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FEDERAL REGISTER

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Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 10]

PART 729—PEANUTS

Subpart—Regulations for Determination of Acreage Allotments and Marketing Quotas for 1969 and Subsequent Crops of Peanuts

MISCELLANEOUS AMENDMENTS

On page 17872 of the FEDERAL REGISTER of September 4, 1971, there was published a notice of proposed rule making to issue an amendment implementing Public Law 92-62 and making miscellaneous changes for determination of acreage allotments and marketing quotas for 1969 and subsequent crops of peanuts. Interested persons were given 15 days after publication of such notice in which to submit written data, views, and recommendations with respect to the proposed rule making. There were no data, views, and recommendations submitted pursuant to said notice and the proposed rule making is adopted.

The marketing of peanuts of the 1971 crop is now underway and it is essential that the basic penalty rate for the 1971 crop be announced immediately. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and this document shall be made effective upon filing with the Director, Office of the Federal Register.

(Secs. 358, 358a, 359, 375, 55 Stat. 88, as amended, 81 Stat. 658, as amended, 55 Stat. 90 as amended, 52 Stat. 66, as amended; 7 U.S.C. 1358, 1358a, 1359, 1375)

The amendment is as follows:

1. Subparagraph (5) of paragraph (b) of § 729.6 is revised to read as follows:

§ 729.6 Definitions.

* * * * *

(b) *Peanut program terms.* * * *

(5) *Director.* The Director or Acting Director of the Commodity Stabilization Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

* * * * *

2. Section 729.12 is revised to read as follows:

§ 729.12 Determination of preliminary allotment.

For each old farm the county committee shall determine a preliminary allotment for the current year. Preliminary allotments shall be determined as follows:

(a) If a farm allotment was not established for the preceding year for a farm which was eligible to receive an allotment for such year, the county committee shall determine an acreage for the farm which shall be the preceding year farm allotment for purposes of establishing a preliminary allotment for the farm. Such acreage shall be established in accordance with the marketing quota regulations applicable to the crop of peanuts produced in the preceding year.

(b) For each farm the county committee shall compare the preceding year farm history acreage with the farm allotment established for such year, and if the farm peanut history acreage is less than 75 percent of the farm allotment, determine the average of the farm peanut allotment and the farm peanut history acreage for the preceding year. The average so determined shall be the preliminary allotment for the farm for the purpose of determining the farm allotment for the current year.

(c) The preliminary allotment for each old farm shall be the preceding year farm allotment minus any adjustment made pursuant to paragraph (b) of this section.

3. Section 729.13 is revised to read as follows:

§ 729.13 Reserve for corrections, missed farms, and inequities.

(a) The State committee may establish a reserve acreage for the correction of errors in farm allotments and to establish allotments for missed farms and for inequities. Such acreage shall not exceed 10 percent of the State allotment and shall first be used for correction of errors and for missed farms, to the extent available, before considering any adjustments for inequities.

(b) The State committee may make acreage from the State reserve established under this section available to the county committees for making upward adjustments in farm allotments. The county committee shall examine the preceding year's farm allotment for each farm and may adjust such allotment upward if it determines that such action is necessary to obtain an allotment for the farm which is equitable when compared with other similar old farms in the locality. Upward adjustments shall be made on the basis of the farm peanut history acreage for the base period; labor and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors affecting the production of peanuts.

4. Paragraph (a) of § 729.16 is revised to read as follows:

§ 729.16 Limitations on new farm allotments.

(a) Not more than 1 per centum of the State acreage allotment shall be apportioned among new farms.

* * * * *

5. Section 729.18 is revised to read as follows:

§ 729.18 Establishment of State reserve for new farms.

In addition to the acreage established in the State reserve for correction, missed farms and inequities under § 729.13, the State committee may establish a State reserve for new farms based on estimated requirements in an amount not to exceed 1 per centum of the State allotment.

6. Section 729.20 is revised to read as follows:

§ 729.20 Establishing new farm allotments for eligible applicants lacking experience.

If the total of the acreage required to establish allotments for all new farms in the State which are eligible under § 729.19, is less than the acreage available in the State reserve under § 729.16, for establishing such allotments, the balance, upon approval by the State committee, shall be available for establishing new farm allotments for farms for which a written application is filed by the farm operator at the office of the county committee on or before March 1 of the year for which the allotment is requested and the conditions of eligibility of paragraphs (a) and (b) (2) through (6) of § 729.19 are met. Such farm operators are not required to meet the peanut experience requirement of § 729.19(b)(7).

7. Paragraph (c) of § 729.33 is revised to read as follows:

§ 729.33 Issuance of marketing cards.

* * * * *

(c) *Within quota card.* A farm is eligible for a within quota card where the final acreage is not in excess of the effective farm allotment and, in the case of federally-owned land, is not in excess of the smaller of the effective farm allotment or the acreage permitted by the lease or operating agreement. A farm is also eligible for a within quota card based on a producer's initial certification where a producer has peanuts ready for market, but has not completed digging all peanuts and cannot make a final certification of dug acreage.

8. A new paragraph (d) is added to § 729.43 to read as follows:

§ 729.43 Penalty rate.

* * * * *

(d) *1971 crop.* The basic support price for peanuts for the marketing year beginning August 1, 1971, and ending July 31, 1972, is $268.50 per ton or 13.42 cents per

pound. Therefore, the basic penalty rate for the 1971 crop of peanuts is 10.1 cents per pound.

9. Section 729.69(u)(3) is revised to read as follows:

§ 729.69 Terms and conditions applicable to transfers under section 358a of the act.

* * * * *

(u) *County committee action.* * * *

(3) *Cancellation of transfers.* Any transfer approved on the basis of incorrect information furnished by the parties to the transfer agreement or approved due to error by the county committee shall be canceled as of the date of approval. However, such cancellation shall not be effective for the current marketing year if:

(i) The transfer approval was made on the basis of incorrect information unknowingly furnished in good faith by the parties to the transfer agreement, or the transfer approval was made in error by the county committee, and

(ii) The parties to the transfer agreement were not notified of the cancellation prior to planting of the crop.

Where cancellation of a transfer is required, the county committee shall issue revised notices of allotment showing the reasons for cancellation.

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 20, 1971.

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

[FR Doc.71-15608 Filed 10-26-71;8:54 am]

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

[Lemon Regulation 503, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(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 amendment 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 amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provision in paragraph (b)(1) of § 910.803 (Lemon Reg. 503, 36 F.R. 20149) during the period October 17, 1971, through October 23, 1971, is hereby amended to read as follows:

§ 910.803 Lemon regulation 503.

* * * * *

(b) *Order.* (1) * * * 201,300 cartons.

* * * * *

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

Dated: October 21, 1971.

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

[FR Doc.71-15603 Filed 10-26-71;8:50 am]

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

[Milk Order 30]

PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

Temporary Revision of Shipping Percentage

This temporary revision 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 provisions of § 1030.11(b)(6) of the order regulating the handling of milk in the Chicago regional marketing area.

Notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 20046) concerning a proposed decrease in the supply plant shipping percentage for the month of October 1971. Interested persons were afforded an opportunity to file written data, views, and arguments thereon. None were filed in opposition.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the month of October 1971 the supply plant shipping percentage of 40 percent set forth in § 1030.11(b)(4) shall be decreased to 30 percent.

To fulfill their fluid milk requirements, distributing plants obtain milk from supply plants to supplement their receipts of milk directly from producers. During the seasonally short production months of September-November more than one-half of the receipts of milk at distributing plants in this market are obtained from supply plants.

Many operators of distributing plants in the market have arrangements with specific supply plants to obtain supplemental supplies. Over one-half of the shipments of supply plant milk in the market, however, is coordinated through one agent. Most of the milk supply for distributing plants in the metropolitan Chicago segment of the market is obtained through such agent. The agent arranges the shipments from among a large group of supply plants so as to qualify such plants for pool status. Most of these plants are operated by cooperative associations that handle much of the reserve milk supplies associated with the market.

During September 1971 distributing plants utilized 41.5 percent of the milk associated with this group of supply plants. The agent estimates that for October, however, shipments of milk from such plants to pool distributing plants will fall below 40 percent of the receipts at the supply plants.

Class I sales are expected to be about 5 percent below normal this October because of fewer sales days. (There are five Sundays and two holidays.) Qualifying shipments will be reduced due to an order amendment to account for shipments on the basis of the day they are received at the distributing plant instead of the day of the shipment from the supply plant. (Many shipments are loaded out of supply plants late in the day and arrive at distributing plants after midnight.)

In this market situation the 40 percent shipping requirement for October encourages handlers to modify normal marketing practices to maintain pool plant status. One handler has routed some of his direct receipts of producer milk at his distributing plant through his supply plant to insure that the proportion of milk shipped from the supply plant is sufficient to qualify the supply plant.

It is concluded that it is necessary to decrease the shipping percentage by 10 percentage points for the month of October 1971 to prevent uneconomic shipments.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This temporary revision is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that during October 1971 it will enable supply plants to qualify as a pool plants under the order without making uneconomic shipments to pool distributing plants;

(b) This temporary revision does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rule making was given interested parties and they

were afforded opportunity to file written data, views, or arguments concerning this temporary revision.

Therefore, good cause exists for making this temporary revision effective October 1, 1971.

It is therefore ordered, That the aforesaid provision of the order is hereby revised for October 1971.

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

Effective date: October 1, 1971.

Signed at Washington, D.C., on October 20, 1971.

H. L. FOREST,
Director, Dairy Division,
Consumer and Marketing Service.

[FR Doc.71–15565 Filed 10–26–71;8:49 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Cotton Loan Program Regs., Amdt. 1]

PART 1427—COTTON

Subpart—Cotton Loan Program Regulations

FORM A LOAN REDEMPTIONS

The Cotton Loan Program Regulations issued by Commodity Credit Corporation, 7 CFR 1427.1–1427.28, published in 36 F.R. 13981–13987, are amended as set forth below by deleting the first sentence of paragraph (c) of § 1427.25, relating to the release generally of warehouse receipts, and placing it in a new paragraph (d), and by revising the remainder of paragraph (c) to (1) eliminate the 30-day limitation on the validity of Form CCC–813 and the requirement for redemption within 5 days after delivery of Form CCC–813 to the county office, (2) provide that if a buyer files Form CCC–813 with the county office he will be obligated to redeem all cotton covered by the form no later than the loan maturity date, and (3) provide CCC with adequate remedies in the event of default by the buyer.

Since farmers are now harvesting 1971 crop cotton, it is essential that the regulations be made effective as soon as possible. It is found and determined that compliance with the notice of proposed rule making procedure is impracticable and contrary to the public interest. Therefore, this amendment is being issued without following such proposed rule making procedure and shall be effective upon filing with the Office of Federal Register. The revised paragraph (c) and the new paragraph (d) read as follows:

§ 1427.25 Repayment of loan.

* * * * *

(c) A producer or his authorized agent may enter into an agreement with a person or persons to redeem his cotton and may authorize the release of the applicable warehouse receipts to such person(s) or his transferee (hereinafter called the buyer), on Form 813. If the buyer executes and files the Form 813 with the county office, the buyer shall be obligated to redeem the cotton specified on such form on or before the maturity date of the loan on such cotton. CCC will use its best efforts to make certain that the cotton is not redeemed by anyone other than the buyer and to provide for the delivery to the buyer of the warehouse receipts (and the classification memorandums, if requested) covering the cotton, on payment to the county office of the loan, interest, and charges, or, if it was requested that the documents be forwarded to a bank for payment, on payment of the loan, interest, and charges within 5 business days after the documents are received by the bank. All charges assessed by the bank to which the documents are sent must be paid by the buyer. Redemptions will not be permitted after the maturity date of the loan. On failure of the buyer to redeem all such cotton:

(1) At CCC's election, title to the cotton shall, without a sale thereof, immediately vest in CCC, and CCC shall have no obligation to pay for any market value which such cotton may have in excess of the amount of the loan thereon, plus interest and charges.

(2) At CCC's election, CCC is authorized, without notice to the buyer, to sell, transfer and deliver the cotton or documents evidencing title thereto, at such time, and in such manner, and upon such terms and conditions as CCC may determine, at any cotton exchange, or elsewhere, or through any agency, at public or private sale, for immediate or future delivery, and without demand, advertisement, or notice of the time and place of sale or adjournment thereof or otherwise; and, upon such sale, CCC may become the purchaser of the whole or any part of such cotton at its market value, as determined by CCC. Any overplus remaining from the proceeds received therefrom, after deducting from such proceeds the amount of the loan on such cotton, plus interest and charges, shall be paid to the buyer or his personal representative without right of assignment to or substitution of any other person. If the proceeds from the sale do not cover the amount of the loan on such cotton, plus interest and charges, the buyer shall be liable to CCC for any difference.

(d) Warehouse receipts will not be released except as provided in paragraphs (a), (b), and (c) of this section.

(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b, c; 7 U.S.C. 1441, 1421, 1444)

Effective date. This amendment shall become effective upon filing with the Office of the Federal Register for publication.

