.), Post Office Box 2819, Dallas, TX 75221.	Arkansas Louisiana Gas Co., Arkoma Area, R. A. King Unit, Pittsburg County, Okla.	16.255	14.65
C172-148 (C165-134) F 9-7-71	Geological Exploration Co. (successor to Sun Oil Co.), Post Office Box 1644, Longview, TX 75601.	Lone Star Gas Co., Penn Priffith (Travis Peak) Field, Rusk County, Tex.	0.14375	14.65
C172-149 A 9-8-71	Arka Exploration Co., Post Office Box 1734, Shreveport, LA 71151.	Arkansas Louisiana Gas Co., Red Deer Area, Hemphill County, Tex.	0.205	14.65
C172-150 A 6-14-71	Louise Y. Locke, Box 189, Durango, Colo. 81302.	El Paso Natural Gas Co., Pictured Cliffs, San Juan County, N. Mex.	10.0	15.025
C172-152 B 9-13-71	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	Kansas-Nebraska Natural Gas Co., Inc., Minto Field, Logan County, Colo.	Depleted	.....
C172-153 B 9-13-71	do	Texas Eastern Transmission Corp., Dial Field, Goliad County, Tex.	Depleted	.....
C172-154 B 9-13-71	do	Cities Service Gas Co., Northwest Avard Field, Woods County, Okla.	Depleted	.....
C172-155 A 9-14-71	Atlantic Richfield Co., Post Office Box 2819, Dallas, TX 75221.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Elk Basin Field, Park County, and Carbon County, Mont.	8.6	14.65

Filing code: A—Initial service.  
B—Abandonment.  
C—Amendment to add acreage.  
D—Amendment to delete acreage.  
E—Succession.  
F—Partial succession.

<sup>1</sup> Deletes nonproductive acreage.  
<sup>2</sup> Plus 2.68 cents per Mcf upward B.t.u. adjustment.  
<sup>3</sup> Subject to upward and downward B.t.u. adjustment.  
<sup>4</sup> Application previously notified Sept. 1, 1971, in C168-676 et al., at 28.63 cents per Mcf, subject to upward and downward B.t.u. adjustment. Applicant express willingness to accept a certificate in conformance with Opinion No. 608.  
<sup>5</sup> Application previously notified Sept. 1, 1971, in C168-676 et al., at 28 cents per Mcf. Applicant express willingness to accept a certificate in conformance with Opinion No. 598.  
<sup>6</sup> Subject properties abandoned or sold to Robert D. Brew.  
<sup>7</sup> Applicant express willingness to accept a certificate in conformance with Opinion No. 598.  
<sup>8</sup> Includes 0.255 cent per Mcf tax reimbursement. Rate in effect subject to refund in Docket No. R109-77.

[FR Doc. 71-14412 Filed 10-1-71; 8:45 am]

[Docket No. CS66-13, etc.]

**WRIGHTSMAN INVESTMENT CO.  
ET AL.****Findings and Order**

SEPTEMBER 24, 1971.

Findings and order after statutory hearing issuing small producer certificates of public convenience and necessity, terminating certificates, canceling FPC gas rate schedules, terminating rate proceedings, dismissing applications, making successor co-respondent, and redesignating proceedings.

Each applicant herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for small producer certificates of public convenience and necessity authorizing sales of natural gas in interstate commerce, all as more fully set forth in the applications and appendix A as set forth below.

Certain applicants are presently authorized to sell natural gas pursuant to FPC gas rate schedules on file with the Commission. The temporary and permanent certificates authorizing said sales will be terminated and the related rate schedules will be canceled. Some sales made pursuant to the certificates terminated herein and the canceled FPC Gas Rate Schedules were made at rates in effect subject to refund. There are other rate increases which are suspended. Certain proceedings in which these increased rates are suspended or have been collected subject to refund by any of these applicants and were equal to or below area ceiling rates will be terminated.

Each certificate holder listed herein at appendix B has been granted a small producer certificate of public convenience and necessity authorizing sales of natural gas in interstate commerce. The small producer certificate holders were theretofore authorized to sell natural gas pursuant to FPC gas rate schedules on file with the Commission. The certificates authorizing the former sales, which are now made under the small producer certificates, will be terminated and the related FPC gas rate schedules will be canceled.

Industrial Electronic Engineering Corp., applicant in Docket No. CS71-948, proposes to continue in part the sales of natural gas heretofore authorized in Dockets Nos. G-7648, G-11950, and G-12657 to be made pursuant to Mobil Oil Corp. FPC Gas Rate Schedules Nos. 286, 47, and 123, respectively. The rates at the time of the assignments were effective subject to refund in Dockets Nos. RI67-272 and RI70-498 for sales under Mobil's FPC Gas Rate Schedule No. 47; in Dockets Nos. RI67-272, RI70-497, and RI71-37 for sales under Mobil's FPC Gas Rate Schedule No. 123; and in Dockets Nos. RI67-356, RI67-408, and RI71-555 under Mobil's FPC Gas Rate Schedule No. 286. A change in rate was suspended in Docket No. RI71-804 for sales under

Mobil's FPC Gas Rate Schedule No. 123. Therefore, applicant will be made co-respondent in said proceedings and the proceedings will be redesignated accordingly.

The Commission's staff has reviewed the applications and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention or protest to the granting of the applications was filed.

At a hearing held on September 22, 1971, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each applicant is or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption subject to the jurisdiction of the Commission and is, therefore, a "natural-gas company" or will be when the initial delivery is made, within the meaning of the Natural Gas Act.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications herein, will be made in interstate commerce subject to the jurisdiction of the Commission, and such sales by applicants are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) Each applicant is an independent producer of natural gas which is not affiliated with a natural gas pipeline company and whose total jurisdictional sales on a nationwide basis, together with sales of affiliated producers, were not in excess of 10 million Mcf at 14.65 p.s.i.a. during the preceding calendar year.

(5) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity, and small producer certificates of public convenience and necessity therefore should be issued as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the temporary and permanent certificates of public convenience and necessity heretofore issued to applicants should be terminated and that the related FPC gas rate schedules should be canceled.

(7) It is necessary and appropriate in carrying out the provisions of the Natu-

ral Gas Act that Industrial Electronic Engineering Corp. should be made co-respondent in the proceedings pending in Dockets Nos. RI67-272, RI67-356, RI67-408, RI67-497, RI70-498, RI71-37, RI71-555, and RI71-804 and that said proceedings should be redesignated accordingly.

(8) The applications pending in Dockets Nos. CI62-953, CI62-1340, CI67-1024, CI67-1027, CI67-1565, CI68-1314, CI69-432, CI70-97, CI70-997, CI71-64, CI71-201, CI71-650, and CI71-700 are moot.

The Commission orders:

(A) Small producer certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing the sale for resale and delivery of natural gas in interstate commerce by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission and particularly:

(1) The subject certificates shall be applicable only to all small producer sales as defined in § 157.40(a)(3) of the regulations under the Natural Gas Act; and

(2) Applicants shall file annual statements pursuant to § 154.104 of the regulations under the Natural Gas Act.

(C) The certificates granted in paragraph (A) above shall remain in effect for small producer sales until the Commission on its own motion or on application terminates said certificates because applicants no longer qualify as small producers or fail to comply with the requirements of the Natural Gas Act, the regulations thereunder, or the terms of the certificates. Upon such termination, applicants will be required to file separate certificate applications and individual rate schedules for future sales. To the extent compliance with the terms of this order is observed, the small producer certificates will still be effective as to sales already included thereunder.

(D) The grant of the certificates in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or Part 157 of the regulations thereunder and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose any future proceedings or objections relating to the operation of

## APPENDIX A

any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved, shall not imply approval of all of the terms of the contracts, particularly as to the cessation of service upon the termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales subject to said certificates.

(E) The temporary and permanent certificates heretofore issued to applicants for sales proposed to be continued under small producer certificates are terminated and the related FPC gas rate schedules are canceled as indicated in appendix A as set forth below.

(F) The proceedings in which applicants' increased rates have not been made effective and certain proceedings in which increased rates have been made effective subject to refund and are equal to or below the applicable area base rate are terminated as indicated in appendix A as set forth below.

(G) Certificates of public convenience and necessity heretofore issued to small producer certificate holders for sales continued under their small producer certificate are terminated and the related FPC gas rate schedules are canceled as indicated in appendix B as set forth below.

(H) Industrial Electronic Engineering Corp. is made a co-respondent in the proceedings pending in Dockets Nos. RI67-272, RI67-356, RI67-408, RI70-497, RI70-498, RI71-37, RI71-555, and RI71-804 and said proceedings are redesignated accordingly. Industrial Electronic is not relieved of any refund obligation for sales from February 1, 1971, under the contracts on file as Mobil Oil Corp. FPC Gas Rate Schedules Nos. 47 and 123, and from March 1, 1971, under the contract on file as Mobil Oil Corp. FPC Gas Rate Schedule No. 286, to May 17, 1971.

(I) The applications pending in Dockets Nos. CI62-953, CI62-1340, CI67-1024, CI67-1027, CI67-1565, CI68-1314, CI69-432, CI70-97, CI70-997, CI71-201, CI71-650, and CI71-700 are dismissed.

(J) This order does not relieve any of the applicants herein of any responsibility imposed by, and is expressly subject to, the Commission's Statement of Policy Implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), including such amendments as the Commission may require, and Executive Order No. 11615.

By the Commission.

[SEAL]

KENNETH F. PLUMS,  
Secretary.

Docket No. and filing date	Applicant	Canceled FPC gas rate schedule	Terminated certificate dockets Nos.	Terminated rate increase dockets Nos.
CS71-523 4-30-71	C. H. Lyons, Sr. et al.		1 G-3883	
	do		5 G-5186	
	do		6 G-5186	
	do		7 G-5186	
	do		10 G-3883	
	do		11 G-11899	
	do		12 G-13487	
	do		14 C169-329	
	do		15 C161-1001	
	do		16 C162-953	
	do		17 C162-1340	
	do		21 C163-1576	
	do		24 C166-862	
	do		26 C167-235	
	do		27 C170-97	
	do		31 C167-1024	RI71-704
	do		32 C167-1027	
	do		33 C167-1565	
	do		35 C168-1363	
	do		36 C168-1314	
	do		38 C170-712	
	do		39 C170-298	
	do		40 C171-214	
	do		42 C171-700	
	do		47 G-13557	
	do		48 G-13199	
	do		49 G-14748	
CS71-537 4-30-71	Dan R. Wager & Dlane Oil Co.		1 C165-419	
CS71-538 4-30-71	Consolidated Production Corp. (Operator) et al.		2 C166-727	
	do		2 C166-304	
	do		3 C171-419	
	do		4 C171-420	
	do		5 C167-1732	
	do		1 C168-1343	
CS71-539 4-30-71	Dyna Ray Oil & Gas Co., Inc.		2 C162-440	
	do		3 C163-165	
CS71-540 4-30-71	W. C. Blanks			
CS71-541 4-30-71	Wichita Resources 701, Ltd.			
CS71-544 4-30-71	C. Henry Roath			
CS71-546 4-30-71	Nicholas J. Schaefer			
CS71-551 4-30-71	Mrs. Marie Watkins Smith			
CS71-553 4-30-71	J. A. Dykes			
CS71-554 4-30-71	J. T. Palmer			
CS71-555 4-29-71	Texas International Petroleum Corp. (Operator) et al.		1 CI70-752	
	do		2 CI70-997	
	do		3 CI71-201	
	do		31 G-9856	
	do		33 G-11009	
	do		34 G-12501	
	do		35 G-13025	
	do		36 G-14867	
	do		37 G-18287	
	do		38 C169-394	
	do		39 C161-1388	RI71-674
	do		40 G-17214	
	do		41 G-20131	
	do		42 C169-481	
	do		44 C169-628	
	do		45 C161-452	
	do		47 C162-123	
	do		49 C162-713	
	do		20 C162-713	RI63-214
	do		21 C162-771	
	do		23 C162-1327	
	do		24 C163-943	
	do		25 C163-1288	
	do		26 C164-276	
	do		27 C164-633	
	do		28 G-8467	
	do		29 G-8278	
	do		30 C165-383	
	do		32 C169-356	
	do		33 C161-1015	
	do		34 C162-73	
	do		35 C162-102	
	do		37 C165-899	
	do		38 C166-75	
	do		39 C167-132	
	do		40 C168-1083	
	do		41 C169-432	
CS71-559 4-30-71	E. L. Hilliard			
CS71-560 4-30-71	Martha Dolan Hilliard			



APPENDIX B—Continued

Docket No. and filing date	Applicant	Canceled FPC gas rate schedule	Terminated certificate dockets Nos.	Terminated rate increase dockets Nos.
CS71-126	W. B. Osborn, Jr. (Operator), et al.		*7 G-5675 <sup>1</sup>	
	do		*8 G-5675 <sup>2</sup>	
	do		*9 G-5675 <sup>3</sup>	
	do		*10 G-5675 <sup>4</sup>	
	do		*11 G-5675 <sup>5</sup>	
	do		*5 G-5672 <sup>1</sup>	
	do		*6 G-5672 <sup>2</sup>	
	do		*7 G-5672 <sup>3</sup>	
	do		*8 G-5672 <sup>4</sup>	
	do		*9 G-5672 <sup>5</sup>	
	do		*1 G-5674 <sup>1</sup>	
	do		*2 G-5674 <sup>2</sup>	
	do		*3 G-5674 <sup>3</sup>	
	do		*7 G-5674 <sup>4</sup>	
	do		*8 G-5674 <sup>5</sup>	
	do		*9 G-5674 <sup>6</sup>	
	do		*11 G-5674 <sup>7</sup>	
CS71-189	J. N. Gifford		*1 CI71-650 <sup>1</sup>	

<sup>1</sup> Temporary certificate.  
<sup>2</sup> Certificate and rate schedule on file as Charlotte Osborn Barrett.  
<sup>3</sup> Certificate and rate schedule on file as Jewel Osborn.  
<sup>4</sup> Certificate and rate schedule on file as Betty Osborn Biedenbarn.  
<sup>5</sup> Certificate and rate schedule on file as W. B. Osborn, Jr., Executor of the Estate of W. B. Osborn, Sr.  
<sup>6</sup> Certificate and rate schedule on file as J. N. Gifford and The Midland National Bank, Trustee.