Signed at Washington, D.C., on October 20, 1971.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.71–15606 Filed 10–26–71;8:53 am]

PART 1464—TOBACCO

Subpart A—Tobacco Loan Program

ADVANCE SCHEDULE

On September 4, 1971, there was published in the FEDERAL REGISTER (36 F.R. 17874) a notice of proposed rule making setting forth the proposed price support advance rates for 1971-crop burley tobacco along with information to aid persons desiring to submit comments and recommendations. Interested parties were given the opportunity to submit within 25 days data, views, and recommendations with regard to the proposed loan rates.

Comments were received only from three producer associations. Two of the associations recommended that the proposed advance rates be adopted. The other association suggested that the rates should be modified so as to result in a wider spread between the rates for higher quality grades and the rates for lower quality grades. This point of view has been considered. It is concluded, however, that, if modified as suggested, the advance rates would not reflect the relative value of the grades to each other as indicated by market prices in recent years.

Therefore, the proposed advance rates are adopted without change and are as shown below:

§ 1464.21 1971 Crop—Burley tobacco, type 31, advance schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance Rate	Grade	Advance Rate
B1F	77.25	B5GR	51.25
B2F	76.25	T3F	73.25
B3F	75.25	T4F	69.25
B4F	74.25	T5F	66.25
B5F	73.25	T3FR	69.25
B1FR	73.25	T4FR	67.25
B2FR	72.25	T5FR	64.25
B3FR	71.25	T3R	63.25
B4FR	70.25	T4R	60.25
B5FR	68.25	T5R	55.25
B1L	71.25	T4D	54.25
B2R	69.25	T5D	51.25
B3R	68.25	T4K	53.25
B4R	67.25	T5K	50.25
B5R	64.25	T4VF	66.25
B4D	55.25	T5VF	62.25
B5D	51.25	T4VR	57.25
B3K	69.25	T5VR	52.25
B4K	66.25	T4GF	59.25
B5K	60.25	T5GF	54.25
B3M	72.25	T4GR	51.25
B4M	69.25	T5GR	48.25
B5M	62.25	C1L	80.25
B3VF	73.25	C2L	79.25
B4VF	70.25	C3L	78.25
B5VF	67.25	C4L	77.25
B3VR	64.25	C5L	76.25
B4VR	62.25	C1F	80.25
B5VR	59.25	C2F	79.25
B3GF	66.25	C3F	78.25
B4GF	64.25	C4F	77.25
B5GF	60.25	C5F	76.25
B3GR	57.25	C3K	73.25
B4GR	54.25	C4K	71.25

[1] Only the original producer is eligible to receive advances. Tobacco graded "U" (unsound), "W" (wet), "No-G" (no grade), or scrap will not be accepted. Cooperatives are authorized to deduct 25 cents per hundred pounds to apply against overhead costs.

Grade	Advance Rate	Grade	Advance Rate
C5K	65.25	X4M	73.25
C3M	74.25	X5M	66.25
C4M	72.25	X4G	67.25
C5M	68.25	X5G	60.25
C3V	76.25	M1F	77.25
C4V	74.25	M2F	76.25
C5V	69.25	M3F	75.25
C4G	63.25	M4F	71.25
C5G	58.25	M5F	68.25
X1L	80.25	M3FR	64.25
X2L	79.25	M4FR	60.25
X3L	78.25	M5FR	55.25
X4L	77.25	N1L	70.25
X5L	76.25	N2L	62.25
X1F	80.25	N1F	64.25
X2F	79.25	N1R	50.25
X3F	78.25	N2R	44.25
X4F	77.25	N1G	48.25
X5F	76.25	N2G	44.25

The material previously appearing under § 1464.21 remains applicable to the crop to which it refers.

Effective date: Date of filing with the Office of the Federal Register.

Signed at Washington, D.C., on October 20, 1971.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.71-15607 Filed 10-26-71;8:53 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION AND ANIMAL PRODUCTS

PART 51—CATTLE DESTROYED BECAUSE OF BRUCELLOSIS (BANG'S DISEASE), TUBERCULOSIS, OR PARATUBERCULOSIS

Payment of Indemnities

Pursuant to the provisions of sections 3, 4, 5, 11, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, section 3 of the Act of March 3, 1905, as amended, and section 3 of the Act of July 2, 1962 (21 U.S.C. 111–113, 114, 114a, 114a–1, 120, 121, 125, and 134b), paragraph (a) of § 51.2 in Part 51, Chapter I, Title 9, Code of Federal Regulations, is amended to read:

§ 51.2 Payment to owners for cattle destroyed.

(a) *Brucellosis.* Owners of cattle which are destroyed because of brucellosis may be paid an indemnity by the Department for each animal so destroyed not to exceed $50 for any grade animal or $100 for any purebred animal[1] except in Alaska, Hawaii, Puerto Rico, and the Virgin Islands where no payment for any animal destroyed shall exceed $100. Appraisals and reports of salvage **are not** required. Proof of slaughter is required. Post-mortem reports will be accepted as proof of slaughter.

* * * * *

(Secs. 3, 4, 5, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791–792, as amended, sec 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693, sec. 11, 58 Stat. 734, as amended, sec. 3, 76 Stat. 130; 21 U.S.C. 111–113, 114, 114a, 114a–1, 120, 121, 125, 134b; 29 F.R. 16210, as amended)

The purpose of this amendment is to bring the amount of Federal indemnity which may be paid for animals which react to the test for brucellosis more nearly into line with the existing economic conditions.

The foregoing amendment should be made effective promptly in order to facilitate the Federal-State cooperative brucellosis control eradication programs. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER (10–27–71).

Done at Washington, D.C., this 20th day of October 1971.

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

[FR Doc.7-15605 Filed 10-26-71;8:50 am]

[1] Cattle presented for payment as purebred shall be accompanied by their registration papers, or shall be paid for as grades: *Provided, however,* That if the registration papers are temporarily not available or if the cattle are less than 3 years old and unregistered, the appropriate veterinarian in charge may grant a reasonable time for the presentation of their registration papers.

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

Notice of Designation of Virgin Islands

Statement of considerations. The Secretary of Agriculture has determined, after consultation with appropriate officials of the Territory of the Virgin Islands of the United States, that said Territory has not developed or activated requirements at least equal to those under titles I and IV of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), with respect to establishments within said Territory at which cattle, sheep, swine, goats, or equines are slaughtered, or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within said Territory. Therefore, notice is hereby given that the Secretary of Agriculture designates said Territory under section 301(c) of the Act as a jurisdiction in which the requirements of titles I and IV of the Act shall apply to intraterritorial operations and transactions and to persons, firms, and corporations engaged therein with respect to meat products and other articles and animals subject to the Act. Upon the expiration of 30 days after publication of this notice in the FEDERAL REGISTER, the provisions of titles I and IV of said Act shall apply to intraterritorial operations and transactions and to persons, firms, and corporations engaged therein, in the Virgin Islands of the United States, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce," within the meaning of the Act, and any establishment in the Virgin Islands of the United States which conducts any slaughtering or preparation of carcasses or parts or products thereof as described above must have Federal inspection or cease its operations, unless it qualifies for an exemption under section 23(a) or 301(c) of the Act. The exemption provisions of the Act are very limited.

Therefore, the operator of each such establishment who desires to conduct such operations after designation of the Territory becomes effective should immediately communicate with the Regional Director for Meat and Poultry Inspection, as listed below, for information concerning the requirements and exemptions under the Act and application for inspection and survey of the establishment:

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

Accordingly, § 331.2 of the regulations under the Federal Meat Inspection Act is amended pursuant to said Act by adding the following State name (in alphabetical order) and effective date of designation to the list set forth in said section:

State and effective date of designation
Virgin Islands of the United States, November 27, 1971.

This amendment of the regulations is necessary to reflect the determination of the Secretary of Agriculture under section 301(c) of the Federal Meat Inspection Act. It does not appear that public participation in this rule making proceeding would make additional information available to the Secretary. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary, and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment and the notice given hereby shall become effective upon publication in the FEDERAL REGISTER (10–27–71).

Done at Washington, D.C., on October 20, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-15566 Filed 10-26-71;8:51 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71-WA-3]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes; Correction

On August 21, 1971, F.R. Doc. 71-12234 was published in the FEDERAL REGISTER (36 F.R. 16506) effective October 14, 1971.

This document amended part 75 of the Federal Aviation Regulations, in part, by adding area high route J912R. The first waypoint was incorrectly listed as Greater Southwest, Tex., 32 49 10/97 02 28, Ardmore, Okla., rather than Greater Southwest, Tex., 32 49 10/97 02 28, Greater Southwest, Tex. Therefore, action is taken herein to correct this waypoint listing.

Since this amendment is editorial in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, effective upon publication in the FEDERAL REGISTER, F.R. Doc. 71-12234 (36 F.R. 16506) is amended as hereinafter set forth.

In J912R Dallas, Tex., to Chicago, Ill., the first waypoint listing "Greater Southwest, Tex., 32 49 10/97 02 28, Ardmore, Okla." is deleted and "Greater Southwest, Tex., 32 49 10/97 02 28, Greater Southwest, Tex.," 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 October 19, 1971.

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

[FR Doc.71-15519 Filed 10-26-71;8:46 am]

[Docket No. 11453; Amdt. 780]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

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

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

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

1. Section 97.21 is amended by establishing, revising, or canceling the following L/MF SIAP's, effective November 25, 1971.

Unalakleet, Alaska—Unalakleet Airport; LFR-A, Amdt. 14; Revised.

2. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's, effective November 25, 1971.

Gadsden, Ala.—Gadsden Municipal Airport; VOR Runway 6, Amdt. 8; Revised.
Havre, Mont.—Havre City-County Airport; VOR Runway 7, Amdt. 1; Revised.
Havre, Mont.—Havre City-County Airport; VOR Runway 25, Amdt. 1; Revised.
Middletown, Del.—Summit Airpark; VOR-A, Amdt. 1; Revised.
Millersburg, Ohio—Holmes County Airport; VOR-A, Amdt. 1; Revised.
Nantucket, Mass.—Nantucket Memorial Airport; VOR Runway 24, Amdt. 6; Revised.
Unalakleet, Alaska—Unalakleet Airport; VOR-1, Amdt. 4; Cancéled.
Fond du Lac, Wis.—Fond du Lac County Airport, VOR/DME Runway 18, Original; Established.
Fond du Lac, Wis.—Fond du Lac County Airport; VOR/DME Runway 36, Original; Established.
McComb, Miss.—McComb Pike County Airport; VOR/DME-A, Amdt. 1; Revised.
Unalakleet, Alaska—Unalakleet Airport; VORTAC-A, Orignal; Established.

3. Section 97.25 is amended by establishing, revising, or canceling the following SDF-LOC-LDA SIAP's effective November 25, 1971.

Nantucket, Mass.—Nantucket Memorial Airport; LOC (BC) Runway 6, Amdt. 2; Revised.
Newport News, Va.—Patrick Henry Airport; LOC (BC) Runway 24, Amdt. 5; Revised.

4. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's, effective November 25, 1971.

Albert Lea, Minn.—Albert Lea Municipal Airport; NDB Runway 16, Amdt. 1; Canceled.
Alexander City, Ala.—Thomas C. Russell Field; NDB-A, Amdt. 3; Revised.
Brookings, S. Dak.—Brookings Airport; NDB Runway 12, Amdt. 4; Revised.
Gadsden, Ala.—Gadsden Municipal Airport; NDB Runway 6, Amdt. 6; Revised.
Middletown, Del.—Summit Airpark; NDB-A, Original; Established.
Nantucket, Mass.—Nantucket Memorial Airport; NDB Runway 24, Amdt. 5; Revised.
Newport News, Va.—Patrick Henry Airport; NDB Runway 6, Amdt. 15; Revised.

5. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective October 21, 1971.

Palmdale, Calif.—Palmdale Production FLT/Test Installation AF Plant No. 42; ILS Runway 25, Amdt. 3; Revised.

6. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective November 25, 1971.

Memphis, Tenn.—Memphis International Airport; ILS Runway 17L, Original; Established.
Nantucket, Mass.—Nantucket Memorial Airport; ILS Runway 24, Amdt. 7; Revised.
Newport News, Va.—Patrick Henry Airport; ILS Runway 6, Amdt. 19; Revised.

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

Issued in Washington, D.C., on October 19, 1971.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

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

[FR Doc.71-15518 Filed 10-26-71;8:45 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-705; Amdt. 16]

PART 249—PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS AND MEMORANDA

Optional Use of Records on Microfilm and/or Microfiche as Original Records

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of October 1971.

By a notice of proposed rule making,[1] the Board proposed to amend Part 249 of

[1] EDR-210, dated August 19, 1971.

its Economic Regulations (14 CFR Part 249), so as to permit air carriers the option to retain data on microfilm and/or microfiche as an acceptable record in lieu of computer-prepared hard copy reports, listings, etc.