[FR Doc.71-14413 Filed 10-1-71;8:45 am]

[Docket No. CS72-263, etc.]

**SIDNEY GORE ET AL.**

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

SEPTEMBER 30, 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 18, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required

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

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. PLUMS,**  
*Secretary.*

Docket No.	Date filed	Name of applicant
CS72-263	9-29-71	Sidney Gore, Post Office Box 1063, Tulsa, OK 74101.
CS72-264	9-29-71	Zephyr Oil Co., 1018 Peoples Bank Bldg., Tyler, Tex. 75701.
CS72-265	9-29-71	C. W. Hughes, 809 Building of the Southwest, Midland, Tex. 79701.
CS72-266	9-29-71	David L. Billingsley, Post Office Box 419, Shreveport, LA 71102.
CS72-267	9-23-71	Roden Drilling Co., Post Office Box 2895, Casper, WY 82601.
CS72-268	9-24-71	William E. Portman, 1365 First National Bldg., Oklahoma City, Okla. 73102.
CS72-269	9-24-71	Jack Cutbirth, Post Office Box 1782, Euid, OK 73701.
CS72-270	9-27-71	McRae Funds, Inc., 2200 Niels Esperson Bldg., Houston, Tex. 77002.
CS72-280	9-27-71	Petrofunds, Inc., Agent for Petrofunds, Inc., 1968 Year End Drilling Fund, 2200 Niels Esperson Bldg., Houston, Tex. 77002.
CS72-281	9-27-71	Petrofunds, Inc., Agent for Petrofunds, Inc., 1970 Year End Drilling Fund, 2200 Niels Esperson Bldg., Houston, Tex. 77002.
CS72-282	9-27-71	Petrofunds, Inc., Agent for Petrofunds, Inc., 1970 Annual Drilling Fund, 2200 Niels Esperson Bldg., Houston, Tex. 77002.
CS72-283	9-27-71	Petrofunds, Inc., Agent for Petrofunds, Inc., 1969 Annual Drilling Fund, 2200 Niels Esperson Bldg., Houston, Tex. 77002.

Docket No.	Date filed	Name of applicant
CS72-284	9-27-71	Petrofunds, Inc., Agent for Petrofunds, Inc., 1969 Year End Drilling Fund, 2200 Niels Esperson Bldg., Houston, Tex. 77002.
CS72-285	9-27-71	Petrofunds, Inc., Agent for Petrofunds, Inc., 1971 Drilling Program (A Fund), 2200 Niels Esperson Bldg., Houston, Tex. 77002.
CS72-286	9-27-71	Petrofunds, Inc., Agent for Petrofunds, Inc., 1968 Annual Drilling Fund, 2200 Niels Esperson Bldg., Houston, Tex. 77002.
CS72-287	9-27-71	Petrofunds, Inc., Agent for Petrofunds, Inc., 1971 Drilling Program (B Fund), 2200 Niels Esperson Bldg., Houston, Tex. 77002.
CS72-288	9-27-71	E-K Oil Co., 815 First City National Bank Bldg., Houston, Tex. 77002.
CS72-289	9-27-71	Sojourn Oil Co., Inc., 815 First City National Bank Bldg., Houston, Tex. 77002.

[FR Doc.71-14568 Filed 10-1-71;8:51 am]

**OFFICE OF EMERGENCY PREPAREDNESS PENNSYLVANIA**

**Notice of Major Disaster and Related Determinations**

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744); notice is hereby given that on September 18, 1971, the President declared a major disaster as follows:

I have determined that the damages in certain areas of the State of Pennsylvania from unusually heavy rains and flooding, beginning about September 11, 1971, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Pennsylvania. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606) I hereby appoint Mr. Robert C. Stevens, Regional Director, OEP Region 3, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Pennsylvania to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 18, 1971:

- The counties of:
- Bucks. Fayette.
  - Chester. Montgomery.
  - Delaware. Philadelphia.

Dated: September 25, 1971.

**G. A. LINCOLN,**  
*Director,*

*Office of Emergency Preparedness.*

[FR Doc.71-14481 Filed 10-1-71;8:45 am]

## TEXAS

## Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744); notice is hereby given that on September 18, 1971, the President declared a major disaster as follows:

I have determined that the damages in certain areas of the State of Texas from heavy rains, high winds and flooding, beginning about September 9, 1971, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Texas. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606) I hereby appoint Mr. George E. Hastings, Regional Director, OEP Region 6, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Texas to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 18, 1971:

The counties of:

Aransas.	Jim Wells.
Bee.	Nueces.
Brooks.	Refugio
Duval.	San Patricio.

Dated: September 25, 1971.

G. A. LINCOLN,  
Director,

Office of Emergency Preparedness.

[F.R. Doc.71-14482 Filed 10-1-71;8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 245F-3515]

### BATTLE MOUNTAIN WILD CAT, INC.

#### Order Permanently Suspending Regulation A Exemption

SEPTEMBER 23, 1971.

I, Battle Mountain Wild Cat, Inc. (BMWC), 2 Ryland Street, Reno, NV, was incorporated under the laws of Nevada on September 19, 1969. Its stated purpose was to explore for oil and natural gas on properties it leased. To date BMWC has engaged in no operations. BMWC filed a notification under Regulation A with the San Francisco Regional Office on October 27, 1969, for the purpose of obtaining an exemption from

registration as required by the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) of it and Regulation A promulgated under it.

II. The Commission issued an order on January 19, 1971, pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the exemption. The order alleged that:

A. The notification and offering circular, as amended, omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading and contained untrue statements of material facts, and that Mr. James Schasre, counsel for BMWC, was the cause of these omissions in that:

1. The notification failed to identify Mr. James Schasre as an affiliate of BMWC. The offering circular failed to state that Mr. Schasre would assume operational control of BMWC, including the receipt and disbursement of corporate funds through his personal bank "trust account".

2. The notification and offering circular failed to disclose the material family relationship of uncle and nephew existing between the company's original president and the assignor of the company's oil and gas leases and general manager of field operations.

3. The notification and offering circular failed to reveal that Battle Mountain Wild Cat would invest in securities of other companies and that the issuer's stock would be purchased by other companies.

B. The terms and conditions of Regulation A had not been complied with in that (1) the company sold shares of unregistered stock prior to the offering's effective date without disclosing such sale in the notification nor relying on any exemption from registration for such sale and (2) the company filed a false and misleading report on Form 2-A pursuant to Rule 260.

III. The request for hearing having been withdrawn and no other hearing request having been made within 30 days after the entry of the order temporarily suspending the exemption of the issuer under Regulation A, the Commission finds that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be, and it hereby is, permanently suspended.

It is ordered, Pursuant to Rule 261(a), subparagraphs 1 and 2 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, permanently suspended and that James Schasre, Esq. be named as a cause of this suspension.

By the Commission.

[SEAL]

RONALD F. HUNT,  
Secretary.

[FR Doc.71-14461 Filed 10-1-71;8:47 am]

[81-106]

### FICUL, INC.

#### Notice of Application and Opportunity for Hearing

SEPTEMBER 23, 1971.

Notice is hereby given that FICUL, Inc. (formerly First Investors Corp., hereinafter "FICUL" or "Applicant"), 120 Wall Street, New York, NY 10005, has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("the Act") for an order exempting it from the requirements of sections 13, 14, and 16 of the Act to which it is subject by virtue of the registration of its securities under section 12(g) of the Act. The applicant registered its securities under section 12(g) of the Act on April 29, 1965 (File No. 0-580); such registration was effective on June 29, 1965.

Section 12(g) of the Act requires the registration of the equity securities of every issuer which is engaged in, or in a business affecting, interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce, and on the last day of its fiscal year has total assets exceeding \$1 million and a class of equity securities held of record by 500 or more persons. Registration will be terminated 90 days after the issuer files a certification with the Commission that the number of holders of the registered class is fewer than 300 persons.

Section 12(h) of the Act empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting and proxy solicitation provisions under sections 13, 14, 15(d) and any officer, director or beneficial owner of 12(g) registered securities of any issuer from the insider trading provisions of section 16 of the Act, if the Commission finds by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities, income or assets of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

Section 13 of the Act requires that issuers of securities registered pursuant to section 12 must file certain periodic reports with the Commission. Section 14 requires that issuers of securities registered pursuant to section 12 must comply with certain requirements with respect to proxy solicitations.

Section 16 imposes certain ownership reporting requirements upon the beneficial owners of more than 10 percent of a class of equity security registered pursuant to section 12 and upon officers and directors of the issuer of such security.

FICUL's Application states, in part:

1. FICUL, Inc., was incorporated as First Investors Corp. under the laws of New York in 1939 and registered under section 12(g) of the Act on April 29, 1965.



It changed its name to FICUL in June of 1968 when it sold its assets to NFIC Holding Co. and adopted a plan of distribution and complete liquidation.

2. A first liquidating distribution of \$11 per share was announced June 28, 1968, and made available for payment on July 18, 1968. A second liquidating distribution of \$0.95 per share was announced and paid on June 13, 1969. In a letter dated April 15, 1970, FICUL advised its shareholders that no further distributions would be made until all contingent liabilities were satisfied or lapsed.

3. FICUL has retained net assets which, as of April 30, 1970, aggregated \$86,999.00 (\$6.096 per share) and which are being held to meet the following possible liabilities:

(a) In 1967 and 1968 certain alleged shareholders of Fundamental Investors, Inc., Diversified Growth Stock Fund, Inc. (now Anchor Growth Fund, Inc.) and Wellington Fund, Inc. instituted several law suits against the directors, investment advisors and principal underwriters of the respective Funds, and several other defendants including the applicant, seeking rescission of various agreements and the payment of the Funds of moneys alleged to have been improperly received by certain defendants including the applicant. However, under the terms of the purchase agreement between FICUL and NFIC Holding Co., Inc., the present First Investors Corp. (a wholly owned subsidiary of NFIC Holding Co., Inc.), assumed and agreed to pay any and all liabilities of the applicant which might arise out of all of the subject lawsuits.

(b) The applicant was unable at the time of the sale of its assets to secure releases from its liability under certain leases for the period from April 1, 1970, to their termination dates in 1972 which aggregate approximately \$147,000. The applicant's obligations under all of such leases have been assumed by the present First Investors Corp. pursuant to the terms of the purchase agreement referred to above.

4. Counsel for applicant feels that FICUL should retain a reserve against the above possible liabilities until such liabilities have been determined and eliminated, at which time final distribution and liquidation will be effected. The applicant's assets of \$88,508.35 as of December 31, 1970 consisted of \$11,336.66 in cash, \$35,026.50 of First National Mortgage Association 8½ percent notes due December 1, 1971, \$40,000 of 12 Federal Intermediate Credit Banks 8.15 percent notes due March 1, 1971, and \$2,145.19 in accrued interest receivable. The applicant's liabilities (not including the possible contingent liabilities described above) consisted of miscellaneous fees, charges and taxes of \$3,159.11 as of December 31, 1970.

5. There is no public trading in the applicant's common stock. When the initial distribution of \$11 was made in July of 1968, all shareholders were required to turn their share certificates in to the First National City Bank of New York, the disbursing agent. Certificates for all 16,000 shares of the ap-

plicant's Class B common stock and for 897,653 of the 900,000 shares of the applicant's Class A common stock have been turned in to said bank. The holders of the remaining 2,347 shares of Class A common stock have not been located. As stated above, the amount of net assets retained as of December 31, 1970, per share of common stock amounted to \$0.096. There are at present 1,225 stockholders of the Class A common stock.

6. Applicant waives notice of, and opportunity for, a hearing in connection with this matter.

7. Applicant states that in view of the facts that the applicant is inactive, its securities are not traded and its remaining assets are held only pending final liquidating distribution after elimination of any liabilities, it should be exempted from the filing requirements of sections 13, 14, and 16 of the Act.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street NW., Washington, DC 20549.

Notice is further given that any interested person not later than October 14, 1971 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, DC 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application in whole or in part may be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.  
[FR Doc. 71-14462 Filed 10-1-71; 8:47 am]

[812-3002]

**PAINÉ WEBBER MUNICIPAL BOND FUND, SECOND SERIES, AND PAINÉ, WEBBER, JACKSON & CURTIS, INC.**

**Notice of Filing of Application for Exemption**

SEPTEMBER 28, 1971.

In the matter of Paine Webber Municipal Bond Fund, Second Series (and Subsequent Funds), Paine, Webber, Jackson & Curtis, Inc., 140 Broadway, New York, NY 10005.

Notice is hereby given that Paine Webber Municipal Bond Fund, Second Series (Second Series), registered under the Investment Company Act of 1940 (Act) as a unit investment trust, and its sponsor, Paine, Webber, Jackson & Curtis, Inc. (Sponsor) (hereinafter collectively referred to as "Applicants") have filed an application pursuant to

section 6(c) of the Act for an order exempting the secondary market operations of Sponsor from the provisions of Rule 22c-1 under the Act. Applicants seek an exemption permitting the valuation of Fund Units, subject to limitations described below, at prices computed once a week as of the close of business on the last business day of the week, for repurchase and resale by the Sponsor. All interested persons are referred to the application on file with the Commission for a statement of Applicants' representations contained therein, which are summarized below.