Comments in response to the notice of proposed rule making were filed by the Airline Finance and Accounting Conference of the Air Transport Association of America, by American Airlines, Inc., and by Emery Air Freight Corp. (Emery). All three comments favor adoption of the proposed rule, and we have determined to adopt the rule as proposed.[2]

Since this amendment imposes no burden upon any person and relieves a restriction, it may be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends Part 249 of the Economic Regulations (14 CFR Part 249), effective October 20, 1971, as follows:

1. Amend the definition of "Records" to read as follows and delete the definition of "Microfilms" and in its place substitute the following:

§ 249.2 Definitions.

* * * * *

"Microfilm" includes microfiche.

* * * * *

"Records" means original documents [3] constituting integral links in developing the history of, or facts regarding, financial transactions or physical operations. The term "records" embraces not only accounting records in a limited technical sense but all other evidentiary accounts of events such as memoranda, correspondence, working sheets, tabulating equipment listings, punched cards, computer-produced listings, microfilm, and magnetic storage media (i.e., magnetic tapes, disks). The term "records" also encompasses microfilm reproductions of original documents made as authorized herein. In addition, the term "records" includes any material coming into the possession of the air carrier through merger, consolidation, succession, transfer, or other acquisition.

* * * * *

3. Designate existing § 249.3 as § 249.3(a) and add new paragraph (b) as follows:

§ 249.3 Preservation of records.

* * * * *

(b) Each nonreadable form of media, such as punched cards, magnetic tapes and disks, shall be accompanied by a statement clearly indicating the type of data included in the media and certifying that the information contained therein is complete and accurate. Also each air carrier shall maintain capability for reading and reproducing the data on printed form from the storage media.

(Secs. 204(a) and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-15597 Filed 10-26-71;8:52 am]

[2] Emery says that the "philosophy" of the proposed rule should be included in § 249.27, Prescribed periods of retention. The amendments herein adopted will of course apply to all sections of Part 249 in which the terms "microfilm" and "records" are used.

[3] Relating to a particular segment, operating division, or entire system of the carrier's operations.

Chapter V—National Aeronautics and Space Administration

PART 1241—CONTRACT APPEALS

Subpart 1241.1—General Procedures

On pages 18221 through 18225 of the FEDERAL REGISTER of September 10, 1971, there was published a notice of proposed rule making to issue regulations governing the general procedures on contract appeals. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These regulations shall be effective November 15, 1971.

ERNEST W. BRACKETT,
Chairman,
Board of Contract Appeals.

OCTOBER 21, 1971.

Subpart 1241.1 revised in its entirety as follows:

Sec.

AUTHORITY: The provisions of this Subpart 1241.1 issued under 42 U.S.C. 2473(b)(1).

§ 1241.101 Scope.

This subpart prescribes the procedures for the adjudication of appeals before the NASA Board of Contract Appeals (hereafter referred to as Board) arising from NASA contracts.

§ 1241.102 Authority and applicability.

(a) Under the provisions of Part 1209 of this chapter, the Board of Contract Appeals is authorized to act for the Administrator in hearing, considering and deciding appeals by NASA contractors from the findings of fact and final decisions of NASA contracting officers or their authorized representatives made under the color of the "Disputes" clause of a NASA contract. Under § 1209.102(c) of this chapter, the Board is granted the authority to issue its rules of procedure.

(b) The provisions of this Subpart 1241.1 shall apply after the effective date of this subpart to the following:

(1) All new appeals filed, and

(2) All new actions on pending appeals.

§ 1241.103 Time.

Time limitations provided in these rules are maximums and speedier resolutions of appeals may be accomplished if the full allowable time is not exhausted at each step. Except for the time established by the contract for taking an appeal, the Board may, for good cause and upon timely request, grant extensions of time for the taking of any action or for the filing of any document or brief provided for by these rules.

§ 1241.104 Representation.

At any stage of the appeal procedure and before the Board, an individual party may act or appear in person; a partnership by one of the partners; a corporation by an officer thereof, or an authorized representative of any of those including a duly licensed attorney at law. Upon receipt of a copy of notice of appeal from the contracting officer or the Board, the General Counsel, NASA Headquarters, shall promptly designate counsel to represent the interests of the Government.

§ 1241.105 Taking an appeal.

Notice of an appeal must be in writing, and must be mailed to or otherwise furnished the contracting officer in the manner and within the time specified therefor in the contract or allowed by law. An original and two copies of such notice should be furnished.

§ 1241.106 Contents of notice of appeal.

The notice of appeal shall be signed by the contractor or by his representative or attorney, shall indicate that an appeal is intended, and shall identify the contract (by number), and the final decision of the contracting officer from which the appeal is taken. The notice of appeal may contain or be accompanied with a statement of the grounds upon which it is based. The complaint referred to in § 1241.109 may be filed with the notice of appeal, or the appellant may

designate the notice of appeal as a complaint if it otherwise fulfills the requirements of a complaint.

§ 1241.107 Forwarding of notice of appeals.

Within 10 calendar days of receipt of an appeal in any form, the contracting officer or other recipient shall endorse thereon the date of mailing, if ascertainable, and the date of receipt and forward the appeal and the envelope, if any, in which it was received to the Board. The Board will promptly notify the appellant and the contracting officer of receipt of a notice of appeal and the appellant will be furnished with a copy of these rules.

§ 1241.108 Preparation, contents, organization, forwarding and status of appeal file.

(a) *Duties of contracting officer.* Within 30 calendar days of receipt of an appeal, the contracting officer shall assemble and transmit to the Board with a copy to the appellant and to the Government counsel, all documents pertinent to the appeal, including:

(1) The decision and findings of fact from which the appeal is taken;

(2) The basic contract, including pertinent specifications, amendments, plans and drawings; and, if reprocurement costs are involved, the relet contract, including the pertinent specifications, amendments, plans and drawings attached thereto;

(3) All correspondence between the parties pertinent to the appeal, including the letter or letters of claim in response to which decision was issued;

(4) Transcripts of testimony, memoranda, affidavits, or statements of facts, not privileged, by any person concerning the matter in dispute, made prior to the filing of the appeal and considered by the contracting officer in arriving at his decision.

(b) *Rights of the appellant.* The appellant may supplement the same with any documents not contained therein which he considers pertinent to the appeal, by furnishing a copy of such documents to the Board and two copies thereof to the Government counsel.

(c) *Organization of appeal file.* Documents in the appeal file prepared by the contracting officer or supplemented by the appellant may be originals or legible copies thereof, and shall be appropriately numbered, tabbed, and indexed to identify the contents of the file.

(d) *Lengthy documents.* The Board may waive the requirement of furnishing to the other party copies of bulky or lengthy documents in the appeal file when a party, by motion, seasonably made, has shown that doing so would impose an undue burden. In such event, at the time a party files such a document with the Board, he shall notify the other party that the same or a copy is available for inspection at the offices of the Board or of the contracting officer.

(e) *Status of documents in appeal file.* Documents contained in the appeal file are considered, without further action by the parties, as before the Board as though they had been received in evidence at a formal hearing, unless a party files a written objection to the consideration of a particular document in advance of settling the record in the event there is no hearing on the appeal, or a written or oral objection before the end of a hearing held on the appeal. If objection to a document is made, the Board will treat the document as having been offered in evidence and rule on its admissibility in accordance with § 1241.122.

§ 1241.109 Pleadings.

(a) *Complaint.* Within 30 calendar day after receipt of the Board's notice that his appeal has been docketed, the appellant shall file with the Board an original and two copies of a complaint. The complaint will set forth simple, concise and direct statements for each of his claims, the basis for each claim, the contract provisions under which claim is made and, if known, the dollar amount claimed. The appellant may designate his original claim letter, any statement in support of his appeal filed therewith, or any other document in the appeal file before the Board, as his complaint, providing such document or documents otherwise fulfill the requirements of this § 1241.109. Should the appellant fail within 30 calendar days to file or to designate a complaint, the Board may, if it considers that the issues are sufficiently defined thereby, designate a document or documents in the appeal file as the appellant's complaint and notify the appellant and the Government to that effect.

(b) *Answer.* Within 30 calendar days of receipt of the appellant's complaint, or of a document designated as a complaint, the Government shall file with the Board an original and two copies of an answer setting forth simple, concise and direct statements of defense to each claim or counterclaim. Should the Government fail to answer within 30 calendar days, the Board may, in its discretion, enter a general denial on behalf of the Government notifying the appellant to that effect.

(c) *Reply.* The contractor may file a reply within 15 calendar days after receipt of the answer of counsel for the Government.

§ 1241.110 Motions.

(a) The Board may consider any timely motion:

(1) To dismiss an appeal for want of jurisdiction;

(2) To dismiss for failure to prosecute an appeal;;

(3) To make a pleading more definite and certain;

(4) For discovery, interrogatories to a party, or for the taking of depositions as provided in § 1241.116;

(5) To reconsider a decision or to reopen a hearing;

(6) To dismiss an appeal where the pleadings fail to state a case on which the Board may grant relief; and

(7) For any other appropriate order or relief

(b) Response by the opposite party to a motion may be made within 30 calendar days of his receipt of a copy thereof, unless the Board otherwise directs. The Board may permit oral hearing or argument as well as briefs in support of any motion.

§ 1241.111 Service and filing of pleadings and other papers.

All pleadings and other papers required to be served upon a party shall be filed with the Board either before service or within a reasonable time thereafter. Pleadings and other papers shall be served personally or by mailing the same, addressed to the party upon whom service is to be made. The party filing any paper with the Board shall send a copy thereof to the opposing party, noting on the paper filed with the Board, or on the letter transmitting same, that a copy has been so furnished.

§ 1241.112 Prehearing conference.

(a) *When permitted.* On its own motion or upon application of either party, the Board may call upon the parties to appear before it to consider:

(1) Simplification or clarification of the issues;

(2) Stipulations, admissions, agreements on documents, or other understandings which will avoid unnecessary proof;

(3) The limitation of the number of expert witnesses and of other cumulative evidence;

(4) Settlement of all or part of the issues in dispute; and

(5) Such other matters as may aid in the disposition of the appeal.

(b) *Conference record.* The results of the conference shall be reduced to writing by the Board member within 5 calendar days after the close of the conference. Copies shall be duly served on the parties who may, within 10 calendar days from receipt of the written record, file objection, comment, request for correction or other motion pertaining to that record of prehearing conference. The record of prehearing conference, together with any objection, comment, request for correction or other motion made by the parties shall become a part of the Board record.

(c) *Admissions, agreements and orders.* Admissions, agreements and orders of the Board (if any), as set forth in the record of the prehearing conference, shall control the subsequent course of the proceedings and the conduct of the hearing: *Provided, however,* That subsequent modification may be permitted pursuant to agreement between the parties or to prevent manifest injustice.

§ 1241.113 Election as to hearings.

(a) No earlier than 30 calendar days after the parties receive notice that the Government's answer has been filed or after the entrance of a general denial by the Board on behalf of the Government, and the time within which appellant may file a reply has expired, the Board will ascertain from the parties their desires for an oral hearing. If an oral hearing is desired, the Board will schedule it as provided in paragraph (b)

of this section, and §§ 1241.120 and 1241.121. If both parties waive an oral hearing, the Board will decide the appeal on the record before it, supplemented as it may permit or direct.

(b) Should an appeal involve $5,000 in amount or less, it may, at the option of either party, be processed under this paragraph (b) and in the event of such election, the Board will undertake to issue a decision on the appeal on an expedited basis, without regard to its normal position on the docket. Under this accelerated procedure, the case will be further expedited if the parties elect to waive a hearing and submit the appeal on the record. In all other respects, these rules shall apply.

§ 1241.114 Prehearing briefs.

The Board may order the filing of briefs prior to oral hearing of an appeal or either party may file such brief without order of the Board.

§ 1241.115 Discovery.

(a) *Methods.* The parties are encouraged to engage in discovery procedures. Any party may obtain discovery in conformity with these rules by one or more of the following methods:

(1) Depositions upon oral examination or written questions;

(2) Written interrogatories to the parties;

(3) Production of documents or things, or permission to enter upon land or other property for inspection or for other purposes; and

(4) Requests for admissions.

(b) *Scope.* Generally, subject to the specific provisions of the rules set forth in this § 1241.115, parties may obtain discovery regarding any matter not privileged which is relevant to the subject matter involved in the pending appeal, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature custody, contents, condition, and location of any books, documents or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible at the hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

(c) *Protective orders.* Upon the motion of any party or of the person from whom discovery is sought, who files specific objections, and for good cause shown, the Board may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, and those orders may include limitations on the scope, method, time and place for discovery, and provisions for protecting the secrecy of confidential information or documents.

(d) *Experts.* (1) By means of written interrogatories, a party may require the other party:

(i) To identify each person the other party expects to call as an expert witness, and

(ii) To state the subject matter on which the expert is expected to testify.