The exemptive order is requested for Second Series and subsequent funds sponsored by the Sponsor and meeting the description of such Funds in the application. The Paine Webber Municipal Bond Fund, Second Series and each future Fund will be governed by a trust agreement for that Fund (hereinafter called the "Agreement") to be entered within 2 months of the registration of the Fund with the Securities and Exchange Commission under which the Sponsor will act as such and United States Trust Company of New York will act as Trustee. Standard & Poor's Corp. will act as Evaluator (Evaluator). The Trust Agreement for each Fund will contain standard terms and conditions of trust common to all Funds. Pursuant to the Agreement, the Sponsor will deposit with the Trustee not less than \$5 million principal amount of bonds (hereinafter called the "Bonds") which the Sponsor shall have accumulated for such purpose. Simultaneously with such deposit the Trustee will deliver to the Sponsor registered certificates for not less than 5,000 Units, which will represent the entire ownership of the Fund. These Units are in turn to be offered for sale to the public by the Sponsor.

It shall be noted that the Bonds will not be pledged or be in any other way subjected to any debt at any time after the Bonds are deposited in the Fund. All of the Bonds will be municipal bonds the interest on which is exempt from Federal income taxation. The Sponsor has accumulated the Bonds for the purpose of deposit in the Second Series and will follow a similar procedure of accumulating the Bonds for each future Fund. In selecting the Bonds, the following factors are considered: (i) Standard & Poor's Corp.'s rating of "BBB" or better, (ii) the price of the Bonds relative to other bonds of comparable quality and maturity, (iii) diversification as to the purpose of issue and location of issuer and (iv) income to the unitholder of the Fund.

Each Fund will consist of the Bonds, such bonds as may continue to be held from time to time in exchange or substitution for any of the Bonds upon certain refundings, accrued and undistributed interest and undistributed cash. Certain of the Bonds may from time to time be sold under circumstances set forth in the Agreement or may be redeemed or may mature in accordance with their terms. The proceeds from such dispositions will be distributed to unit holders and not reinvested. There is no provision

in the Agreement for the Second Series, and there will be no provision in the Agreement for any future Fund, for the sale and reinvestment of the Bonds, and such activity will not take place. Reference is made to the Agreement and to the Prospectus for the Second Series for a full explanation of the operation of the Funds.

Initially each Unit for a particular Fund will represent a fractional undivided interest in that Fund. The numerator of the fractional interest represented will be 1; the denominator, the number of Units then in the Fund. Units will be redeemable. In the event that any Units shall be redeemed, the denominator of the fraction will be reduced and the fractional undivided interest represented by such Unit increased. Units will remain outstanding until redeemed or until the termination of the Agreement. The Agreement may be terminated by 100 percent agreement of the unit holders of the Fund, or in the event that the value of the Bonds shall fall below 20 percent of the principal amount of Bonds originally deposited in the Fund, upon direction of the Sponsor to the Trustee. There is no provision in the Agreement for Second Series, and there will be no provision in the Agreements for future Funds, for the issuance of any Units after the initial offering of Units (except to the extent that the secondary trading by the Sponsor in the Units is deemed the issuance of Units under the Act) and such activity will not take place.

Following the deposit of Bonds for each Fund by the Sponsor with the Trustee, and following the declaration of effectiveness of that Fund's registration statement under the Securities Act of 1933 and clearance by the securities authorities of the various States, the Sponsor will offer the Units of that Fund to the public at the public offering price set forth in the Prospectus, plus accrued interest.

It is the purpose of each Fund to provide a diversified investment of quality not less than Standard & Poor's Corp.'s rating of BBB or better. In the opinion of counsel, none of the Funds will be associations taxable as corporations under the Internal Revenue Code and to the extent that income of Second Series or Subsequent Funds consists of interest excludable from gross income under the Internal Revenue Code such income is excludable from the gross income of the unitholders when distributed to them.

Funds' Sponsor, Paine, Webber, Jackson & Curtis, Inc., is presently maintaining a market for the Units of the Paine Webber Municipal Bond Fund, First Series (First Series) and continuously is offering to repurchase Units of First Series from holders at a price based on the offer side evaluation which is above the bid side evaluation used for redemption purposes. Such price, according to the application, may exceed the redemption price (net asset value), based upon the "bid" prices of the Bonds, by \$15 or \$20 per Unit. In addition, Sponsor resells Units at a public offering price based upon the offer side evaluation of the Bonds plus a sales charge of 3.846 percent of the public offering price. Both

the repurchase and resale price are computed as of the close of business on the last business day of each week and are effective for all purchases and sales by Sponsor during the following week. The evaluation is made by Evaluator.

While Sponsor is not obligated to do so, it is Sponsor's intention to maintain a market for Units of the Second Series and for Subsequent Funds and continuously to offer to purchase such Units at prices not less than the redemption price as set forth in the Agreement.

Applicants assert that the pricing by the Sponsor in the secondary market will in no way affect the Funds' assets, and that the public unitholders will benefit from such pricing procedure by receiving a normally higher repurchase price for their Units without the cost burden of daily evaluations of the unit redemption value. In addition, the application states that Sponsor has undertaken to adopt a procedure whereby the Evaluator, without a formal evaluation, will provide estimated evaluations on trading days. In the case of a repurchase, if the Evaluator cannot state that the previous Friday's price is at least equal to the current bid price, Sponsor will order a full evaluation. Sponsor has agreed that, in case of the resale of Units in the secondary market, if the Evaluator cannot state that the previous Friday's price is no more than one-half point (\$5 on a unit representing \$1,000 principal amount of underlying bonds) greater than the current offering price, a full evaluation will be ordered.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 13, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the

information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL]

RONALD F. HUNT,  
Secretary.

[FR Doc.71-14463 Filed 10-1-71; 8:47 am]

[811-1820]

VANCE, SANDERS INSTITUTIONAL  
FUND, INC.Notice of Filing of Application for  
Order Declaring that Company has  
Ceased to be an Investment Com-  
pany

SEPTEMBER 28, 1971.

Notice is hereby given that Vance, Sanders Institutional Fund, Inc. (Applicant), 111 Devonshire Street, Boston, MA 02109, a Massachusetts corporation registered as an open-end diversified management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Applicant registered under the Act by filing both a Notification of Registration on Form N-8A on February 28, 1969, and a Registration Statement on Form N-8B-1 on April 11, 1969. Also on April 11, 1969, a Registration Statement on Form S-5 was filed with the Commission under the Securities Act of 1933; that Registration Statement has not been made effective and Applicant's request for withdrawal of the Registration Statement was granted on September 17, 1971. Applicant represents that it has one shareholder (an officer) and that no public offering or sale of its common stock has been or is intended to be made.

Section 3(c)(1) of the Act excepts from the definition of investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons, and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 20, 1971, at 5:30 p.m., submit to the

Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issue, if any, of fact or law proposed to be controverted or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time later than said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of its application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL]

RONALD F. HUNT,  
Secretary.

[FR Doc.71-14464 Filed 10-1-71;8:47 am]

## DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

AUTHORIZED CENTRAL ARIZONA  
PROJECT, ARIZONA

Notice of Availability of Draft  
Environmental Statement

Notice is hereby given that a draft of document entitled "Environmental Statement Central Arizona Project" dated September 1971, has been prepared as required by the National Environmental Policy Act of 1969 and is being placed for public examination in offices of the Bureau of Reclamation in Washington, D.C., Boulder City, Nev., and Phoenix, Ariz. Persons wishing to examine a copy of the document may do so at any of the following offices:

Office of Information, Bureau of Reclamation, Room 7842, Department of the Interior, C Street between 18th and 19th Streets NW., Washington, DC 20240; telephone (202) 343-4862;

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

Phoenix Development Office, Bureau of Reclamation, 135 North Second Avenue, Phoenix, AZ 85003; telephone (602) 261-3106.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation, the Regional Director, or the Projects Manager.

Dated: September 27, 1971.

ELLIS L. ARMSTRONG,  
Commissioner of Reclamation.

[FR Doc.71-14460 Filed 10-1-71;8:47 am]

### Geological Suvey

[Power Site Cancellation 179]

KAWEAH AND TULE RIVER BASINS,  
CALIF.

#### Cancellation of Power Site

Pursuant to authority under the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classifications 144, 185, and 290 are hereby canceled to the extent that they affect the following described land:

MOUNT DIABLO MERIDIAN, CALIFORNIA

Power Site Classification 144 of May 15, 1926:

T. 20 S., R. 30 E.,  
Sec. 22, SE $\frac{1}{4}$ ;  
Sec. 23, SW $\frac{1}{4}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 24, S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 25, N $\frac{1}{2}$ N $\frac{1}{2}$ ;  
Sec. 26, NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and N $\frac{1}{2}$ SE $\frac{1}{4}$ .

T. 20 S., R. 31 E.,  
Sec. 19, lot 4;  
Sec. 29, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 30, lots 1 and 2, W $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
Sec. 31, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 32, W $\frac{1}{2}$ .

Area—1,763 acres.  
Power Site Classification 185 of July 14, 1927 (as interpreted January 17, 1936).

T. 17 S., R. 29 E.,  
Sec. 2, lot 9;  
Sec. 3, lots 5 to 9, inclusive;  
Sec. 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$  and NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 13, lot 1 and NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 15, N $\frac{1}{2}$ SW $\frac{1}{4}$  and NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 24, NE $\frac{1}{4}$ NW $\frac{1}{4}$  and SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

T. 18 S., R. 29 E.,  
Sec. 13, NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 14, NE $\frac{1}{4}$ SE $\frac{1}{4}$  and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 15, SW $\frac{1}{4}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 16, SW $\frac{1}{4}$  and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 22, N $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 23, W $\frac{1}{2}$ NE $\frac{1}{4}$  and S $\frac{1}{2}$ NW $\frac{1}{4}$ .  
Area—1,163 acres.

Power Site Classification 290 of January 17, 1936:

T. 17 S., R. 29 E.,  
Sec. 38, lot 2, NE $\frac{1}{4}$ , and E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 39, lots 1 to 6, inclusive, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 40, lot 1 and SE $\frac{1}{4}$ NE $\frac{1}{4}$ .  
Area—591 acres.

The total area in this notice aggregates about 3,517 acres.

W. A. RADLINSKI,  
Acting Director.

SEPTEMBER 27, 1971.

[FR Doc.71-14477 Filed 10-1-71;8:48 am]

### Office of Coal Research

[INT PES 71-18]

## PROPOSED SOLVENT-REFINED COAL PILOT PLANT, FORT LEWIS, WASH.

### Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for a proposed solvent-refined coal (SRC) pilot plant in Fort Lewis, Wash.

The proposed pilot plant will test out a process involving solvation of coals to produce a clean (ashfree, low sulfur) fuel competitive with natural gas and low sulfur fuel oils now being used in increasing quantities to meet antipollution regulations.

Copies are available for inspection at the following locations:

Office of Coal Research, Room 4643, Department of the Interior, Washington, D.C. 20240; telephone (202) 343-6891.

Office of the Governor, Office of Program Planning and Fiscal Management, 100 Insurance Building, Olympia, Wash. 98501.  
Puget Sound Governmental Conference, Ferry Terminal Building, Pier 52, Seattle, Wash. 98104.

Copies may be obtained by writing the National Technical Information Service, Department of Commerce, Springfield, Va. 22151, and enclosing \$3. Please refer to the statement number above.

Dated: September 27, 1971.

JOHN W. LARSON,  
Assistant Secretary of the Interior.

[FR Doc.71-14492 Filed 10-1-71;8:48 am]

### Office of the Secretary

## ENVIRONMENTAL STATEMENTS

### Issuance of Departmental Directives Regarding Preparation

Notice is hereby given of the publication of procedures of the Department of the Interior to implement the policy and directives of section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190, 83 Stat. 852, January 1, 1970); section 2(f) of Executive Order 11514 (March 5, 1970); the guidelines issued by the Council on Environmental Quality (36 F.R. 7724, April 23, 1971); and Office of Management and Budget Bulletin No. 72-6 (September 14, 1971).

Set forth below is the Department Manual Part 516, Chapter 2, entitled "Statement of Environmental Impact." The numbering system used is that of the Departmental Manual.

RICHARD S. BODMAN,  
Assistant Secretary of the Interior.

SEPTEMBER 27, 1971.

Included in the Manual Part but not published in this notice are the Council on Environmental Quality Guidelines (36 P.R. 7724, April 23, 1971); Office of Management and Budget Bulletin 72-6 (September 14, 1971); and various format illustrations.

#### ENVIRONMENTAL QUALITY

#### PART 516—NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

#### Chapter 2—Statement of Environmental Impact

**1 Purpose.** These procedures are to implement the policy and directives of section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190), 83 Stat. 852, January 1, 1970, hereafter referred to as the Act; section 2(f) of Executive Order No. 11514 (March 5, 1970); the Guidelines issued by the Council on Environmental Quality (36 P.R. 7724, April 23, 1971) (appendix A); Bulletin No. 72-6 of the Office of Management and Budget (September 14, 1971) (appendix B); and to provide guidance to bureaus and offices of the Department in the preparation of environmental statements for major Federal actions significantly affecting the quality of the human environment.

**2 Policy.** All activities and proposed or recommended actions of the Department will be assessed for their environmental impact. Environmental statements shall be submitted to the Council on Environmental Quality on all legislation or other major actions proposed by the Department, and favorable reports on bills principally concerning the Department, which will have significant impacts on the quality of the environment. All draft and final statements shall be available to the public as provided by the Freedom of Information Act (5 U.S.C. sec. 552).