(2) The Board, on its own motion, or on that of a party, may require the submission or exchange in advance of the hearing of any reports or other documents prepared by, for, or with the assistance of the expert which a party intends to offer or use at the hearing.

§ 1241.116 Depositions.

(a) *When permitted.* Upon the application of a party showing good cause, the Board shall issue an order authorizing the party to take the testimony of any person, including a party, by deposition upon oral examination or written questions before any officer authorized to administer oaths at the place of examination, for use as evidence or for purpose of discovery, or for both purposes. The application for order shall specify whether the purpose of the deposition is discovery or for use as evidence, or both.

(b) *Orders on depositions.* The time, place, and manner of taking depositions shall be governed by order of the Board.

(c) *Use as evidence.* Testimony taken by deposition shall not be considered as part of the evidence in the hearing of an appeal unless and until such testimony is offered and received in evidence at such hearing. Generally, it will not be received in evidence if the deponent is present and can testify personally at the hearing. In such instance, however, the deposition may be used to contradict or impeach the testimony of an adverse witness given at the hearing. In cases otherwise heard on the record, the Board may, on motion of either party and in its discretion, receive depositions as evidence in supplementation of that record.

(d) *Transcripts.* The party taking a deposition shall provide a copy of the transcript to the Board at no expense within 30 calendar days after it is available. The other party is entitled to receive a copy or copies of the transcript of the deposition upon paying the established rate for copies to the person taking the deposition.

§ 1241.117 Interrogatories to the parties.

(a) *Availability.* Any party may serve upon any other party written interrogatories to be answered by the party served, or if the party served is the Government, or a public or private corporation, partnership or association, by an officer or agent of such party, who shall also furnish all information as is available to the party so served. Generally, interrogatories may not be served until after the answer has been filed. However, upon application of the appellant showing good cause, the Board may, in its discretion, permit the appellant to file a brief complaint together with a request for answers to written interrogatories and a request to amend its complaint within 30 calendar days after receipt of the answers to those interrogatories. Such procedure should be followed only when the appellant is not able to adequately comply with the rules of this Board concerning the requirements for a complaint without benefit of the discovery.

(b) *Objections.* Within 30 calendar days after the service of written interrogatories, the parties served may file objections to the interrogatories and request a protective order on the grounds that some or all of them call for privileged information or are plainly irrelevant or are otherwise improper in whole or in part, or that the requirement of a response would in any instance result, in annoyance, embarrassment, oppression or undue burden or expense. Within 20 calendar days after the service of objections, the party serving the interrogatories may file a pleading responding to the objections. The Board shall order the objecting party to respond to the written interrogatories unless the latter shall show good cause for the issuance of a protective order. In any instance in which the Board considers that the appropriate ground for an objection was not reasonably discoverable within 30 calendar days of the service of the interrogatories, the Board may entertain objections and a responsive pleading at a later date.

(c) *Form of interrogatories and responses.* The interrogatories shall be addressed to the person or the official or agent of the Government, corporation, partnership or association who is a responsible and authorized representative of the party. The interrogatories may be served upon the attorney representing a party. Each interrogatory shall be answered separately and fully in writing under oath by the party addressed, or, if the party addressed is the Government or a public or private corporation, partnership or association, by an officer or agent authorized to represent the party. Responses to the interrogatories must be filed with the Board and a copy served on the other party within 30 calendar days after service of the interrogatories to which objection has been made as provided in § 1241.116(b), and, in the case of interrogatories to which objection has been made, within 30 calendar days after receipt of an order from the Board directing a response to certain interrogatories. The answers are to be signed by the person making them.

(d) *Use as evidence.* Answers to interrogatories may be used to the extent permitted by the rules of evidence.

§ 1241.118 Production of documents and things and entry upon land for inspection and other purposes.

(a) *Availability.* Upon the application of a party showing good cause, the Board shall order a party to produce and permit inspection and copying of designated documents or things constituting discoverable matter as defined in § 1241.115 or may order any party to permit entry upon designated land or other property in his possession or control for the purpose of inspecting, measuring, surveying or photographing, testing or sampling, the property or any designated object or operation thereon, within the scope of § 1241.115.

(b) *Motions.* (1) The motion for production shall state:

(i) The documents or things desired with reasonable particularity;

(ii) How or in what respect they are discoverable, and

(iii) That such documents (or copies thereof) or things are not in the possession of the moving party.

(2) Documents shall be deemed to be defined with reasonable particularity to the extent that each document or thing is so identified that it may reasonably be located and procured.

(c) *Orders.* The Board shall generally grant production and inspection unless there is good cause for a protective order and shall specify the time, place and manner of making the inspection, copies or photographs if the parties are unable to agree thereon.

(d) *Use as evidence.* Documents or information procured as a result of inspection may be used at the hearing to the extent permitted by the rules of evidence.

§ 1241.119 Requests for admission.

(a) *Request.* Any party may apply to the Board for an order directing the other party to respond to a request for admission who has failed to do so, for purposes of the pending appeal only, of the genuineness of any relevant document described in and exhibited with the request, or of the truth of any relevant matters of fact set forth in the request. The other party, within 30 calendar days, must respond consenting to the admissions or objecting with specific grounds. The factual proposition set out in the request shall be deemed admitted upon the failure of a party to respond to the request for admission. The Board will rule upon the objections and make an order pertaining thereto.

(b) *Content.* A request for admission should contain a statement of the material matters of fact as to which it is believed there is no substantial controversy between the parties followed by a request that the party served admit the truth of such matters of fact. Each matter of which an admission is requested shall be separately set forth.

(c) *Use in the appeal.* Any proposition of fact expressly admitted or deemed admitted shall be conclusively established for the purpose of the pending appeal. However, the Board on motion may permit withdrawal of an admission if the Board finds that the party seeking withdrawal acted with due diligence or that the other party will not be prejudiced thereby. Any admission made by a party under this rule is for the purpose of the pending appeal or from an appeal from the Board's decision upon the pending appeal, and is not an admission by him for any other purpose, nor may it be used against him in any other proceeding.

§ 1241.120 Hearings, notice, where and when held.

Hearings will be scheduled on not less than 15-calendar-day notice by the Board, giving due consideration to the regular order of appeals, the desires of the parties, and the requirement for just and inexpensive determination of appeals without unnecessary delay. Hearings will ordinarily be held in Washington, D.C., at a location designated by the Board for the hearing except that the Board may set a hearing at another location for the convenience of the parties.

§ 1241.121 Unexcused absence of a party.

The unexcused absence of a party at the time and place set for hearing will not be occasion for delay. In the event of such absence, the hearing may proceed and the case will be regarded as submitted by the absent party on the record.

§ 1241.122 Nature of hearings.

Hearings shall be as informal as may be reasonable and appropriate in the circumstances. Hearings shall be conducted before such member or members of the Board as designated by the Chairman. The presiding member shall regulate the course of the hearing and the conduct of the parties in order to insure a fair and orderly proceeding. The parties may offer at the hearing such relevant evidence as would be admissible under the generally accepted rules of evidence applied in the courts of the United States in nonjury trials, subject, however, to the discretion of the presiding member in supervising the extent and manner of presentation of such evidence. In general, admissibility will be determined by relevancy and materiality. Letters or copies thereof, affidavits, or other evidence not ordinarily admissible under the generally accepted rules of evidence may be admitted in the sound discretion of the presiding member.

§ 1241.123 Examination of witnesses.

Witnesses before the Board normally will be examined orally under oath or affirmation. If the testimony of a witness is not given under oath the Board, if appropriate, shall warn the witness that his statements may be subject to the provisions of 18 U.S.C. 287 and 1001, and to any other provisions of law imposing penalties for knowingly making false statements in connection with claims against the United States.

§ 1241.124 Copies of paper.

True copies may be substituted for books, records, papers, or documents, the originals of which have been received in evidence during a hearing. Physical exhibits may be withdrawn before or after decision upon the substitution therefor of pictures of the same and agreement to preserve the originals intact pending further proceedings or on such other terms as the Board may set.

§ 1241.125 Posthearing briefs.

Posthearing briefs may be submitted upon such terms as are agreed upon at the conclusion of a hearing or as directed by the presiding member.

§ 1241.126 Transcript of proceedings.

Testimony and argument at hearings shall be reported verbatim, unless the Board otherwise orders. Transcripts of the proceedings shall be supplied to the parties at such rates as may be fixed by contract with the reporter. If the proceedings are reported by an employee of the Government, the appellant may receive transcripts upon payment therefor to the Government.

§ 1241.127 Settling the record.

(a) The record upon which the Board's decision will be rendered consists of the appeal file described in § 1241.108 and, to the extent the following items exist in a case, pleadings, prehearing conference memoranda or orders, prehearing briefs, depositions, interrogatories (subject to the provisions of § 1241.115(c)) answers to interrogatories, requests for admissions, admissions, transcripts of conferences and hearings, hearing exhibits, posthearing briefs, and any other document which the Board has specifically designated be made a part of the record. The record will be available at all reasonable times for inspection by the parties at the office of the Board in Washington, D.C.

(b) Except as otherwise ordered, no proof shall be received in evidence after completion of an oral hearing or, in cases submitted on the record, after notification by the Board that the case is ready for decision.

§ 1241.128 Settlement of dispute.

The parties may settle a dispute at any time before decision by filing a written notice by the appellant withdrawing its appeal or by written stipulation of settlement between the parties. The Board may then issue an order dismissing the appeal with prejudice.

§ 1241.129 Decisions and records.

Decisions of the Board will be made in writing and authenticated copies thereof will be forwarded simultaneously to both parties. The rules of the Board, all final orders and decisions, and other records of, or before the Board shall be available for inspection at its offices to the extent permitted by, and subject to the exemptions of 5 U.S.C. 552.

§ 1241.130 Motions for reconsideration.

Either party may move for reconsideration of the Board's decision within 30 calendar days of its receipt of an authenticated copy thereof, stating specifically the grounds relied upon for reconsideration, together with briefs, if desired, in support thereof. The other party may have 20 calendar days in which to respond to the motion and to present written arguments in support of its position.

§ 1241.131 Dismissal for failure to prosecute.

Whenever a record discloses the failure of either party to file documents required by these rules, to respond to notices or correspondence from the Board, or otherwise indicates an intention not to continue the prosecution or defense of an appeal, the Board may issue an order requiring the offending party to show cause why the appeal should not be either dismissed or granted, as appropriate. If the offending party shall fail to show cause, the Board may take such action as it deems reasonable and proper under the circumstances.

§ 1241.132 Dismissal without prejudice.

When the Board is unable to proceed with the processing of an appeal for

reasons beyond its control, and it appears that this inability will continue for an inordinate length of time, the Board may, in its discretion, dismiss such appeal from its docket without prejudice to its restoration thereto when the cause of suspension has been removed. By agreement of the parties, the Board may dismiss an appeal without prejudice.

§ 1241.133 Ex parte communications.

No member of the Board or of the Board's staff shall entertain, nor shall any person directly or indirectly involved in an appeal submit to the Board or the Board's staff, off the record, any evidence, explanation, analysis, or advice, whether written or oral, regarding any substantive matter at issue in an appeal. This provision does not apply to consultation among Board members nor to ex parte communications authorized by law or concerning the Board's administrative functions or procedures.

§ 1241.134 Remands from courts.

Whenever any matter is remanded to the Board from any Court for further proceedings, the parties shall, within 20 calendar days of such remand, submit a report to the Board indicating what procedures they think necessary to comply with the Court's order. The Board will enter special orders governing the handling of matters remanded to it for further proceedings by any Court. To the extent the Court's directive and time limitations will permit, those orders will conform to these rules.

§ 1241.135 Mediation.

(a) At any time prior to the scheduling of the hearings and upon the joint application of the parties for assistance in possible settlement of the claim, the Board shall designate one of its members to serve as a mediator. In that capacity, the designated Board member shall convene an informal conference or series of conferences to explore settlement to the fullest extent possible. At any such conference the parties may present their facts and arguments by any suitable method, including, but not limited to, offers of proof by counsel, affidavits, or narrative statements by prospective witnesses, documentary evidence, argument, and briefs or memoranda on the facts or law, or both, all to be presented without regard to the normal rules of evidence followed by the Board.

(b) It is the purpose and intent of this § 1241.135 to permit and to encourage full and frank development and disclosure of each party's position and active participation by the mediator in developing and discussing with the parties the merits of their respective positions. The role of the mediator in the process will be to assist the parties to evaluate settlement possibilities realistically and to try impartially to arrive at a negotiated settlement, if possible.

(c) No portion or aspect of any conference, documentary or oral, shall be recorded or otherwise made a part of the record of the Board. If the mediation services do not result in a settlement, and the appeal is thereafter prosecuted, the Board member who conducted the mediation shall not take part, directly or indirectly, in any further proceedings in connection with the appeal, and the parties shall thereafter prosecute the appeal de novo before another Board member or members.

[FR Doc.71-15582 Filed 10-26-71;8:53 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-2049]

PART 13—PROHIBITED TRADE PRACTICES

Edward Berger et al.

Subpart—Advertising falsely or misleadingly: § 13.71 *Financing:* 13.71-10 Truth in Lending Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 *Prices:* 13.155-95 Terms and conditions: 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act; Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions:* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Arthur Clein et al., Atlanta, Ga., Docket No. C-2049, Sept. 22, 1971]

In the Matter of Edward Berger, and William S. Cohen, Individually and as Partners Doing Business as Royal Loan Office

Consent order requiring two Atlanta, Ga., individuals doing business as pawnbrokers to cease violating the Truth in Lending Act by failing to disclose and print where required the annual percentage rate and finance charge, and make disclosures required by Regulation Z of said Act.

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

It is ordered, That respondents Edward Berger, and William S. Cohen, individually and as partners doing business as Royal Loan Office, or under any other name, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with any extension of consumer credit or any advertisement to aid, promote, or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to print the terms "annual percentage rate" and "finance charge", where required by Regulation Z to be used, more conspicuously than other required terminology, as set forth in § 226.6 (a) of Regulation Z.

2. Failing to disclose the rate of finance charge as an annual percentage rate, computed in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

3. Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z in the manner, form and amount required by §§ 226.6, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the partnership, including dissolution, addition, or deletion of partners from the partnership agreement, acquisition or creation of any other business entity, corporate or otherwise, or other change in the partnership which may affect compliance obligations arising out of this order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: September 22, 1971.

By the Commission.

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

[FR Doc.71-15545 Filed 10-26-71;8:47 am]

[Docket No. C-2042]

PART 13—PROHIBITED TRADE PRACTICES

Byer Furniture Co., Inc., and Norman L. Madan

Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act; Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions:* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease

and desist order, Byer Furniture Co., Inc., et al., Miami, Fla., Docket No. C-2042, Sept. 13, 1971]

In the Matter of Byer Furniture Co., Inc., a Corporation and Norman L. Madan, Individually and as an Officer of Said Corporation

Consent order requiring Miami, Fla., retail sellers and distributors of furniture to cease violating the Truth in Lending Act by failing in any credit sale to use the term "cash sale," disclose the deferred payment price, the annual percentage rate, and all other credit disclosures required by Regulation Z of said Act.

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

It is ordered, That respondents Byer Furniture Co., Inc., and its officers, and Norman L. Madan, individually and as an officer of said corporation and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with any extension of consumer credit, as "consumer credit" is defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing in any credit sale to use the term "cash price" to describe the price at which respondents, in the regular course of business offer to sell for cash the property or services which are the subject of the credit sale, as required by § 226.8(c)(1) of Regulation Z.

2. Failing to accurately disclose the deferred payment price as the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, as prescribed by § 226.8(c)(8)(ii) of Regulation Z.

3. Failing to disclose the "annual percentage rate" accurately to the nearest quarter of one percent, in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

4. Failing in any consumer credit transaction or advertising to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z, at the time and in the manner, form and amount required by §§ 226.6, 226.8, and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to each operating division and to all present and future personnel engaged in the consummation of any extension of consumer credit and respondents secure a signed statement acknowledging receipt of said order from each such person.

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

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: September 13, 1971.

By the Commission.

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

[FR Doc.71-15547 Filed 10-26-71;8:47 am]

[Docket No. C-2047]

PART 13—PROHIBITED TRADE PRACTICES

Arthur Clein et al.

Subpart—Advertising falsely or misleading: § 13.71 *Financing:* 13.71-10 Truth in Lending Act; § 13.73 Formal regulatory and statutory requirements: 13.73-92 Truth in Lending Act; § 13.155 *Prices:* 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act; Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions:* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: §13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Arthur Clein et al., Atlanta, Ga., Docket No. C-2047, Sept. 22, 1971]

In the Matter of Arthur Clein and Meyer H. Gordon, Individually and as Partners Doing Business as United Loan Association

Consent order requiring Atlanta, Ga., individuals doing business as money lenders and pawnbrokers to cease violating the Truth in Lending Act by failing to disclose and print on their documents the terms "annual percentage rate" and "finance charge," and failing to make other disclosures required by Regulation Z of said Act.

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

It is ordered, That respondents, Arthur Clein and Meyer H. Gordon, individually and as partners doing business as United Loan Association or under any other name, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with any extension of consumer credit or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to print the terms "annual percentage rate" and "finance charge", where required by Regulation Z to be used, more conspicuously than other required terminology, as set forth in § 226.6(a) of Regulation Z.

2. Failing to disclose the rate of finance charge as an annual percentage rate, computed in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

3. Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z in the manner, form and amount required by §§ 226.6, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the partnership, including dissolution, addition or deletion of partners from the partnership agreement, acquisition or creation of any other business entity, corporate or otherwise, or other change in the partnership which may affect compliance obligations arising out of this order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 22, 1971.

By the Commission.

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

[FR Doc.71-15544 Filed 10-26-71;8:47 am]

[Docket No. C-2040]

PART 13—PROHIBITED TRADE PRACTICES

Defa Electronics Corp. and Jerry Famolari

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* 13.155-5 Additional charges unmentioned: § 13.185 *Refunds, repairs, and replacements;* § 13.225 *Services.* Subpart—Enforcing dealings or payments wrongfully: § 13.1045 *Enforcing dealings or payments wrongfully.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Defa Electronics Corp. et al., New York City, Docket No. C-2040, Sept. 13, 1971]

In the Matter of Defa Electronics Corp., a Corporation, and Jerry Famolari, Individually and as an Officer of Said Corporation

Consent order requiring a New York City seller and distributor of stereophonic high fidelity audio equipment to cease misrepresenting the time period in which mail orders will be filled, imposing unapproved cancellation charges, increasing selling prices after receipt of the order, and shipping unauthorized substitute merchandise; the respondent shall also make full refund of monies if goods are not shipped within 30 days of order.

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

It is ordered, That Defa Electronics Corp., a corporation, and Jerry Famalori, individually and as an officer of said corporation, and respondents' agents, representatives, or employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale and distribution of stereophonic high fidelity audio equipment direct to purchasers or by mail order, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

I. Misrepresenting, directly or by implication, that orders which are accepted will be completed and shipped promptly, or within a reasonable period of time, or within any designated time period in excess of which a substantial number of orders are actually completed and shipped.

II. Imposing any cancellation or other charges in connection with orders received unless approval is obtained from a consumer before the consumer's order is accepted.

III. Increasing selling prices to consumers after receipt of their orders, unless the right to do so is agreed to by the consumer prior to the time when his order is accepted by respondents.

IV. Shipping substitute merchandise without obtaining a prior, expressed, written authorization from the affected consumers.

It is further ordered, That henceforth, from the date upon which respondents receive notification of acceptance of this order by the Commission, respondents make a written offer of a full refund in all instances in which it fails to make a complete shipment to a consumer within 30 days of their receipt of the consumer's order and payment therefor, unless a longer period for delivery has been agreed to by the parties. When a longer period for delivery has been agreed to and a complete shipment has not been made within that designated time respondents shall make a written offer of a full refund to the consumer. In either event, when a refund offer is accepted by a consumer respondents shall send the refund to said consumer without delay.

It is further ordered, That respondents maintain files containing all inquiries or complaints relating to acts or practices prohibited by this order, for a period of one year after their receipt, and that such files be made available for examination by a duly authorized agent of the Federal Trade Commission during the regular hours of the respondents' business for inspection and copying.

It is further ordered, That upon receiving notification of acceptance of this order by the Commission respondents will make a written offer to refund all monies received from those customers whose order or parts of an order are outstanding for a period in excess of 2 months immediately preceding the date of acceptance of said order. If said offer is accepted respondents shall send the customer the requested refund without delay.

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

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form of their compliance with this order.

Issued: September 13, 1971.

By the Commission.

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

[FR Doc.71-15548 Filed 10-26-71;8:47 am]

[Docket No. C-2038]

PART 13—PROHIBITED TRADE PRACTICES

General Foods Corp. and Benton & Bowles, Inc.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170-64 Nutritive. Subpart—Using deceptive techniques in advertising: § 13.2275 *Using deceptive techniques in advertising:* 13.2275-70 Television depictions.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, General Foods Corp. et al., White Plains, N.Y., Docket No. C-2038, Sept. 13, 1971]

In the Matter of General Foods Corp., a Corporation, and Benton & Bowles, Inc., a Corporation

Consent order requiring a major food corporation and its advertising agency with headquarters in White Plains, N.Y., to cease representing falsely in connection with selling or distributing "Toast 'em Pop Ups" or any other consumer food product, that such product is a nutritionally sound substitute for a regular meal, and disseminating such representation to induce the purchase of respondent's preparation.

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

I. *It is ordered*, That respondent General Foods Corp., a corporation, its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of "Toast'em Pop-Ups" or any other consumer food product, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing the dissemination of any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which represents directly or by implication that any such product is a nutritionally sound substitute for any meal consisting of identified foods unless such product in fact is a nutritionally sound substitute for said meal.

2. Disseminating, or causing the dissemination of any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of respondent's preparation, in commerce, as "commerce" is defined in the Federal Trade Commission Act, which contains any of the representations prohibited in paragraph one hereof.

II. *It is ordered*, That respondent Benton & Bowles, Inc., a corporation, its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of "Toast'em Pop-Ups" or any other consumer food product of similar composition or possessing substantially similar properties, or any General Foods Corp. consumer food product, do forthwith cease and desist from directly or indirectly:

Disseminating or causing the dissemination of any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which represents directly or by implication that any such product is a nutritionally sound substitute for any meal consisting of identified foods unless such product in fact is a nutritionally sound substitute for said meal.

III. *It is further ordered*, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That each corporate respondent notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

Issued: September 13, 1971.

By the Commission.

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

[FR Doc.71-15550 Filed 10-26-71;8:48 am]

[Docket No. C-2053]

PART 13—PROHIBITED TRADE PRACTICES

German Auto Agency et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–30 Connections or arrangements with others; § 13.35 *Condition of goods;* § 13.71 *Financing:* 13.71–10 Truth in Lending Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–92 Truth in Lending Act; § 13.90 *History of product or offering;* § 13.155 *Prices:* 13.155–95 Terms and conditions; 13.155–95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1395 *Connections and arrangements with others;* Misrepresenting oneself and goods—Goods: § 13.159 *Condition of goods;* § 13.1650 *History of Product.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–75 Truth in Lending Act; § 13.1854 *History of product;* § 13.1905 *Terms and conditions:* 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, German Auto Agency et al., Arlington, Va., Docket No. C-2053, Sept. 28, 1971]

In the Matter of German Auto Agency, a Corporation, and George Sprague, Individually, and as an Officer of Said Corporation, and Ray Culbertson, Individually

Consent order requiring an Arlington, Va., firm which sells, services and repairs used Volkswagen automobiles to cease misrepresenting that they are franchised Volkswagen dealers, that they sell new cars, failing to disclose that their cars are used, failing to reveal that the odometers have been altered and failing to disclose that their warranties are not the same as those of authorized Volkswagen dealers. Respondents are also required to make all the disclosures required by Regulation Z of the Truth in Lending Act.

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

I. *It is ordered,* That respondents German Auto Agency, a corporation, and its officers, and George Sprague, individually and as an officer of said corporation, and Ray Culbertson, individually, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of used Volkswagen automobiles, or any other products or service in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that respondents are an authorized Volkswagen dealer or are a franchised dealer of the Volkswagen factory; or misrepresenting, in any manner, the respondents' trade or business connections, associations, affiliations or status.

2. Representing, directly or by implication, that respondents have in stock or sell new or unused Volkswagen automobiles or misrepresenting, in any manner, the condition or character of the vehicles which respondents stock or sell.

3. Advertising any used vehicle or group of used vehicles without clearly and conspicuously disclosing in any and all advertising thereof that the vehicle or vehicles are used.

4. Offering for sale or selling any Volkswagen automobile which has been used without clearly and conspicuously disclosing by decal or sticker attached thereto that the vehicle is used.

5. Failing orally to disclose to prospective customers prior to the showing of any vehicle to a prospective customer on which the odometer has been replaced or the true mileage altered, that the mileage indicated thereon does not reflect the actual miles the vehicle has been driven.

6. Offering for sale or selling any used Volkswagen automobile on which the odometer has been replaced, or the true mileage altered, without clearly and conspicuously disclosing by decal or sticker attached thereto that the mileage indicated on the vehicle does not reflect the actual miles the vehicle has been driven.

7. Failing to disclose orally and in specific detail to a prospective customer if a vehicle being offered for sale to that prospective customer differs in any of its components or in any other manner from new and unused vehicles of the same make and year produced for sale in the domestic American market.

8. Offering for sale or selling any used Volkswagen without clearly and conspicuously disclosing by decal or sticker attached thereto that the vehicle being offered for sale differs in any of its components or in any other manner from new and unused vehicles of the same make and year produced for sale in the domestic American market, and itemizing such differences in detailed and specific terms.