**3 Scope.—A Actions initiated after January 1, 1970.** All activities of the Department initiated after the effective date of the Act (January 1, 1970) which significantly affect the environment are subject to the provisions of this chapter.

**B Actions initiated before January 1, 1970.** The provisions of this chapter apply to continuing major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to the effective date of the Act. Where it is not practicable to reassess the basic course of action, continuing major actions should be shaped to minimize adverse environmental consequences. It is also important in continuing actions that account be taken of environmental consequences not fully evaluated at the outset of the project or program. Ongoing or uncompleted programs and projects which were authorized prior to January 1, 1970, shall be reconsidered to determine whether they constitute major Federal actions significantly affecting the quality of the human environment. If the program or project has significant impact, alternatives should be considered and an environmental statement must be prepared. The program or project need not be stopped or delayed pending preparation of the statement; except that, if such an ongoing program or project entails individual actions which have significant environmental impact and which are not yet authorized or not yet funded, an environmental statement must be provided before those actions may be carried out.

**4 Responsibilities.—A The Assistant Secretary—Program Policy.** (1) As he may deem appropriate, shall establish or approve task forces, composed of representatives of other Federal, State, and local agencies; Secretarial offices; and/or appropriate bureaus and offices to prepare environmental statements in special cases;

(2) Shall designate lead bureaus within the Department and shall consult with CEQ and

other Federal agencies in the designation of lead agencies, where appropriate;

(3) Shall review and endorse, prior to transmitting to CEQ, all draft and final environmental statements as to their form and content, and conformity with this chapter, in order to determine whether they are formulated in accordance with and represent the full and balanced interests of the Department;

(4) Shall review and approve all bureau and office procedures for the preparation and utilization of environmental statements.

**B The Assistant Secretaries.** (1) Shall maintain general supervision of the bureaus and offices under their jurisdiction in their compliance with this chapter and section 102(2)(C) of the Act;

(2) Shall review and approve all environmental statements prepared by bureaus and offices under their jurisdictions before they are forwarded to the Assistant Secretary—Program Policy.

**C The Solicitor.** (1) Shall consult with all bureaus and offices in identifying those actions requiring environmental statements;

(2) Shall assist bureaus and offices with legal questions which arise in the preparation of environmental statements.

**D The Legislative Counsel.** (1) Shall insure that bureaus and offices prepare environmental statements for legislative proposals of the Department which have significant impact upon the environment;

(2) Shall coordinate or delegate the preparation of environmental statements for favorable reports on bills principally concerning the Department which have significant impact upon the environment.

**E The Director of Communications.** (1) Shall maintain a public file or index of draft and final environmental statements which have been transmitted to CEQ and shall arrange for making such statements available for inspection in accordance with the provisions of the Freedom of Information Act (5 U.S.C. sec. 552).

**F Heads of Bureaus and Offices.** (1) Shall identify those actions requiring environmental statements and shall consult with the Assistant Secretary—Program Policy for guidance and direction;

(2) Shall designate those officials responsible for preparing such statements;

(3) Shall transmit the proposed draft and final environmental statements through their Assistant Secretary to the Assistant Secretary—Program Policy;

(4) Shall prepare formal procedures implementing this chapter and identifying the role of the environmental statement in the review and decisionmaking process in the bureau or office.

**G Officials Responsible for Preparing Environmental Statements.** (1) Shall obtain the information needed for the preparation of environmental statements;

(2) Shall consult with appropriate bureaus and offices; other Federal agencies; and other appropriate sources of special environmental expertise not available within the responsible official's bureau or office;

(3) Shall prepare proposed draft environmental statements and ensure that they fully consider and reflect the information obtained;

(4) Shall transmit copies of draft environmental statements, as cleared by the Assistant Secretary—Program Policy, to Federal agencies with jurisdiction by law or special environmental expertise, to State and local agencies authorized to develop or enforce environmental standards, and to private organizations with an expressed or known interest in the proposal;

(5) Shall give public notice in the manner herein provided of the availability of draft environmental statements and invite comments;

(6) Shall consult with all bureaus and offices and other Federal agencies submitting comments, where appropriate;

(7) Shall prepare proposed final environmental statements and insure that all relevant comments are considered therein;

(8) Shall transmit copies of final environmental statements, as cleared by the Assistant Secretary—Program Policy, to all bureaus and offices; other Federal, State, and local agencies; and private organizations from whom comments were solicited and received.

**5 Determination of major Federal actions requiring environmental statements.** The following criteria are to be used in deciding whether a proposed action requires the preparation of an environmental statement:

A Types of Federal actions to be considered include, but are not limited to:

(1) Recommendations or favorable reports to the Congress relating to legislation, including appropriations.

(2) Projects, programs, and continuing activities, including research:

(a) Directly undertaken by Federal agencies;

(b) Supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of financial assistance; or

(c) Involving a Federal lease, permit, license, certificate, or other entitlement for use.

(3) Recommendation or adoption of policies, principles, standards, procedures, regulations, and plans which affect the environment.

(4) Actions relating to natural or cultural resources:

(a) Acquisition or disposal;

(b) Regulation, permission, prohibition, or other institutional control of their use;

(c) Their operational or physical management;

(d) Construction or operation of various structures to manage them; and

(e) Recommendations of comprehensive, program, or project plans for their management.

B The statutory clause "major Federal actions significantly affecting the quality of the human environment" is to be construed with a view to the overall, cumulative impact of the action proposed, and of further actions contemplated. Such actions may be localized in their impact, but if the environment or its uniqueness may be significantly affected, the statement is to be prepared. Any proposed action that has an environmental impact likely to be highly controversial should be considered to require an environmental statement.

(1) In considering what constitutes a major Federal action, bureaus and offices should bear in mind that the effect of many decisions about a project or complex of projects can be individually limited but cumulatively considerable. This can occur when one or more government entities over a period of years put into a project individually minor but collectively major resources, when one decision involving a limited amount of money is a precedent for action in much larger cases or represents a decision in principle about a future major course of action, or when several government entities individually make decisions about partial aspects of a major action. The lead organization (agency with primary authority for committing the Federal Government to a course of action, or bureau or office with primary authority for committing the Department to a course of action) should be designated to prepare an environmental statement if it is reasonable to anticipate a cumulatively significant impact on the environment from such Federal actions.

(2) In considering what constitutes significant effects on the quality of the human environment, bureaus and offices should refer to the principles set forth in section 101(b)

of the Act. Significant effects include those that significantly degrade or enhance the quality of the environment, curtail or extend the range of beneficial uses of the environment, or serve short-term, to the disadvantage of long-term, environmental goals. Significant effects can also include actions which may have both beneficial and detrimental effects even if on balance the bureau or office believes that the effect will be beneficial. Significant effects on the quality of the human environment include both those that directly and indirectly affect human beings.

**5. Content of environmental statements—**  
**A. Cover sheet.** Every environmental statement shall have a cover sheet indicating the type of statement, a brief but descriptive title, the responsible organization, the date, and the signature of the responsible official (draft) or head of the bureau or office (final).

**B. Summary sheet.** Each environmental statement shall have a 1-page summary sheet prepared in accordance with section 6(e) and appendix I of the CEQ Guidelines (appendix A). Formats are provided in appendix D.

**C. Body of statement.** The body of the statement shall contain the following eight sections:

(1) **Description of the proposal.** This section shall describe the proposed or recommended action, its purpose, where it is to be located, when it is proposed to take place, and its interrelationship with other projects or proposals, and shall contain information and technical data sufficient to permit assessment of environmental impact by commenting agencies. Supporting project or program documents shall be referenced and 1-page maps included as necessary.

(2) **Description of the environment.** This section shall include a comprehensive description of the existing environment without the proposal and the probable future environment without the proposal. The description shall focus both on the environmental details most likely to be affected by the proposal and on the broader regional aspects of the environment, including ecological interrelationships. This section shall also include a description of the present and projected level of economic development, land use, and related cultural factors, where appropriate.

(3) **The environmental impact of the proposed action.** This section shall describe the environmental impacts of the proposed action. These impacts are defined as direct or indirect changes in the existing environment, whether beneficial or adverse. Wherever possible these impacts shall be quantified. This discussion will include the impact not only upon the natural environment but upon land use and social well-being as well. Separate discussion shall be provided for such potential impacts as man-caused accidents and natural catastrophes and their probabilities and risks. Specific mention should also be made of unknown or partially understood impacts.

(4) **Mitigating measures included in the proposed action.** A section on mitigating factors may be prepared where appropriate, and shall include a discussion of measures which are proposed to be taken or which are required to be taken to enhance, protect, or mitigate impacts upon the environment, including any associated research or monitoring.

(a) With respect to water quality aspects of proposed actions which have been previously certified by the appropriate State or Interstate organization as being in substantial compliance with applicable water quality standards under the provisions of the Federal Water Pollution Control Act, as amended, discussion shall include reference to that certification and the comments on the Environmental Protection Agency.

(b) With respect to water and air quality aspects of proposed actions which have been found by the Environmental Protection Agency to meet the requirements of section 4(a)(1) of Executive Order 11507, Prevention, Control, and Abatement of Air and Water Pollution at Federal Facilities, discussion shall include reference to this finding.

(5) **Any adverse effects which cannot be avoided should the proposal be implemented.** This section shall describe those adverse effects which cannot be eliminated. This section shall include a discussion of the unavoidable adverse impacts described in (3) and (4) above, the relative values placed upon those impacts, and an analysis of who or what is affected and to what degree affected.

(6) **The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.** This section shall discuss the local short-term use of the environment involved in the proposed action in relation to its cumulative and long-term impacts and give special attention to its relationship to trends of similar actions which would significantly affect ecological interrelationships or pose long-term risks to health or safety. Short term and long term do not refer to any fixed time periods, but should be viewed in terms of the various significant ecological and geophysical consequences of the proposed action.

(7) **Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.** This section shall discuss, and quantify where possible, any irrevocable uses of resources, including such things as resource extraction, erosion, destruction of archaeological or historical sites, elimination of endangered species' habitat, and significant changes in land use.

(8) **Alternatives to the proposed action.** This section shall describe the environmental impacts, both beneficial and adverse, of the various alternatives considered by and available to the Department, specifically taking into account the alternative of no action. In addition and where appropriate there will be a brief discussion of possible alternatives which are beyond the authority of the Department.

**D. Consultation and coordination with others.** This part will have two sections as follows:

(1) **Consultation and coordination in the development of the proposal and in the preparation of the draft environmental statement.** This section shall describe the public participation efforts of the bureau or office concerned and the consultations with Federal, State, local, and individual interests in the development of the proposal and the preparation of the draft environmental statement.

(2) **Coordination in the review of the draft environmental statement.** This section shall indicate the procedures used in disseminating the draft environmental statement and will list those organizations and experts from whom comments have been requested. Upon preparation of the final environmental statement this section shall be expanded to indicate those organizations and experts from whom comments were received, their disposition, and any unresolved conflicts; and to summarize any public response.

**E. Attachments—(1) Draft statements.** Normally draft environmental statements shall not have attachments; however, in some cases it shall be appropriate to attach environmental assessments, evaluations, or reports prepared by applicants or solicited from consultants or other Federal agencies.

(2) **Final statements.** In addition to appropriate environmental assessments, evaluations, or reports prepared by applicants or consultants, attachments to final environmental statements shall include all written responses from:

(a) Bureaus and offices with delegated jurisdiction or special environmental expertise;

(b) Other Federal agencies with jurisdiction by law or special environmental expertise;

(c) State and local agencies which are authorized to develop and enforce environmental standards;

(d) Responsible private organizations and associations which represent the opinions of wider groups concerning the proposed action or its environmental impact;

(e) Recognized experts.

**7. Coordination.** In conjunction to the procedures set forth herein, existing mechanisms for obtaining the views of Departmental bureaus and offices and of other Federal, State, and local agencies will be utilized to the maximum extent practicable in the preparation and subsequent review of draft environmental statements.

**A. Departmental Bureaus and Offices.** (1) Because of the Department's extensive environmental expertise many of the Department's bureaus and offices may have inputs to the preparation of environmental statements. Accordingly working-level consultations should be initiated early in the development of the proposal and in the preparation of draft environmental statements.

(2) Draft statements shall be circulated to all of the Department's bureaus and offices which have delegated jurisdiction or special environmental expertise. Comments received from these bureaus and offices shall be attached to the final environmental statement.

**B. Other Federal and Federal-State agencies.** (1) Other Federal and Federal-State agencies shall be consulted in connection with preparation of environmental statements where those agencies have jurisdiction by law or special environmental expertise with respect to any environmental impact involved, and comments shall be obtained from those Federal and Federal-State agencies which are authorized to develop and enforce environmental standards. Section 7 and appendix II to the CEQ Guidelines (appendix A) shall be used to determine those agencies from which consultations and comments should be solicited. Draft statements shall be sent to the appropriate offices indicated in appendix III of the CEQ Guidelines (appendix A) for official agency review and comment.

(2) The Environmental Protection Agency shall be consulted and comments requested on matters related to air or water quality standards, noise control, solid waste disposal, pesticide regulation, radiation criteria and standards, or other provisions of the authority of EPA.

(3) A period of not less than forty-five (45) days should be established for reply, after which it may be presumed, unless the agency requests a specific extension of time, that the agency consulted has no comment to make. Where time is a critical factor, time limits of thirty (30) days may be established. A period of forty-five (45) days will always be allowed for EPA review.

**C. State and local agencies.** (1) Where no public hearing has been held on the proposed action at which the appropriate State and local review has been invited, and where review of the proposed action by State and local agencies authorized to develop and enforce environmental standards is relevant, such State and local review shall be provided for as follows:

(a) For Federal water and related land resources plans, projects, and programs, review by State and local governments shall be through procedures set forth by the Water Resources Council (section III E of Policies, Standards, and Procedures in the Formulation, Evaluation, and Review of Plans for Use and Development of Water and Related Land Resources, approved by the President on May 15, 1962, and printed as Senate Document 97, 87th Congress; Handbook for Coordination of Planning Studies and Reports, June 1969).

(b) For direct Federal development projects, and for projects assisted under programs listed in Attachment D of the Office of Management and Budget Circular No. A-95, review by State and local governments shall be through the State and Regional or Metropolitan Clearinghouses in accordance with the procedures set forth under part 1 of OMB Circular No. A-95 and 511 DM 5, Intergovernmental Relations.

(c) For actions affecting the cultural or historic environment, review by State and local agencies shall be through procedures set forth by the Advisory Council on Historic Preservation (36 F.R. 3310), and draft environmental statements shall reflect consultations with the State Liaison Officer for Historic Preservation and with the State Archaeologist.

(d) For actions having an impact on Indian lands or communities, review by State and local agencies shall also include review by any Indian tribal governing bodies.

(2) Where the procedures in (1) above are not appropriate, review and comment by State and local agencies authorized to develop and enforce environmental standards may be obtained by distributing the draft environmental statement to the appropriate State and Regional or Metropolitan Clearinghouses, unless the Governor of the State involved has designated some other point for obtaining this review.

(3) Clearinghouse procedures allow State and local agencies thirty (30) days for initial comment with an extension of thirty (30) days upon request.

**8 Public participation and availability of statements.—A** The public will be provided timely information and material sufficient for an understanding of plans and programs with environmental impact in order to obtain the views of interested parties. The public will also be provided information on alternative courses of action.

**B** Public hearings may be held to solicit the views of interested parties. Notice of such hearings shall include publication in the FEDERAL REGISTER no less than thirty (30) days before the hearing date, and such other notice as the bureau or office deems appropriate. If it is decided to prepare a draft environmental statement prior to a relevant hearing, the statement shall be made available to the public at least fifteen (15) days, and preferably thirty (30) days, prior to the hearing date. Procedures for discretionary public hearings are provided in 455 DM 1.

**C** Draft and final environmental statements, including required attachments, shall be made available for public inspection at the following locations:

- (1) The Office of Communications (for statements considered especially newsworthy by the Director of Communications; otherwise this office will assist the public in locating and inspecting such statements).
- (2) The Bureau or office headquarters.
- (3) Any involved Bureau regional offices.
- (4) Bureau field offices, where appropriate.
- (5) State and regional or metropolitan clearinghouses, where appropriate.
- (6) A local public meeting place, such as a county courthouse or public library, in the

immediate vicinity of the proposed action, where appropriate.

**D** A complete record of any hearings, draft and final statements, and all comments received related thereto shall be made available for public inspection at the following locations:

- (1) The Bureau or office headquarters.
- (2) The Bureau regional and/or field office with primary involvement.

**E** Whenever possible copies of draft and final environmental statements, including required attachments, shall be made available to the public at no cost. In those cases where the cost of reproduction of such statements is substantial, the public may be charged a fee no greater than the incremental costs of reproduction (43 CFR 2.3).

**F** Notices of availability of draft and final environmental statements will be made in the FEDERAL REGISTER at the time of transmittal of the statement to CEQ. Formats are provided in appendix E.

**9 Procedures for preparing and processing environmental statements.—A General procedures.** (1) Program and project recommendations and decisions are based on various technical, economic, social, and environmental factors. These factors are generally incorporated into a program justification or plan formulation document. Environmental statements are separate documents which analyze the salient environmental information in order to provide decisionmakers with comprehensive and concise factual information concerning the environmental impacts of the proposed action and related alternatives. Accordingly, environmental statements shall not be used to recommend or justify proposed actions.

(2) Bureaus and offices shall identify at what stage or stages of a series of actions the environmental statement procedures of this directive will be applied. It may be necessary to use these procedures both in the development of a national program and in the review of proposed projects within the national program. Care should be exercised so as not to duplicate the review process, but when actions being considered differ significantly from those that have already been reviewed pursuant to this chapter, an environmental statement should be provided.

(3) When a proposed grant, leasing, or similar program does not entail approval by other agencies of numerous, but relatively minor, projects within the program, the views of Federal, State, and local agencies in the legislative, and possibly appropriation, process may have to suffice. The principle to be applied is to obtain views of other agencies at the earliest feasible time in the development of program and project proposals.

(4) Statements shall normally be prepared at the organizational level responsible for initiating or implementing the proposed action. A bureau or office may seek information helpful to the preparation of an environmental statement from any appropriate source, but shall itself prepare the statement.

**B Types of environmental statements.—**  
(1) *Draft statement.* This document is as complete as possible and is formally circulated to Federal, State, and local agencies and to other interested parties for their review and comment. It may be circulated concurrently with the bureau's or office's review of the proposed action as long as final decisions or recommendations are not made prior to consideration of comments received.

(2) *Final statement.* This is the completed document which incorporates review comments and discusses unresolved issues. It is the document which must accompany the proposed action through the Department's final decisionmaking process.

**C Administrative actions.** (1) Administrative actions are defined as any proposed

action subject to section 102(2)(C) of the Act other than proposals for legislation to the Congress or reports on legislation.

(2) To the maximum extent practicable, no administrative action is to be taken sooner than ninety (90) days after a draft environmental statement has been furnished to CEQ, circulated for comment, and publicly announced in the FEDERAL REGISTER, whichever is later.

(3) To the maximum extent practicable, no administrative action is to be taken sooner than thirty (30) days after a final environmental statement has been made available to CEQ and the public. If the final statement is filed within the ninety (90) day period in (2) above, the two periods may run concurrently to the extent that they overlap.

(4) Where, in the opinion of the responsible bureau or office, emergency circumstances, overriding considerations of expense to the Government, or impaired program effectiveness make it necessary to take an action with significant environmental impact without observing the time limitations in (2) and (3) above, the bureau or office concerned shall consult with the Assistant Secretary—Program Policy, who shall in turn consult with CEQ, about alternative arrangements.

**D Legislative proposals and favorable reports on legislation.** (1) Environmental statements for legislative proposals and reports shall be handled in accordance with section 3a of OMB Bulletin 72-6 (appendix B), section 10(c) of the CEQ Guidelines (appendix A), and, except as modified herein, section 9.F of this chapter.

(2) Bureaus and offices shall be responsible for the preparation of environmental statements for their legislative proposals which have significant impact upon the environment, and shall be responsible for any necessary consultations with appropriate Federal, State, and local agencies in the course of preparing and reviewing such statements. State and local agency consultations are not required unless there is a specific impact in the jurisdiction of a State or local agency.

(a) Information copies of approved draft or final environmental statements shall accompany all such legislative proposals at the time they are submitted by bureaus and offices to the Legislative Counsel for circulation within the Department, and shall be circulated with such proposals.

(b) Information copies of approved draft or final environmental statements shall accompany the Legislative Counsel's submittals of such legislative proposals to OMB for clearance.

(3) In referring introduced legislation to bureaus and offices for comment, the Legislative Counsel, in consultation with the Assistant Secretary—Program Policy, shall indicate whether an environmental statement will be required in the event of a proposed favorable report; and, if such statement will be required, designate the bureau or office responsible for its preparation.

(a) The designated bureau or office shall submit the proposed draft statement to the Legislative Counsel at the same time that they submit comments on the introduced legislation. This proposed draft statement shall accompany the proposed favorable report on its "2-day wait" period within the Department.

(b) The approved draft environmental statement shall be circulated by the designated bureau or office for official review and comment at the same time that the Legislative Counsel submits the Department's proposed favorable report, accompanied by information copies of the statement, to OMB for clearance.

(4) Final environmental statements for legislative proposals and for favorable reports on legislation, and draft statements

where appropriate under Section 10(c) of the CEQ Guidelines (appendix A), shall be sent to the Congress by the Legislative Counsel.

(5) The Legislative Counsel may permit deviation from the procedures set forth herein when undue delay would occur in the presentation of Departmental Views to the Congress.

**E. Annual budget estimates.** (1) Environmental statements and summary lists for annual budget estimates shall be handled in accordance with section 3b of OMB Bulletin 72-6 (appendix B), and, except as modified herein, section 3.F of this chapter.

(2) Draft environmental statements for projects and programs included in annual budget estimates shall be prepared and circulated by September 1 of the fiscal year preceding the fiscal year under consideration.

(3) Final environmental statements for projects and programs included in the budget shall be transmitted to the Congress by the Assistant Secretary—Management and Budget and to CEQ by the Assistant Secretary—Program Policy following the President's budget transmittal to the Congress and prior to any Congressional hearings.

**F. Processing of environmental statements.** (1) Bureaus and offices should consult with and solicit inputs and informal comments from appropriate bureaus and offices; other Federal agencies; and other specific individuals, organizations, and governmental entities with special expertise regarding the environmental impact of the proposed action. The bureau or office may circulate a description of the proposed action at this stage in order to solicit such inputs. These inputs and comments received and sent are intended to provide technical assistance in the preparation of a draft environmental statement and shall be considered informal.

(2) Where appropriate, environmental information may be required of applicants for grants, contracts, loans, leases, licenses, or permits. This material may be circulated for comment pursuant to (1) above as long as it is properly identified. It shall not be circulated as a draft statement; however, it may be circulated as an attachment to a draft statement.

(3) Draft statements may be circulated at any level subject to the following:

(a) Fifteen (15) copies shall be transmitted through the appropriate Assistant Secretary to the Assistant Secretary—Program Policy.

(b) The Assistant Secretary—Program Policy shall clear the statement, assign it a control number, stamp the date on it, and transmit ten (10) copies to CEQ.

(c) A notice of availability shall accompany the statement to the Assistant Secretary—Program Policy, who in turn will send it to the FEDERAL REGISTER at the same time that he transmits the statement to CEQ, except for statements on legislation and budget estimates.

(d) Upon notification of the actions in (b) and (c) above, the bureau or office shall make formal distribution to reviewing entities. The circulation to other Federal agencies will be through the offices designated in appendix III of the CEQ Guidelines (appendix A).

(e) The Assistant Secretary—Program Policy shall immediately provide one (1) copy to the Director of Communications at the same time of the transmittal to CEQ, except for statements on legislation and budget estimates. The Director of Communications shall make any necessary arrangements for additional copies with the appropriate bureau or office.

(4) A complete and accurate log shall be kept of all comments received on draft environmental statements and all review comments on draft environmental statements

shall be available to the public upon request.

(5) Final environmental statements may be distributed at any level subject to the following:

(a) Fifteen (15) copies shall be transmitted through the appropriate Assistant Secretary to the Assistant Secretary—Program Policy.

(b) The Assistant Secretary—Program Policy shall endorse the statement, assign it a control number, stamp the date on it, and transmit ten (10) copies to CEQ.

(c) A notice of availability shall accompany the statement to the Assistant Secretary—Program Policy, who in turn will send it to the FEDERAL REGISTER at the same time that he transmits the statement to CEQ.

(d) Upon notification of the actions in (b) and (c) above, the bureau or office shall distribute the statement to all bureaus, offices, agencies, and organizations from whom comments were received.

(e) The Assistant Secretary—Program Policy shall immediately provide one (1) copy to the Director of Communications at the same time of the transmittal to CEQ. The Director of Communications shall make any necessary arrangements for additional copies with the appropriate bureau or office.

**10. Implementing instructions.** This chapter is effective upon release with the following exceptions:

**A. Bureau and office procedures.** The procedures provided for in section 2.4.F(4) shall be submitted no later than thirty (30) days following the release of this chapter to the Assistant Secretary—Program Policy for approval in accordance with section 2.4.A(5).

**B. Content of environmental statements.** The body of environmental statements provided for in section 2.8.C shall contain the prescribed material; however, the body of statements under preparation on the date of this release will not have to conform to the prescribed format if the draft or final statements are forwarded by the head of the appropriate bureau or office to the Assistant Secretary—Program Policy within sixty (60) days or ninety (90) days respectively, of the date of the release of this chapter.

[FR Doc. 71-14494 Filed 10-1-71; 8:48 am]

## INTERSTATE COMMERCE COMMISSION

### ASSIGNMENT OF HEARINGS

SEPTEMBER 29, 1971.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 11207 Sub 307, Deaton, Inc., assigned October 27, 1971, at Montgomery, Ala., canceled and reassigned October 27, 1971, at the Parliament House Motor Hotel, 420 South 20th Street, Birmingham, AL.

Finance Docket No. 28652, Chicago & North Western Railway Co. Abandonment between Klevenille & Pennimore, including Lancaster Junction to Lancaster, Monfort Junction to Cuba City, and Ipswich to Plattville, Indane, Iowa, Lafayette and Grant Counties, Wis., now assigned October 26, 1971, in Conference Room No. 3, County Courthouse, First Floor, Iowa Street, Dodgeville, Wis.

MC 119767 Sub 266, Beaver Transport Co., now assigned November 1, 1971, in the City Hall Council Chambers, 200 East Wells Street, Milwaukee, WI.

MC 134022 Sub 2, Contract Transportation, Inc., now assigned November 3, 1971, in the City Hall Council Chambers, 200 East Wells Street, Milwaukee, WI.

MC 116474 Sub 22, Leavitts Freight Service, Inc., assigned November 4, 1971, at Portland, Oreg., at a place to be designated later.

MC 135430, Leavitts Freight Service, Inc., assigned November 1, 1971, at Portland, Oreg., at a place to be designated later.

MC 135510, Robert E. Bailey Transport, Inc., assigned November 5, 1971, at Portland, Oreg., at a place to be designated later.