9. Failing to orally disclose prior to the time of sale, and in writing on any bill of sale or any other instrument of indebtedness, executed by a purchaser of respondents' Volkswagens and with such clarity as is likely to be observed and read by such purchaser, that:

Warranties provided by respondents are not identical to warranties provided by authorized Volkswagen dealers and that service and repair of Volkswagens under said warranties will only be performed by respondents.

10. Representing, directly or by implication, that automobiles are warranted by respondents unless the nature, conditions and extent of the warranty, identity of the warrantor and the manner in which the warrantor will perform thereunder and clearly and conspicuously disclosed.

II. *It is ordered,* That the respondents German Auto Agency, a corporation, and its officers, and George Sprague, individually and as an officer of said corporation, and Ray Culbertson, individually, and respondents' agents, representatives, and employees, directly or through corporate or other device, in connection with any extension of consumer credit or any advertisement to aid, assist directly, or indirectly, any extension of consumer credit as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90–321, U.S.C. 1601, et seq.) to forthwith cease and desist from:

1. Failing to make all disclosures required to be made by Regulation Z prior to consummation of the transaction, as required by § 226.8(a) of Regulation Z.

2. Failing to disclose the "annual percentage rate", using that term accurate to the nearest quarter of one percent, computed in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

3. Failing to disclose accurately the amount of the finance charge computed in accordance with § 226.4 of Regulation Z, as required by § 226.8(c)(8)(i) of Regulation Z, whether by failing to comply with § 226.4(a)(5) of Regulation Z, or otherwise.

4. Failing to disclose the amount of the "unpaid balance", using that term, as required by § 226.8(c)(5) of Regulation Z.

5. Failing to disclose the "amount financed", using that term, as required by § 226.8(c)(7) of Regulation Z.

6. Stating in any advertisement the amount of the downpayment required or that no downpayment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, without stating all of the following items in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d)(2) of Regulation Z:

(i) The cash price;

(ii) The amount of the downpayment required or that no downpayment is required, as applicable;

(iii) The number, amount, and due dates or period of repayment scheduled to repay the indebtedness if the credit is extended;

(iv) The amount of the finance charge expressed as an annual percentage rate; and

(v) The deferred payment price.

7. Failing, in any advertisement to aid, promote or assist, directly or indirectly, any extension of consumer credit, as "advertisement" and "consumer credit" are defined in Regulation Z, to accurately disclose the amount of the "deferred payment", when that amount is required to be disclosed under the provisions of § 226.10(d)(2) of Regulation Z; or stating that no downpayment or any specific amount of downpayment will be accepted in connection with the advertised extension of credit unless respondents do, in fact, usually and customarily accept or will accept downpayments in that amount.

8. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance

with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.9 and 226.10 of Regulation Z.

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

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, that respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the offering for sale, or sale of any products, or in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from such persons.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order.

Issued: September 28, 1971.

By the Commission.

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

[FR Doc.71-15551 Filed 10-26-71;8:48 am]

[Docket No. C-2037]

PART 13—PROHIBITED TRADE PRACTICES

J. B. Williams Co., Inc. and Parkson Advertising Agency, Inc.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170-64 Nutritive; 13.170-74 Reducing, nonfattening low-calorie, etc.; § 13.210 *Scientific tests.* Subpart—Using deceptive techniques in advertising: § 13.2275 *Using deceptive techniques in advertising:* 13.2275-70 Television depictions. Subpart — Using misleading name — Goods: § 13.2325 *Qualities or properties.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The J. B. Williams Co., Inc., et al., New York City, Docket No. C-2037, Sept. 9, 1971]

In the Matter of the J. B. Williams Co., Inc., a Corporation, and Parkson Advertising Agency, Inc., a Corporation

Consent order requiring a New York City manufacturer and distributor of weight reduction wafers and a diet drink mix to cease representing falsely that any such product is effective for weight reduction unless caloric intake, exercise, and diet are also mentioned, to affirmatively make a disclosure of the above in its advertising, and to cease making references to scientific and medical tests unless they actually have been made.

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

I. *It is ordered,* That respondent the J. B. Williams Co., Inc., a corporation and respondent Parkson Advertising Agency, Inc., a corporation, and their officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, labeling, offering for sale, sale, or distribution of "Proslim" or "Proslim 7-Day Reducing" wafers, diet drink mix, or any other purported weight reducing or weight control product, do forthwith cease and desist from:

1. Disseminating, or causing the dissemination of, any advertisement by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act which represents directly or by implication that:

(a) Any such product is effective or of any value for the purpose of weight reduction, reduction of body size, or weight control, unless in immediate conjunction therewith it is disclosed clearly and conspicuously that any weight reduction, weight control, or reduction in body size which might result after use of said product would be by reason of a diet, restricting caloric intake, or an exercise program and diet plan.

(b) The protein content of any such product is of any value for weight reduction or weight control.

2. Disseminating, or causing the dissemination of, any advertisement by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, in which the words "Proslim" or "Proslim 7-Day Reducing" are used or in which words of similar import or meaning are used as a designation, description or trade name for any such product: *Provided, however,* Respondents may use such words or words of similar import or meaning as a designation, description, or trade name for a diet plan, effective for weight reduction, and the word "plan" or "system" is used as part of and immediately following the words "Proslim" or "Proslim 7-Day Reducing" or words of similar import or meaning with equal prominence and conspicuousness and such designation, description or trade name, and the affirmative disclosure required by paragraph 1(a) hereof is clearly and conspicuously made in immediate conjunction therewith.

3. Disseminating, or causing the dissemination of, any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any such product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, which contains any of the representations prohibited in paragraphs 1 and 2 above.

4. Disseminating, or causing the dissemination of, any advertisement by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which contains statements which are inconsistent with, negate or contradict the affirmative disclosure required by paragraphs 1(a) and 2 above, or which in any way obscures the meaning of such disclosure.

II. *It is further ordered,* That respondent J. B. Williams Co., Inc., a corporation, its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, labeling, offering for sale, sale, or distribution of any consumer product do forthwith cease and desist from disseminating, or causing the dissemination of, any advertisement by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which in any manner makes reference to scientific or medical tests or studies as allegedly substantiating any representation or claim as to the effectiveness or performance of any such product unless scientific or medical tests or studies in fact substantiate such representation or claim.

III. *It is further ordered,* That the provisions of Parts I and II of this order are not applicable to labels or labeling affixed to or made part of the product package of "Proslim" or "Proslim 7-Day Reducing" wafers and diet drink mix or any other purported weight reducing or weight control product prior to the effective date of this order, and as to all other consumer products Part II hereof is not applicable to labels or labeling which have been purchased prior to the effective date of this order.

IV. *It is further ordered,* That respondents shall forthwith distribute a copy of this order to each of their operating divisions.

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

It is further ordered, That respondents submit to the Commission within sixty (60) days after the order becomes final all advertising, labels and labeling, for products covered by this order to show the manner of compliance therewith, and thereafter will submit samples of all such advertising, labels and labeling, each 6 months to show continued compliance.

Issued: September 9, 1971.

By the Commission.

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

[FR Doc.71-15560 Filed 10-26-71;8:49 am]

[Docket No. C-2046]

PART 13—PROHIBITED TRADE PRACTICES

Jefferson's Jewelers, Inc.

Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act; Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions:* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Jefferson's Jewelers, Inc., Atlanta, Ga., Docket No. C-2046, Sept. 22, 1971]

In the Matter of Jefferson's Jewelers, Inc., a Corporation

Consent order requiring an Atlanta, Ga., jeweler and pawnbroker to cease violating the Truth in Lending Act by failing to furnish customers for open end credit accounts a single retainable written statement of information, failing to furnish such customers a periodic billing statement, failing to use the terms "Annual Percentage" and "Finance Charge," and other disclosures required by Regulation Z of said Act.

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

It is ordered, That respondent Jefferson's Jewelers, Inc., its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with any extension of consumer credit, as "consumer credit" is defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to furnish each customer before the first transaction on any open end credit account with a single written statement, which the customer may retain, disclosing to the customer all the information required to be disclosed by § 226.7(a) of Regulation Z.

2. Failing to furnish each open end credit account customer a periodic billing statement disclosing to the customer all the information required to be disclosed by § 226.7(b) of Regulation Z.

3. Failing, in any consumer credit transaction other than open end credit, to print the terms "Annual Percentage Rate" and "Finance Charge," where required by Regulation Z to be used, more conspicuously than other required terminology, as set forth in § 226.6(a) of Regulation Z.

4. Failing, in any consumer credit transaction, to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z in the manner, form, and amount required by §§ 226.6, 226.7, and 226.8 of Regulation Z.

It is further ordered, That respondent shall furnish a copy of this order to cease and desist to all present and future personnel of respondent engaged in the consummation of any extension of consumer credit, and shall secure from each such person a signed statement acknowledging receipt of said order.

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

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist contained herein.

Issued: September 22, 1971.

By the Commission.

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

[FR Doc71-15552 Filed 10-26-71;8:48 am]

[Docket No. 8435]

PART 13—PROHIBITED TRADE PRACTICES

L. G. Balfour et al.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets:* 13.5-20 Federal Trade Commission Act. Subpart—Coercing and intimidating: § 13.345 *Competitors.* Subpart—Combining or conspiring: § 13.455 *To maintain monopoly.* Subpart—Disparaging competitors and their products—Competitors: § 13.950 *Reliability, history and financial condition.* Subpart—Enticing away competitors' employees: § 13.1050 *Enticing away competitors' employees.* Subpart—Interfering with competitors or their goods—Competitors: § 13.1085 *Harassing.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified order to cease and desist, L. G. Balfour et al., Attleboro, Mass., Docket No. 8435, Sept. 23, 1971]

In the Matter of L. G. Balfour Co., a Corporation, Lloyd G. Balfour, Individually and as an officer of Said Corporation and Burr, Patterson & Auld Co., a Coporation

Order modifying a cease and desist order of July 29, 1968, 33 F.R. 14539, which required the Nation's largest manufacturer of college fraternity jewelry and its sales subsidiary to cease various anticompetitive practices to also cease monopolizing the sale and distribution of fraternity jewelry and other products, making exclusive contracts with any fraternity, for a period of 5 years making any contract to be effective for over 1 year, participating as an active member of any interfraternity organization, inducing any fraternity not to deal with a competitor of respondent, and for a period of 10 years not to merge with a competing company whose sales are 10 percent or more than those of the respondent unless approved by the Federal Trade Commission. The L. G. Balfour Co. shall divest itself of its subsidiary corporation, Burr, Patterson & Auld Co., and for 5 years refrain from selling to Burr customers; the respondent shall also cease disparaging the performance of or enticing away the employees of any competing company, and entering into any monopolistic agreement with any high school official or high school class officer concerning the purchase of high school class rings. All charges respecting the person L. G. Balfour are dismissed. This order was modified pursuant to a decision of the court of appeals, seventh circuit, April 5, 1971.

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

DEFINITIONS

For the purposes of the order to be issued in this proceeding, the following definitions shall apply:

(a) "Fraternity" shall mean a college social or college professional fraternity or sorority or college honor or college recognition society having more than one chapter;

(b) "Fraternity products" shall mean products bearing the trademark or distinctive insignia of a fraternity (as defined in (a) above); including, but not limited to, such products as standard badges, jeweled badges, pledge buttons or pins, recognition pins, monogram pins, pendants, miscellaneous jewelry items, paddles, beer mugs, processed knitwear, blazers, party and dance favors, stationery, pennants and other novelty-like items;

(c) "Findings" shall mean any product used in the manufacture, fabrication, or processing of insignia jewelry, service awards, or specialty products including, but not limited to, tie bars, tie tacks, tie chains, cuff links, lapel pins or buttons, key chains, identification bracelets, belt buckles, pendants, compacts, vanities, cigarette lighters, billfolds, jewel or cigarette boxes, and pens and pencils.

I. *It is ordered*, That respondent L. G. Balfour Co., a corporation, and its officers, agents, representatives, employees, subsidiaries, successors, and assigns and respondent Burr, Patterson, and Auld Co., a corporation, and its officers, agents, representatives, employees, subsidiaries, successors and assigns, in connection with the sale, offering for sale, or distribution of fraternity products in commerce, as "commerce" is defined in the Federal Trade Commission Act, shall terminate all contracts, agreements, understandings, or arrangements, written or oral, in effect with any fraternity relating in any manner to the manufacture, sale, or distribution of fraternity products. Respondents shall send a written notice of termination to each said fraternity, together with a copy of this

order; and a copy of such notice and order, together with a list of the fraternities to which said notice and order has been sent, shall be furnished to the Federal Trade Commission within 30 days thereafter.