MC 115840 Sub 66, Colonial Fast Freight Lines, Inc., now assigned October 27, 1971, at the Parliament House Motor Hotel, 420 South 20th Street, Birmingham, AL.

MC 117589 Sub 15 and Sub 17, Provisioners Frozen Express, Inc., assigned November 15, 1971, at Seattle, Wash., at a place to be designated later.

MC 21866 Sub 65, West Motor Freight, Inc., now assigned for hearing on December 2, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 39249 Sub 8, Marty's Express, Inc., now assigned for hearing on November 17, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 51146 Sub 210, Schneider Transport & Storage, Inc., now assigned hearing December 6, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 128383 Sub 9, Pinto Trucking Service, Inc., now assigned hearing December 6, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 128383 Sub 10, Pinto Trucking Service, Inc., now assigned hearing December 13, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 107295 Sub 501, Pre-Fab Transit Co., now assigned hearing November 17, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 107295 Sub 442, Pre-Fab Transit Co., assigned November 11, 1971, at Seattle, Wash., at a place to be designated later.

MC 115331 Sub 316, Truck Transport, Inc., now assigned November 10, 1971, in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 114290 Sub 52, Exley Express, Inc., assigned November 8, 1971, at Seattle, Wash., at a place to be designated later.

MC-F-11129, Paramount Movers, Inc.—Purchase (Portion)—Shamrock Van Lines, Inc. (L. E. Creel, III, Trustee in Bankruptcy). MC-F-11130, Towne Services Household Goods Transportation Co.—Purchase (Portion)—Shamrock Van Lines, Inc. (L. E. Creel, III, Trustee in Bankruptcy). MC-F-11139, North American Van Lines, Inc.—Purchase (Portion)—Shamrock Van Lines, Inc. (L. E. Creel, III, Trustee in Bankruptcy), now assigned hearing December 13, 1971, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 129379 Sub 1, Fidelity Motor Bus Lines, Inc., now assigned November 3, 1971, at Columbus, Ohio, has been canceled and reassigned for hearing on November 3, 1971, in Room 156 U.S. Post Office, 2650 Cleveland Avenue, North, Canton, OH.

MC 110563 Sub 58, Coldway Food Express, Inc., assigned October 4, 1971, at Washington, D.C., postponed to November 2, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 71-14508 Filed 10-1-71; 8:50 am]

[Notice 373]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 29, 1971.

The following are notices of filing of applications for temporary authority under section 210(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 381 (Sub-No. 3 TA), filed September 17, 1971. Applicant: JOSEPH S. GENOVA, doing business as GENOVA EXPRESS LINES, 484 Clayton Road, Williamstown, NJ 08094. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from the plantsite of A. L. Hyde Co., at Grenloch, N.J. (Camden County), to the plantsite of Penquin Industries, Inc., at Parkersburg, Pa., for 180 days. Supporting shipper: Penquin Industries, Inc., Post Office Box 97, Parkersburg, PA 19365. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 2229 (Sub-No. 165 TA), filed September 17, 1971. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Post Office Box 47407, 75207, Dallas, TX 75247. Applicant's representative: Martin B. Turner, Post Of-

fice Box 47407, Dallas, TX 75247. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, serving the plantsite of R. G. LeTourneau, Inc., as an off route point in connection with carrier's otherwise authorized operations, from Vicksburg, Miss., over U.S. Highway 61 to the plantsite of R. G. LeTourneau, Inc., approximately 7½ miles south of Vicksburg, Miss., and return over the same route, serving no intermediate points, for 150 days. Note: Carrier intends to tack its authority in MC-2229 and subs thereunder. Supporting shipper: R. G. LeTourneau, Inc., Marine Division, LeTourneau Rural Station, Vicksburg, Miss. 39180. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 19778 (Sub-No. 76 TA), filed September 20, 1971. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, 516 West Jackson Boulevard, Room 508, Chicago, IL 60606. Applicant's representative: L. H. Tietz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, between Chamberlain, S. Dak., on the one hand, and, on the other, points in Lincoln, Lyon, Murray, Pipestone, Nobles, and Rock Counties, Minn., for 180 days. Supporting shipper: The South Dakota Cement Plant, Rapid City, S. Dak. 57701. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 41404 (Sub-No. 102 TA), filed September 20, 1971. Applicant: ARGOCOLLIER TRUCK LINES CORPORATION, Post Office Box 440, Fulton Highway, Martin, TN 38237. Applicant's representative: Tom D. Copeland (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, or in liquid form in tank vehicles), from the plantsite and storage and/or warehouse facilities of Swift & Co. located in the East St. Louis, Ill., and St. Louis, Mo., commercial zones as defined by the Commission, to points in the following counties of Kentucky: Carlisle, Hickman, Fulton, Calloway, Marshall, McCracken, Ballard, and Graves. Restriction: Transportation restricted to traffic originating at the above-described plantsite, and storage and/or warehouse facilities and destined to points in the above-named States, for 180 days. Supporting shipper: Swift & Co., 115 West Jackson Boulevard, Chicago, IL 60604. Send protests to: Floyd

A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 933 Federal Office Building, 167 North Main Street, Memphis, TN 38103.

No. MC 52657 (Sub-No. 687 TA), filed September 17, 1971. Applicant: ARCO AUTO CARRIERS INC., 2140 West 79th Street, Chicago, IL 60620. Applicant's representative: S. J. Zaugri, (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles bodies*, from Buffalo, N.Y., to Chicago, Ill.; Indianapolis, Ind.; New Carlisle, Ohio; Wichita, Kans.; Springfield, Mo.; Des Moines, Iowa; Troy, Mich.; Pittsburgh, Pa.; Baton Rouge, La.; Richmond, Va.; and Atlanta, Ga., for 180 days. Supporting shipper: Markel Electric Products Inc., 601 Amherst, Buffalo, N.Y. Send protests to: District Supervisor Robert G. Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 103993 (Sub-No. 655 TA), filed September 20, 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 Savannah, Tenn., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Tennessee Housing Corp., Inc., Post Office Drawer A, Savannah, TN 38372. Send protests to: acting District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, IN 46802.

No. MC 109638 (Sub-No. 22 TA), filed September 21, 1971. Applicant: WOODROW EVERETTE, doing business as EVERETTE'S TRUCK LINE, Post Office Box 145, Washington, NC 27889. Applicant's representative: Steve Everette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets, wood boxes, shook and lumber* (both rough and dressed) from Ahsokie, N.C., to points in Georgia, South Carolina, Pennsylvania, New Jersey, Maryland, New York, and Connecticut, for 180 days. Supporting shipper: Bennett Box Co., Ahsokie, N.C. 27910. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26896, Raleigh, NC 27611.

No. MC 114290 (Sub-No. 58 TA) (Correction), filed August 23, 1971, published FEDERAL REGISTER September 8, 1971, corrected and republished in part, as corrected this issue. Applicant: EXLEY EXPRESS, INC., 2610 Southeast Eighth Avenue, Portland, OR 97202. Applicant's representative: James T. Johnson, 1610



IBM Building, 1200 Fifth Avenue, Seattle, WA 98101. **NOTE:** The purpose of this partial republication is to set forth the correct Sub-No. 58, in lieu of Sub-No. 59, shown erroneously in previous publication. The rest of the notice remains the same.

No. MC 114301 (Sub-No. 67 TA), filed September 17, 1971. Applicant: DELAWARE EXPRESS CO., Post Office Box 97, Elkton, MD 21921. Applicant's representative: James E. Spry (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, from Delmar, Del., Camp Hill and Lewisburg, Pa., to points in Delaware, New Jersey, Maryland, Virginia, Pennsylvania, and New York, for 180 days. Supporting shipper: C. R. Huhn, Traffic Manager, Ralston Purina, 35th and Edgemoor Avenue, Wilmington, DE 19802. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 115332 (Sub-No. 85 TA), filed September 17, 1971. Applicant: REDWING REFRIGERATED, INC., Post Office Box 1698, 2939 Orlando Drive, Sanford, FL 32771. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from Peach Glen, Chambersburg, and Orrtanna, Pa., to points in Florida, Georgia, and Alabama, for 180 days. Supporting shipper: Knouse Foods Cooperative, Inc., Peach Glen, Pa. 17306. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 116702 (Sub-No. 40 TA), filed September 17, 1971. Applicant: THADDEUS A. GORSKI, doing business as GORSKI BULK TRANSPORT, Box 700, Harrow, ON, Canada. Office: 1570 Kildare Road, Windsor. Applicant's representative: William B. Elmer, 23801 Gratiot Avenue, East Detroit, MI 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, in bulk, in tank vehicles, from the international boundary line between the United States and Canada at Detroit, Mich., to Allen Park, Mich., for 180 days. Supporting shipper: Heublein, Inc., 2500 Enterprise, Allen Park, Mich. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, MI 48226.

No. MC 116947 (Sub-No. 21 TA), filed September 16, 1971. Applicant: HUGH H. SCOTT, doing business as SCOTT TRANSFER CO., 920 Ashby Street SW., Atlanta, GA 30310. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel drums, fiberboard or pulpboard drums, plastic articles* other than expanded,

corrugated fiberboard boxes, from the plantsite of Container Corporation of America, Lithonia, Ga., on the one hand, and, on the other, points in Alabama, Florida, North Carolina, South Carolina, Mississippi, Tennessee, Virginia, Louisiana, New Jersey, Pennsylvania, Illinois, Arkansas, and Texas; (2) *fiberboard boxes*, other than corrugated, from the plantsite of Containers Corporation of America, Stone Mountain, Ga., on the one hand, and, on the other, points in Alabama, Florida, North Carolina, South Carolina, Mississippi, Tennessee, Virginia, Louisiana, New Jersey, Pennsylvania, Illinois, Arkansas, and Texas; and (3) *fiberboard boxes*, from the plantsite of Container Corporation of America, at Fernandina Beach, Fla., to Washington, W. Va., Marseilles, Ill., Waycross, Ga., Lexington, Ky., and Winston-Salem, N.C., for 150 days. Supporting shipper: Container Corporation of America, Post Office Box 957, Atlanta, GA 30301. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 117765 (Sub-No. 134 TA), filed September 20, 1971. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal and charcoal products*, from Cotter, Ark., to points in Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin, for 180 days. Supporting shipper: Twin Lakes Charcoal Co., M. O. Raine, President, Cotter, Ark. 72626. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 117765 (Sub-No. 135 TA), filed September 17, 1971. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonfrozen preserved foodstuffs*, in containers, from Durand, Franksville, and Lodi, Wis., and Milford, Ill., to points in Oklahoma, for 180 days. Supporting shipper: Wm. E. Davis & Sons, Inc., Box 14687, Oklahoma City, OK 73114. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 118831 (Sub-No. 84 TA), filed September 21, 1971. Applicant: CENTRAL TRANSPORT, INCORPORATED, Post Office Box 5044 (Uwharrie Road),

Box 27261, High Point, NC 27263. Applicant's representative: Robert T. Whitaker (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dimethyl Terephthalate*, in bulk, from Gibbstown, N.J., to Grainers, N.C., for 180 days. Supporting shipper: E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26896, Raleigh, NC 27611.

No. MC 128273 (Sub-No. 103 TA), filed September 20, 1971. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box 189, 121 Humboldt, Fort Scott, KS 66701. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recycled metals*, from Fort Scott, Kans., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Kentucky, Tennessee, and Wisconsin, for 180 days. Supporting shippers: Central Non-Ferrous, Inc., 301 North Hill Street, Fort Scott, KS 66701; Apex Smelting Co., Inc., 2400 East Devon Avenue, Des Plaines, IL 60018. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 128575 (Sub-No. 5 TA) (Correction), filed September 2, 1971, published FEDERAL REGISTER September 16, 1971, corrected and republished in part as corrected this issue. Applicant: GOLDEN WEST TRUCKING CO., 12780 Southwest Prince Albert Street, Tigard, OR 97223. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR. **NOTE:** The purpose of this partial republication is to set forth the correct commodity description in (1) above to read transporting *buildings*, in lieu of transporting *building*. The rest of the notice remains the same.

No. MC 128866 (Sub-No. 26 TA), filed September 17, 1971. Applicant: B & B TRUCKING, INC., Post Office Box 128, 9 Brade Lane, Cherry Hill, NJ 08034. Applicant's representative: J. Michael Farrell, Federal Bar Building, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum food containers*, from the plantsite of Penny Plate, Inc., at Searcy, Ark., to the plantsite of J. M. Smucker Co., Salinas, Calif., for 150 days. Supporting shipper: Penny Plate, Inc., Post Office Box 458, Haddonfield, NJ 08034. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 129336 (Sub-No. 2 TA), filed September 22, 1971. Applicant: CEMENT CARTAGE CO., LTD., Butternut Ridge, Havelock, NB, Canada. Applicant's representative: William D. Traub, 10 East

40th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bags and in bulk, from ports of entry on the United States/New Brunswick, Canada boundary line in Maine, to points in Aroostook, Hancock, Penobscot, and Washington Counties, Maine, for 150 days. Supporting shipper: Maritime Cement Co., Ltd., 272 St. George Street, Moncton, NB, Canada. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Post Office Box 167, PSS, Portland, ME 04112.