II. *It is further ordered*, That respondent L. G. Balfour Co., a corporation, and its officers, agents, representatives, employees, subsidiaries, successors, and assigns and respondent Burr, Patterson, and Auld Co., a corporation, and its officers, agents, representatives, employees, subsidiaries, successors, and assigns, in connection with the sale offering for sale, or distribution of fraternity products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Monopolizing, or attempting to monopolize, the manufacture, sale, or distribution of fraternity products by utilizing any plan, policy, method, system, program, or device which has the purpose or effect of foreclosing competitors from the manufacture, sale, or distribution of such products, or utilizing any contract, agreement, understanding, or arrangement, written or oral, which has the purpose or effect of unlawfully foreclosing, restricting, restraining, or eliminating competition in the manufacture, sale, or distribution of such products;

(2) Entering into, maintaining, or utilizing any contract, agreement, understanding, or arrangement, written or oral, with any fraternity which designates, appoints, authorizes, grants, or entitles respondents, or either of them, to be sole or exclusive supplier, or suppliers, of any or all types of fraternity products to said fraternity, or which requires or obligates said fraternity to purchase all or substantially all of its requirements of any or all types of fraternity products from respondents, or either or them;

(3) For a period of five (5) years, entering into, maintaining or utilizing any contract, agreement, understanding, or arrangement, written or oral, with any fraternity which continues in effect for a period longer than 1 year;

(4) Representing, directly or by implication, that respondents, or either of them, are the sole authorized supplier or suppliers of any or all types of fraternity products to any fraternity;

(5) Holding any office in, making any financial or other contribution of value to, or participating in any manner in the management of the affairs of any organization composed of more than one fraternity, such as, but not limited to, the Interfraternity Research and Advisory Council, National Interfraternity Conference, National Panhellenic Conference, National Panhellenic Council, Professional Interfraternity Council, Professional Panhellenic Association or Association of College Honor Societies.

III. *It is further ordered*, That respondent L. G. Balfour Co., a corporation, and its officers, agents, representatives, employees, subsidiaries, successors, and assigns and respondent Burr, Patterson and Auld Co., a corporation, and its officers, agents, representatives, employees, subsidiaries, successors, and assigns, in connection with the manufacture, sale, offering for sale, or distribution of fraternity products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Falsely representing that any competitor has manufactured, distributed, or sold any or all types of fraternity products without permission or authorization of any fraternity or fraternities;

(2) Inducing or coercing any fraternity or any officer, member or employee thereof, (a) to refrain from giving fair consideration to offers by respondents' competitors to sell any or all types of fraternity products to any fraternity or any member thereof, or (b) to deny respondents' competitors free and open access to the national offices or chapter houses of any fraternity, or (c) to cancel any existing contract or purchase order of respondents' competitors covering the sale of any or all types of fraternity products to any fraternity or to any member thereof;

(3) During a period of ten (10) years from the date of entry of this order, purchasing, merging or consolidating with, or in any way acquiring any interest in, any competitor engaged in the manufacture, distribution, or sale of any or all types of fraternity products whose sales of said fraternity products constitute an amount in excess of ten (10) percent of the total sales of such competitor, unless permission to make such merger, consolidation or acquisition is first obtained from the Federal Trade Commission;

(4) Entering into any contract, agreement, understanding, or arrangement, written or oral, with any manufacturer or distributor of any fraternity product, or any product intended for sale or distribution to any fraternity, that such supplier shall not sell said product, or products, to any competitor of respondents.

IV. *It is further ordered*, That respondent L. G. Balfour Co., within one (1) year from the date this order becomes final, shall divest itself, absolutely and in good faith, of all assets, properties, rights and privileges, tangible and intangible, of respondent Burr, Patterson & Auld Co. relating in any way to the manufacture, sale or distribution of fraternity products, including patents, trademarks, trade names, firm names, good will, contracts, and customer lists. In such divestment no property above mentioned to be divested shall be sold or transferred, directly or indirectly, to anyone who at the time of the divestiture is a stockholder, officer, director, employee or agent of, or otherwise directly or indirectly connected with, or under the control or influence of, respondent L. G. Balfour Co., or to any purchaser who is not approved by the Federal Trade Commission.

Commencing upon the date this order becomes final and continuing for a period of five (5) years from and after the effective date of the divestiture, respondent L. G. Balfour Co. shall refrain from selling any fraternity products to any fraternity that was under an official, cooficial or sole official jeweler contract with respondent Burr, Patterson & Auld as of June 16, 1961.

V. *It is further ordered*, That respondent L. G. Balfour Co., a corporation, and its officers, agents, representatives, employees, subsidiaries, successors and assigns and respondent Burr, Patterson and Auld Co., a corporation, and its officers, agents, representatives, employees, subsidiaries, successors and assigns, in connection with the manufacture, sale, offering for sale or distribution of any of their products in commerce, as "commerce" is defined in the Federal Trade Commission Act, shall cease and desist from:

(1) Falsely imputing to any competitor dishonorable conduct, inability to perform contracts, questionable credit standing, or falsely disparaging any competitor's products, business methods, selling prices, values, credit terms, policies or services;

(2) Enticing away employees or sales representatives from any competitor with the intent or effect of injuring any competitor or competitors. This provision shall not prohibit any person from seeking more favorable employment with respondents, or either of them, or to prohibit said respondents, or either of them, from hiring or offering employment to employees of a competitor in good faith and not for the purpose of inflicting injury on such competitor;

(3) Entering into any contract, agreement, understanding or arrangement, written or oral, with any supplier of any finding or findings that such supplier shall not sell said finding or findings to any competitor of respondents.

VI. *It is further ordered*, That respondent L. G. Balfour Co., a corporation, its officers, agents, employees, representatives, subsidiaries, successors and assigns, directly or indirectly, through any corporate or other device, in or in connection with the offering for sale, sale or distribution of high school class rings in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Entering into, establishing, maintaining, enforcing, or continuing in operation or effect beyond the first school year that ends after the effective date of this order, any contract, agreement or understanding with any high school official or high school class with respect to the sale, supply or distribution of high school class rings which fails to set forth all of the terms essential to enable performance of such contract, agreement or understanding, including a description of the ring being ordered and the price thereof;

(2) Entering into, establishing, maintaining, enforcing, or continuing in operation or effect beyond the first school year that ends after the effective date of this order, any contract, agreement or understanding with any high school official or high school class with respect to the sale, supply or distribution of high

school class rings which continues in effect for a period longer than 1 year: *Provided, however,* That respondent L. G. Balfour Co., a corporation, and its officers, agents, representatives, employees, subsidiaries, successors and assigns, may enter into such contract, agreement or understanding for a period not in excess of 3 years if (i) the manufacture of the high school class rings that are the subject of any contract, agreement, or understanding requires respondent to construct a complete and original set of dies usable solely for said rings, (ii) the die charges are separately quoted and stated by respondent and (iii) the contract, agreement, or understanding provides that the dies become the property of the high school at the expiration thereof;

(3) Representing, directly or by implication, that special prices, discount prices, term prices, discounts, or rebates are afforded to purchasers of high school class rings unless the price at which such merchandise is offered constitutes a reduction equal to any amount stated, or otherwise directly or by implication represented, from the actual, bona fide price at which such merchandise was offered to high schools on a regular basis during the calendar year in which such representation is made in the regular course of business in the trade area where the representation is made, and unless such regular price and the discount price, discount rate, or rebate terms are clearly set forth in such agreement;

(4) Entering into, establishing, maintaining, or enforcing at any time after the first school year that ends after the effective date of this order, any contract, agreement, or understanding with any high school official or high school class with respect to the sale, supply, or distribution of high school class rings more than 60 days prior to the date upon which the term of such contract, agreement, or understanding is to begin;

(5) Entering into, establishing, maintaining or enforcing at any time after the first school year that ends after the effective date of this order, any contract, agreement, or understanding with any person whereby respondent will alternate, rotate, or otherwise share with any competitor in the sale or supply of high school class rings to any high school class.

VII. *It is further ordered,* That respondent L. G. Balfour Co. and respondent Burr, Patterson & Auld shall, within sixty (60) days from the date of service of this order, submit to the Federal Trade Commission a report, in writing, setting forth in detail the manner and form in which they have complied with Parts I, II, III, and V of this order; respondent L. G. Balfour Co. shall also, within sixty (60) days from the date of such service, submit to the Federal Trade Commission a report, in writing, setting forth in detail the manner and form in which it has complied with Part VI of this order; and respondent L. G. Balfour Co. shall also, within sixty (60) days from such date of service and every sixty (60) days thereafter until it has fully complied with this order, submit to the Commission a detailed written report of its actions, plans, and progress in complying with the provisions of Part IV of this order.

VIII. *It is further ordered,* That all charges respecting respondent L. G. Balfour be, and they hereby are, dismissed.

It is further ordered, That the Commission's decision is hereby modified by striking therefrom the Commission's findings that respondents misrepresented the extent of fraternities' trademark protection and the Commission's findings relating to the manner or motive of Balfour's acquisition of Burr, Patterson & Auld Co. and Edwards Haldeman.

Issued: September 23, 1971.

By the Commission.

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

[FR Doc.71-15546 Filed 10-26-71;8:47 am]

[Docket No. C-2051]

PART 13—PROHIBITED TRADE PRACTICES

Morris Shmerling and Reliable Loan Office

Subpart—Advertising falsely or misleadingly: § 13.71 *Financing:* 13.71-10 Truth in Lending Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 *Prices:* 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.-1623-95 Truth in Lending Act; Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions:* 13.-1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Morris Shmerling et al., Atlanta, Ga., Docket No. C-2051, Sept. 22, 1971]

In the Matter of Morris Shmerling, Individually and Doing Business as Reliable Loan Office

Consent order requiring an Atlanta, Ga., individual doing business as a pawnbroker to cease violating the Truth in Lending Act by failing to disclose and print where required the annual percentage rate and finance charge, and make all disclosures required by Regulation Z of said Act.

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

It is ordered, That respondent, Morris Shmerling, individually and doing business as Reliable Loan Office or under any other name, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with any extension of consumer credit or any advertisement to aid, promote, or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to print the terms "annual percentage rate" and "finance charge", where required by Regulation Z to be used, more conspicuously than other required terminology, as set forth in § 226.6(a) of Regulation Z.

2. Failing to disclose the rate of finance charge as an annual percentage rate, computed in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

3. Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z in the manner, form and amount required by §§ 226.6, 226.8, 226.9 and 226.10 of Regulation Z.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent's engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed sale of respondent's business, any proposed change in the name under which respondent does business, any change in the form of respondent's business such as incorporation or formation of a business partnership, or the entry of respondent into any other business individually or through a corporation, business partnership, or other form of doing business, or other change in respondent's business status which may affect compliance obligations arising out of this order.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: September 22, 1971.

By the Commission.

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

[FR Doc.71-15553 Filed 10-26-71;8:48 am]

[Docket No. C-2045]

PART 13—PROHIBITED TRADE PRACTICES

Natpac Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.75 *Free goods or*

services; § 13.155 *Prices:* 13.155–35 Discount savings; 13.155–95 Terms and conditions; § 13.175 *Quality of product or service;* § 13.230 *Size or weight;* § 13.1623 *Formal regulatory and statutory requirements:* 13.1623–95 Truth in Lending Act; § 13.1625 *Free goods or services;* § 13.1647 *Guarantees;* § 13.1715 *Quality;* § 13.1743 *Size or weight;* § 13.1760 *Terms and conditions;* 13.1760–50 Sales contract; Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions;* 13.1823–30 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852–75 Truth in Lending Act; § 13.1892 *Sales contract, right-to-cancel provision;* § 13.1905 *Terms and conditions:* 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Natpac Inc., et al., Ozone Park, N.Y., Docket No. C–2045, Sept. 21, 1971]

In the Matter of Natpac Inc., Natpac of New Jersey, Inc., Natpac of New York, Inc., Natpac of Connecticut, Inc., Natpac of Long Island, Inc., Natpac Foods, Inc., Natpac South, Inc., Food Financiers, Inc., National Budgeting Co., Inc., Connecticut Budgeting Service, Inc., Associated Budgeting Corp., Garden Budgeting Corp., Lenda-Freeze, Inc., and Guaranteed Home Food Service, Inc., Corporations

Consent order requiring 14 sellers of freezers, food, and freezer-food plans located in New York, Connecticut, New Jersey, Pennsylvania, and the District of Columbia to cease misrepresenting that their freezers are free in connection with purchase of the food, that the food is sold at a discount, that some food plans may be purchased on a weekly basis, making false guarantees, misrepresenting the grade of the meat sold, that a home economist will supervise customers' menus, that nonmeat foods are packaged by national firms, and failing to disclose to each potential customer all the details of cost; respondents are also forbidden to induce signing of promissory notes without disclosing all the contents, failing to print a notice on face of contract that it may be sold to a third party, using false testimonial letters, claiming they have been in business since 1922, and failing to include in their contracts a notice that the contract may be cancelled by customer within 3 days. Respondents are also required to make all disclosures required by Regulation Z of the Truth in Lending Act.