No. MC 129531 (Sub-No. 1 TA), filed September 15, 1971. Applicant: CROWN PRINCE TRANSPORTATION COMPANY, INC., 2800 East Eighth Street, North Platte, NE 69101. Applicant's representative: Earl H. Scudder, Jr., Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* (except commodities in bulk), from the plantsites or facilities utilized by Allied Mills, Inc., at or near Everson, Pa., Fort Worth, Tex., Mendota, Bartonville, and East St. Louis, Ill., and Sebring, Ohio, to the plantsites or facilities utilized by Allied Mills, Inc., at or near Buffalo, N.Y., Fort Wayne and Castleton, Ind., Omaha, Nebr., Junction City and Elwood, Kans., Iowa City and Mason City, Iowa, East St. Louis, Bartonville, and Mendota, Ill., and Worthington, Minn., under a continuing contract or contracts with Allied Mills, Inc., for 180 days. Supporting shipper: F. A. Marshall, Manager, Motor Truck Operations, Allied Mills, Inc., 110 North Wacker Drive, Chicago, IL 60606. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 134040 (Sub-No. 1 TA), filed September 21, 1971. Applicant: ACME TRANSFER, INC., 2103 First Avenue, Fort Dodge, IA 50501. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Urethane, urethane products, roofing and roofing materials, insulating materials, composition board, gypsum products, and materials* used in the installation thereof, from the plantsite of the Celotex Corp. near Fort Dodge, Iowa, to points in Illinois, for 180 days. Supporting shipper: The Celotex Corp., 1500 North Dale Mabry, Tampa, FL 33606. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 135117 (Sub-No. 4 TA) (Amendment), filed September 2, 1971, published FEDERAL REGISTER, September 17, 1971, amended and republished as amended this issue. Applicant: SPECIALIZED HAULING, INC., 1500 Omaha

Street, Sioux City, IA 51103. Applicant's representative: Wallace W. Huff, 314 Security Building, Sioux City, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, and pelts*, green and green salted, (1) from points in Nebraska, Gibbon, McCook, Scottsbluff, Minden, Lexington; Austin, Minn., and Rapid City, S. Dak., to the plantsite of Phillips Pre-Tanning Inc., Sioux City, Iowa; and (2) from Sioux City, Iowa, to Red Wing, Minn., for 180 days. Supporting shipper: Phillips & Co., Inc., Pre-Tanning Division, Post Office Box 473, Sioux City, IA 51101. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101. Note: The purpose of this republication is to include part (2) above of the territory description.

No. MC 135006 TA, filed September 21, 1971. Applicant: WALLKILL AIR FREIGHT CORPORATION, Rural Delivery 3, Box 5, Wallkill, NY 12589. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, restricted against the transportation of classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those injurious or contaminating to other lading, between points in Ulster, Orange, and Dutchess Counties, N.Y., on the one hand, and, on the other, Newark Airport, Newark, N.J., John F. Kennedy and La Guardia Airports, New York, N.Y., and Stewart Airport, Newburgh, N.Y., restricted to traffic having a prior or subsequent movement by air, for 180 days. Supporting shippers: Oscar Fisher Co., Inc., Post Office Box 2305, Newburgh, NY; V.A.W. of American, Inc., Ellenville, N.Y. 12428; The Virtis Co., Inc., Gardiner, N.Y. 12525; Channel Master Corp., Ellenville, N.Y. 12428; New England Laminates Co., Inc., Box 191, Elm Street, Walden, NY 12586; House of Westmore, Inc., Pierces Road, Newburgh, N.Y. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

No. MC 136005 TA, filed September 19, 1971. Applicant: J. D. WHATLEY & ROBERT T. CALHOUN, a partnership, doing business as MAGIC VALLEY REFRIGERATED EXPRESS, Post Office Box 1943, McAllen, TX 78501. Applicant's representative: J. D. Whatley (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus juices and bagged citrus pulp livestock feed*, from the plantsite of Texas Citrus Exchange at Harlingen and Mission, Tex., to points in Arkansas, Oklahoma, Kansas, Missouri, Illinois, Iowa, Nebraska, South Dakota, Minnesota, and Wisconsin, for 180 days. Note: The authority sought above includes shipments of a single commodity or a mixture of the two commodities described above. Supporting shipper: Texas Citrus Exchange, Post

Office Box 480, Edinburg, TX 78539. Send protests to: Richard H. Dawkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 301 Broadway, Room 206, San Antonio, TX 78205.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc. 71-14509 Filed 10-1-71; 8:50 am]

[Notice 758]

### MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 29, 1971.

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

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

No. MC-FC-73133. By order of September 13, 1971, the Motor Carrier Board approved the transfer to Elwell Trucking, Inc., Greenfield, Mass., of the operating rights in certificates Nos. MC-41626 and MC-41626 (Sub-No. 2) issued January 3, 1941, and January 5, 1942, respectively, to Earle H. Elwell, Greenfield, Mass., authorizing the transportation of agricultural commodities, from points in that part of Franklin County, Mass., on and west of the Connecticut River, to Albany and Ballston Spa, N.Y., traversing Vermont for operating convenience only; fresh fruit in containers, from points in Berkshire, Franklin, and Hampden Counties, Mass., to Hudson, and Germantown, N.Y.; logs, from points in Berkshire, and Franklin Counties, Mass., to Brattleboro, Vt.; and, lumber, between points in Vermont and those in a specified part of New York, and between points in the above-described territory on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, and those in New Jersey within 15 miles of New York, N.Y. David M. Marshall, 135 State Street, Suite 200, Springfield, MA 01103, attorney for applicants.

No. MC-FC-73142. By order of September 13, 1971, the Motor Carrier Board approved the transfer to Maurice L. Hall, South Bend, Ind., of the operating rights in certificate No. MC-8341 issued February 24, 1942, to L. L. Hall, doing business as Hall Transfer Co., South Bend, Ind., authorizing the transportation of household goods, between South Bend, Ind., and points within 25 miles of South Bend, on the one hand, and, on the other, points

in Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Wisconsin, and the District of Columbia. Wm. L. Carney, Registered Practitioner, 105 East Jennings Avenue, South Bend, IN 46614, representative for applicants.

No. MC-FC-73148. By order of September 13, 1971, the Motor Carrier Board approved the transfer to Allied Storage Warehouse Corp., Bronx, N.Y., of the operating rights in certificates Nos. MC-19300 and MC-19300 (Sub-No. 1) issued February 8, 1941, and March 1, 1949, respectively, to Santini Moving Corp., Bronx, N.Y., authorizing the transportation of household goods, as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, between points within 50 miles of Columbus Circle, New York, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Connecticut, Massachusetts, Pennsylvania, New Hampshire, Vermont, Delaware, Maryland, and the District of Columbia. Alvin Altman, 1776 Broadway, New York, NY 10019, attorney for applicants.

No. MC-FC-73156. By order of September 13, 1971, the Motor Carrier Board approved the transfer to Gollne Cartage Company, a corporation, La Grange, Ill.,

of the operating rights in certificate No. MC-8180 issued October 12, 1970, to Haynes Transfer Co., a corporation, St. Louis, Mo., authorizing the transportation of general commodities, with usual exceptions, between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission. James R. Madler, Room 1608, 1255 North Sandburg Terrace, Chicago, IL 60610, attorney for applicants.

No. MC-FC-73166. By order of September 13, 1971, the Motor Carrier Board approved the transfer to Gibraltar Warehouses, a corporation, San Francisco, Calif., of the Certificate in No. MC-61720 and the Certificate of Registration in No. MC-61720 (Sub-No. 4) issued January 7, 1954, and April 14, 1964, respectively, to Charles L. Tilden, Jr., and Irving S. Culver, doing business as Gibraltar Warehouses, San Francisco, Calif., the former authorizing the transportation of new furniture, from San Francisco, Calif., to Oakland, Alameda, and Berkeley, Calif., and general commodities, between points in San Francisco, Calif., and the latter evidencing a right of the holder to engage in transportation in interstate or foreign commerce solely within the State of California corresponding in scope to the service authorized by common carrier

certificate No. 53625, dated August 28, 1956, as amended in No. 54396, dated January 15, 1957, issued by the Public Utilities of California. John G. Lyons, 1418 Mills Tower, San Francisco, Calif. 94104, attorney for applicants.

No. MC-FC-73170. By order of September 13, 1971, the Motor Carrier Board approved the transfer to Alfred LeRoy Waddell, Kent, Iowa 50850, of the operating rights in certificates Nos. MC-102021, MC-102021 (Sub-No. 4), MC-102021 (Sub-No. 6), and MC-102021 (Sub-No. 9) issued January 24, 1949, October 22, 1951, January 19, 1953, and October 19, 1967, respectively, to Geo. I. Cornelison, Creston, Iowa 50801, authorizing the transportation of livestock, grain, feed, building materials, and other related agricultural commodities, and malt beverages, from and to, and between points as specified in Iowa, Nebraska, Minnesota, Missouri, and Wisconsin; and general commodities, with usual exceptions, from Omaha, Nebr., to Nevinville, Iowa, serving the intermediate and off-route points within 10 miles of Nevinville, Iowa, restricted to delivery only.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.71-14510 Filed 10-1-71;8:50 am]

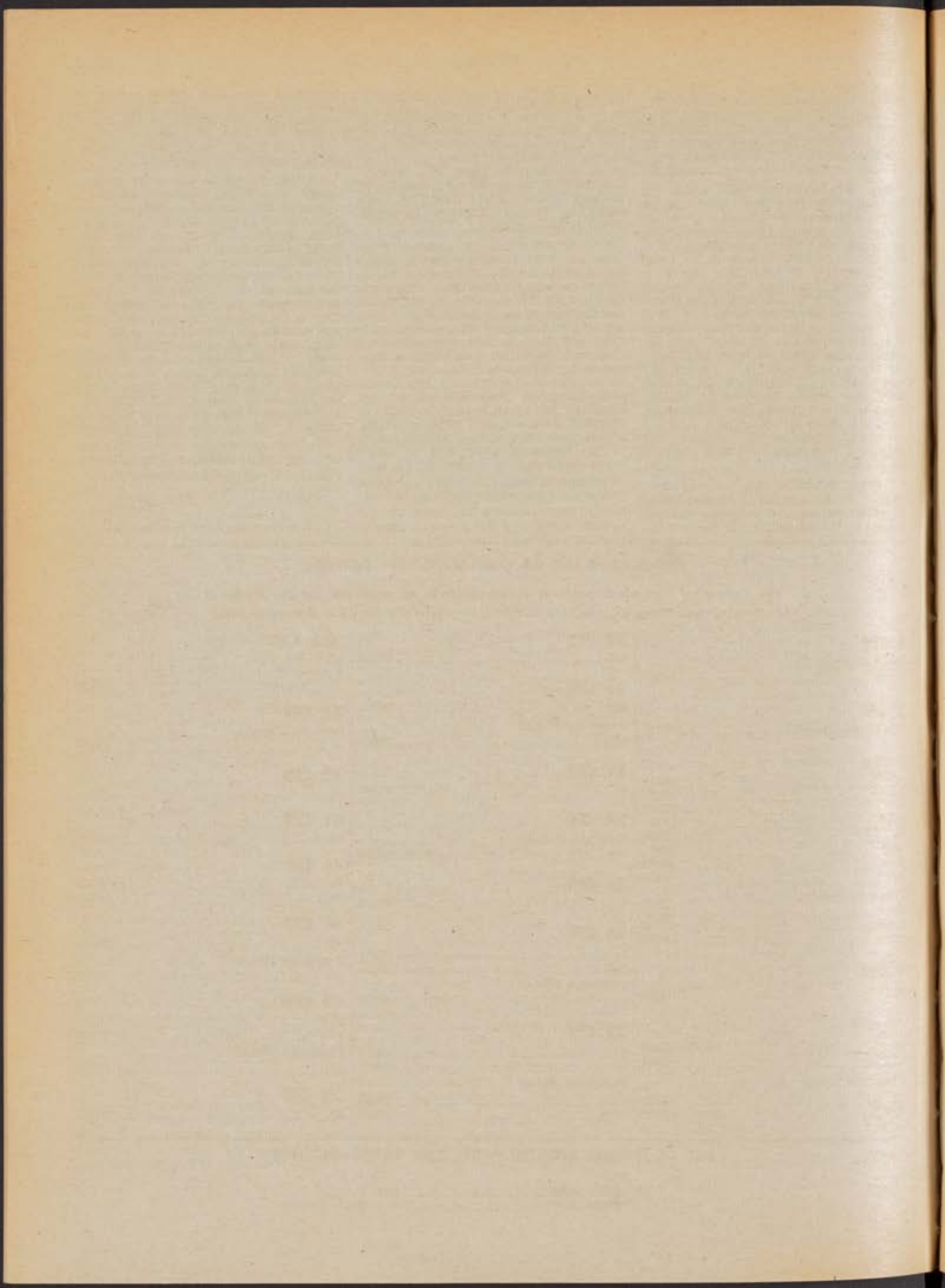
CUMULATIVE LIST OF PARTS AFFECTED—OCTOBER

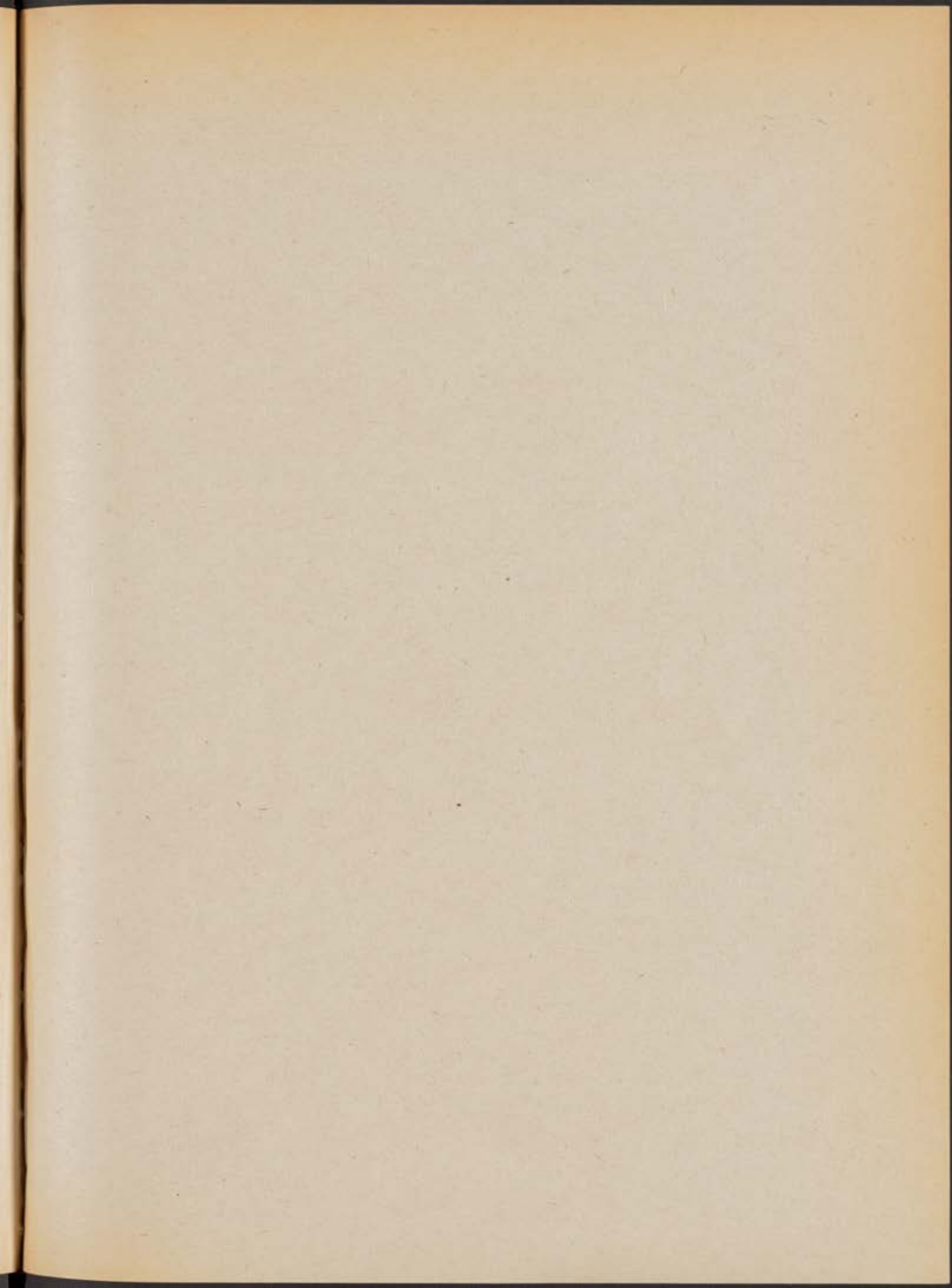
The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during October.

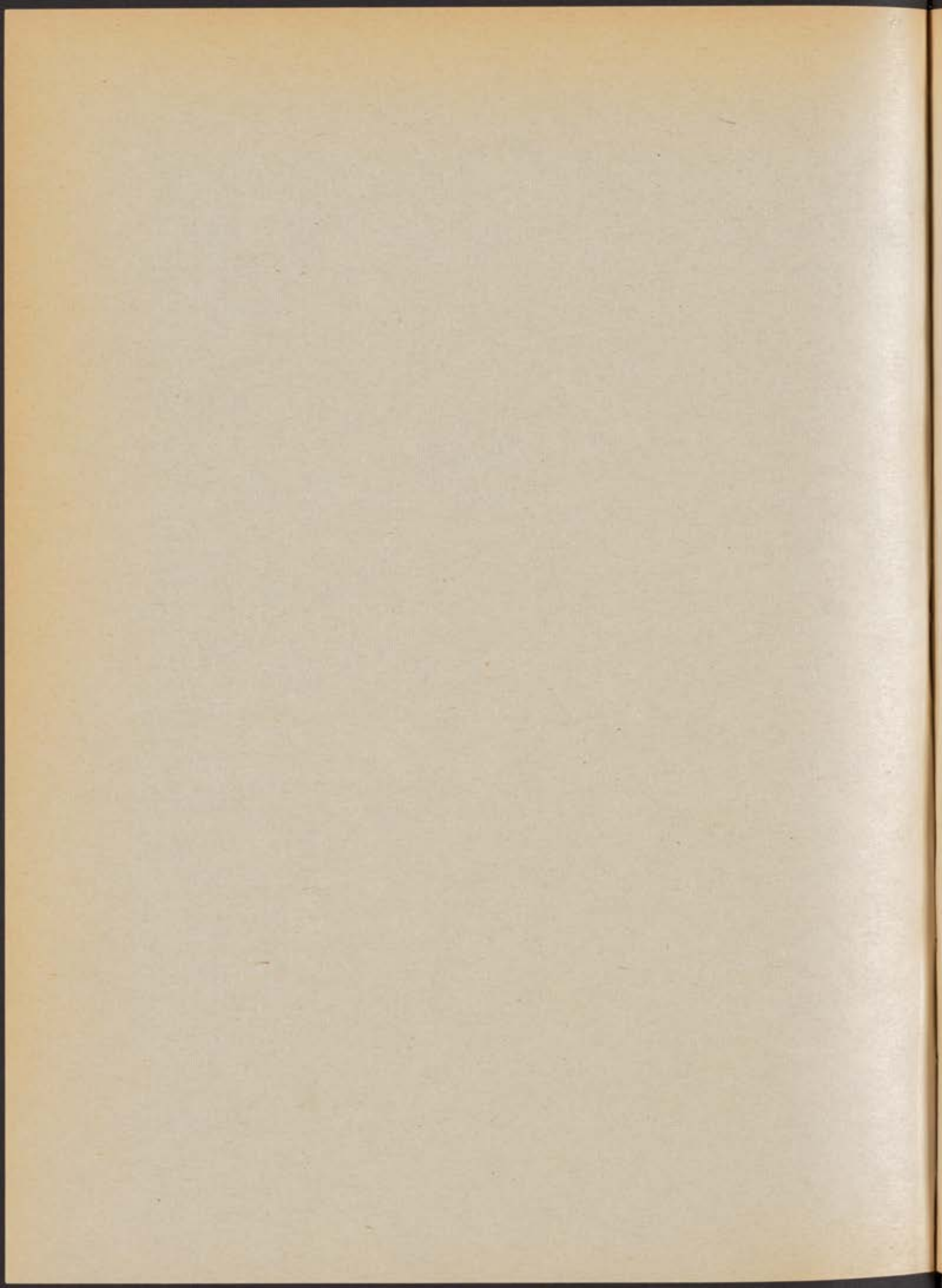
3 CFR	Page	20 CFR	Page	32A CFR	Page
PROCLAMATION:		405.....	19249	OEP (Ch. I):	
4085.....	19299	21 CFR		ES Reg. 1:	
5 CFR		420.....	19251	Circ. 18.....	19311
213 (5 documents).....	19245	PROPOSED RULES:		37 CFR	
7 CFR		420.....	19268	PROPOSED RULES:	
51.....	19243	22 CFR		2.....	19315
53.....	19301	41.....	19304	38 CFR	
54.....	19301	24 CFR		21.....	19252
55.....	19301	PROPOSED RULES:		41 CFR	
56.....	19301	200.....	19316, 19320	60-3.....	19307
70.....	19301	25 CFR		46 CFR	
850.....	19244	41.....	19251	45.....	19253
910.....	19302	26 CFR		381.....	19253
PROPOSED RULES:		1.....	19251	47 CFR	
932.....	19265	147.....	19251	73.....	19310
947.....	19314	PROPOSED RULES:		PROPOSED RULES:	
1007.....	19315	1.....	19256	21.....	19323
9 CFR		29 CFR		49 CFR	
72.....	19245	5.....	19304	571.....	19254
14 CFR		5a.....	19305	575.....	19310
71.....	19302-19304	PROPOSED RULES:		PROPOSED RULES:	
97.....	19248	1518.....	19266	571.....	19266
PROPOSED RULES:		1910.....	19266	50 CFR	
71.....	19321			32.....	19311
73.....	19321, 19322				

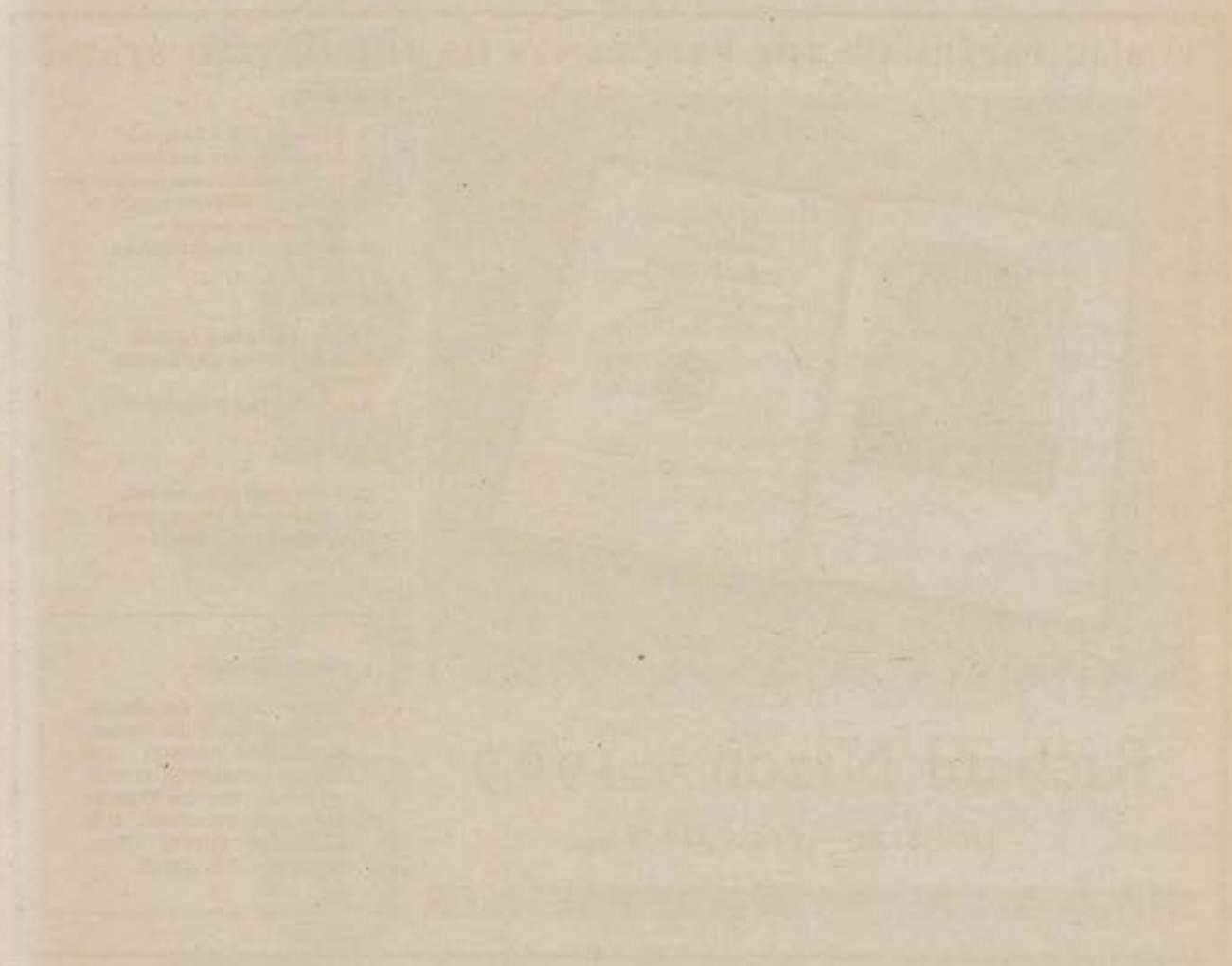
LIST OF FEDERAL REGISTER PAGES AND DATES—OCTOBER

Pages	Date
19237-19291.....	Oct. 1
19293-19351.....	2

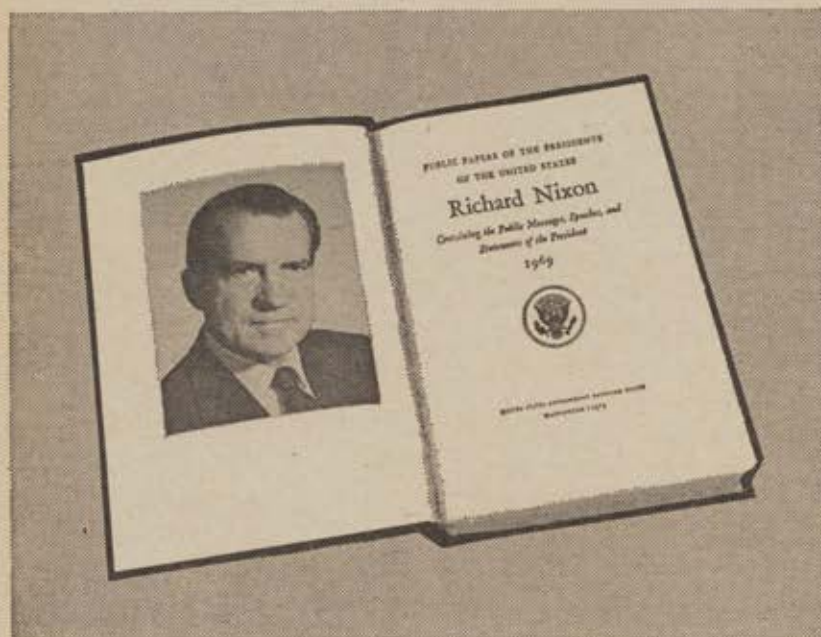








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