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

I. *It is ordered,* That respondents Natpac Inc.; Natpac of New Jersey, Inc.; Natpac of New York, Inc.; Natpac of Connecticut, Inc.; Natpac of Long Island, Inc.; Natpac Foods, Inc.; Natpac South, Inc.; Guaranteed Home Food Service, Inc.; Food Financiers, Inc.; National Budgeting Co., Inc.; Connecticut Budgeting Service, Inc.; Associated Budgeting Corp.; Garden Budgeting Corp.; Lenda-Freeze, Inc.; and any subsidiary or affiliated companies, and their officers and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of freezers, food or freezer food plans, or any other products or services, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication that:

(a) Customers will receive freezers free or as a gift, or without cost or charge, in connection with the purchase of any other product or service, unless such freezer is given as a gift or free of all charges.

(b) Freezers are custom built or of a commercial grade or quality.

(c) Customers realize any savings or discounts over the cost of food of similar quantity and quality purchased at regular retail food outlets, when such savings are not realized or, misrepresenting in any manner, the amount of savings available or offered to purchasers.

(d) Respondents' food plans will provide sufficient food to feed a given number of persons for a specific time period or furnishing and delivering to customers food which differs in quantity and quality from that which was represented by the respondents.

(e) Respondents' food plans may be purchased and paid for on weekly installments or any other periodic basis unless respondents' customers usually and customarily are permitted to purchase food plans on such a basis.

(f) Any of respondents' products are guaranteed unless, in immediate conjunction therewith the nature and extent of the guarantee, the manner in which the guarantor will perform and the identity of each guarantor are clearly and conspicuously disclosed.

(g) USDA Prime meat is included in respondents' food plans unless, in fact, U.S. Prime meat is so included; or misrepresenting in any manner the grades of meat offered or available from respondents.

(h) The cost of freezers purchased from respondents is subsidized by savings realized as a result of belonging to respondents' food plan, as opposed to the usual cost of food of similar quality and quantity purchased at regular retail supermarkets, unless such savings are realized.

(i) The cost of a freezer is less than the amount stated in the terms of the retail installment agreement or contract of sale for the freezer.

(j) That home economists or food consultants will supervise the preparation of customers' menus.

(k) Foods, other than meat, are packaged by national packers, without first disclosing to the customers, prior to their signing any agreement, promissory note, or instrument of like nature and import, that the packaged goods may not always bear a brand name but that it will in all instances be equal to the highest USDA grade for such foods.

2. Failing to clearly, accurately and conspicuously disclose in writing to each potential customer, prior to the time of sale, and in conjunction with all descriptions of respondents' food plans:

(a) The weight of each nonmeat item or package offered in each food category.

(b) The total weight of and number of packages in each nonmeat food category comprising respondents' food plans.

(c) The total weight of meat supplied during any stated term of payment.

(d) The total cost of all food for any term of payment.

(e) The total cost of respondents' food plans.

(f) The total cost per month to the customer, of any freezer leased, loaned or sold to said customer.

It is further provided, That the information required in (a), (b), and (c) above with respect to the weight and number of packages, will be furnished with each delivery of food.

3. Inducing purchasers of food, or food and freezers or other merchandise to sign any promissory note or instrument of like nature and import unless said instrument or attachment thereto contains all of the terms and conditions of the promise and unless purchasers are fully apprised of the nature and contents thereof.

4. Failing to supply purchasers at the time of execution of contracts or written agreements with copies of all agreements, instruments, notes and other written memoranda signed by such purchasers and fully completed with all terms set out and all blanks filled in, with the exception of the serial number of the freezer unit which will be filled in upon delivery.

5. Failing to incorporate the following statement on the face of all contracts executed by respondents' customers with such conspicuousness and clarity as is likely to be observed, read, and understood by the purchaser:

IMPORTANT NOTICE

If you are obtaining credit in connection with this contract, you will be required to sign a promissory note. This note may be purchased by a bank, finance company or any other third party. If it is purchased by another party, you will be required to make your payments to the purchaser of the note. You should be aware that if this happens you may have to pay the note in full to the new owner of the note even if this contract is not fulfilled.

6. Representing to prospective customers that they have won valuable prizes, such as a sewing machine, in a sweepstakes drawing conducted by the respondents, when such valuable prizes are not awarded.

7. Representing to prospective or actual customers that food prices charged by the respondents are guaranteed not to increase for a 3-year or other time period, without first setting forth clearly and conspicuously all conditions and terms related to such guarantee.

8. Representing that customers have written testimonial letters, praising the benefits of the respondents' food plans, when such letters are not written by the customers, or signed by them prior to the customers having had ample time to fully and completely appraise the full value of the respondents' food plans.

9. Representing that the respondents have been in the food business since 1922 or any other time period other than the actual number of years the respondents have been in the food business.

10. Obtaining signatures on any promissory note, contract, or other instrument of like nature and import, which does not contain a "Notice of Cancellation" which may be exercised by the buyer, if he so chooses, to cancel any time within three business days after he has signed the contract, promissory note or other instrument of like nature and import. Such notice shall allow the buyer to use any reasonable method to notify the seller of his intent to cancel, including mailing or delivering the signed notice to the seller's address.

It is further ordered, That respondents Natpac, Inc.; Natpac of New Jersey, Inc.; Natpac of New York, Inc.; Natpac of Connecticut, Inc.; Natpac of Long Island, Inc.; Natpac Foods, Inc.; Natpac South, Inc.; Food Financiers, Inc.; National Budgeting Co., Inc.; Connecticut Budgeting Service, Inc.; Associated Budgeting Corp.; Garden Budgeting Corp.; Lenda-Freeze, Inc., and Guaranteed Home Food Service, Inc., corporations, and their officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with any extension of consumer credit or any advertisement to aid, promote, or assist directly or indirectly, any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Stating, utilizing, or placing any information or explanation not required or authorized by Regulation Z in a manner which might tend to mislead or confuse the customer or contradict, obscure, or detract attention from the information required by Regulation Z to be disclosed.

2. Failing to use the term "total of payments" to describe the sum of the payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

3. Failing to disclose the sum of the cash price, the finance charge, and all other charges included in the amount financed which are not part of the finance charge, or failing to describe that sum as the "deferred payment price", as required by § 226.8(c)(8)(ii) of Regulation Z.

4. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form, and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

II. *It is further ordered,* That respondents Natpac, Inc.; Natpac of New Jersey, Inc.; Natpac of New York, Inc.; Natpac of Connecticut, Inc.; Natpac of Long Island, Inc.; Natpac Foods, Inc.; Natpac South, Inc.; Food Financiers, Inc.; National Budgeting Co., Inc.; Connecticut Budgeting Service, Inc.; Associated Budgeting Corp.; Garden Budgeting Corp.; Lenda-Freeze, Inc., and Guaranteed Home Food Service, Inc., corporations and their officers, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of any food or freezer food plan, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated, any advertisement by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representation prohibited in part I of this order, which fails to comply with the affirmative requirements of said part I of this order, or which contains any of the misrepresentations prohibited therein.

2. Disseminating or causing the dissemination of any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of any food, or any purchasing plan involving food in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in part I of this order, which fails to comply with the affirmative requirements of said part I of this order, or which contains any of the misrepresentations prohibited therein.

It is further ordered, That respondents shall forthwith distribute a copy of this order to each of their operating divisions and, in addition, to all present and future officers, managers and salesmen, and to present and future personnel engaged in the consummation of sales of respondents' products or in any aspect of preparation, creation or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such officer, manager, salesman and from the other aforementioned personnel.

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

It is further ordered, That respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 21, 1971.

By the Commission.

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

[FR Doc. 71-15554 Filed 10-26-71;8:48 am]

[Docket No. C-2039]

PART 13—PROHIBITED TRADE PRACTICES

Parrott & Co. and Saska-Parrott Ski Co.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Parrott & Co. et al., San Francisco, Calif., Docket No. C-2039, Sept. 13, 1971]

In the Matter of Parrott & Co., a Corporation Doing Business as Saska-Parrott Ski Co.

Consent order requiring a San Francisco, Calif., seller and distributor of Kneissl skis and other merchandise to cease representing falsely that only Kneissl makes fiberglass skis, that any model is constructed entirely of fiberglass when it is not, and representing that no wood is used in such skis whenever such is not the case.

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

It is ordered, That respondent Parrott & Co., a corporation, doing business as Saska-Parrott Ski Co., directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of Kneissl skis or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Making, or causing to be made, directly or by implication, any false or misleading statements or representations concerning any objectively determinable characteristic of Kneissl skis or any other article of merchandise advertised, offered for sale, sold, or distributed by respondent or any article of merchandise advertised, offered for sale, sold, or distributed in competition with respondent's merchandise. This prohibition shall include, but not be limited to, making any statements or representations representing, directly or by implication, that:

(a) Only Kneissl makes, or has made, skis which can be truthfully described as "fiberglass skis" as opposed to "wood-fiberglass skis" or "metal fiberglass skis."

(b) Any model of Kneissl skis is constructed entirely of fiberglass, whenever

said model is not in fact so constructed.

(c) No wood is used in the construction of any model of Kneissl skis whenever such is not the case.

(d) Any portion of the interior of any model of Kneissl skis is either hollow or filled with some substance other than wood, when said area is in fact filled with wood.

(e) Any diagram, cross-section cut, or mockup used and distributed by respondent accurately reflects the design, construction, or composition of any model of Kneissl skis whenever said diagram, cross-section cut, or mockup does not accurately reflect the design, construction, or composition of the respective model of Kneissl skis which it is represented as accurately reflecting.

(f) The design, construction, or composition of a given model of Kneissl ski does not vary substantially from ski to ski when such is not the case.

(2) Placing, or causing to be placed, in the hands of others any pamphlets, diagrams, cross-sections, mockups, or other means and instrumentalities by and through which they may perform any of the acts prohibited in (1) above.

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

It is further ordered, That respondent distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent engaged in the offering for sale or sale of any product or engaged in any aspect of the preparation, creation, or placing of advertising, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondent distribute a copy of this order to each advertising agent or agency and media representative with which it does business, directly or indirectly, and shall do likewise with any such person or organization with which it does business in the future immediately upon beginning such undertaking.

It is further ordered, That respondent distribute a copy of this order to each of its dealers, retailers, and other similar parties, which handles Kneissl skis. Included with said copy will be a cover letter instructing said parties to abide by the provisions of the order and to discontinue the use of all advertising, sales, and promotional material furnished them by respondent prior to July 1, 1970.

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

Issued: September 13, 1971.

By the Commission.

[SEAL] Charles A. Tobin, *Secretary.*

[FR Doc.71-15555 Filed 10-26-71;8:48 am]

[Docket No. C-2018]

PART 13—PROHIBITED TRADE PRACTICES

S. L. Savidge, Inc.

Subpart—Advertising falsely or misleadingly: § 13.71 Financing: 13.71-10 Truth in Lending Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 *Prices:* 13.155-95 Terms and conditions: 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act; Misrepresenting oneself and goods—Prices; § 13.1823 *Terms and conditions:* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, S. L. Savidge, Inc., Seattle, Wash., Docket No. C-2018, Aug. 24, 1971]

In the Matter of S. L. Savidge, Inc., a Corporation

Consent order requiring a Seattle, Wash., corporation engaged in selling new and used automobiles to cease violating the Truth in Lending Act by failing to include in the finance charge the premiums for credit life insurance, failing to disclose the accurate annual percentage rate, and making other representations in violation of Regulation Z of said Act. Respondent is also forbidden to represent that its credit terms are "easy" or that buyer will be allowed to select his own credit terms.

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

It is ordered, That respondent S. L. Savidge, Inc., a corporation and its officers, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with any consumer credit sale, as "consumer credit" and "credit sale" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to include in the "finance charge" the amount of premiums for credit life insurance required by respondent to be purchased in connection with the credit sale, as required by § 226.4(a)(5) of Regulation Z.

2. Failing to disclose the annual percentage rate accurately to the nearest quarter of one percent, in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

3. Engaging in any consumer credit transactions or disseminating any advertising within the meaning of Regulation Z of the Truth in Lending Act without making all disclosures that are required by §§ 226.6, 226.8, and 226.10 of Regulation Z in the amount, manner and form specified therein.

It is further ordered, That respondent S. L. Savidge, Inc., a corporation, respondent's officers, representatives, employees, and agents, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of automobiles or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that respondent's terms of credit are lenient, including, but not limited to the representation that respondent offers "easy credit."

2. Representing, directly or by implication, that respondent will allow a buyer to select his own credit terms, including, but not limited to the representation "Name Your Own Terms."

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent engaged in the consummation of any extension of consumer credit or in any aspect of preparation, for sale or sale of any product, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

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

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist contained herein.

Issued: August 24, 1971.

By the Commission.

[SEAL] Charles A. Tobin, *Secretary.*

[FR Doc.71-15556 Filed 10-26-71;8:48 am]

[Docket No. C-2041]

PART 13—PROHIBITED TRADE PRACTICES

Ralph Williams Ford et al.

Subpart—Advertising falsely or misleadingly: § 13.71 *Financing:* 13.71-10 Truth in Lending Act; § 13.13 *Formal regulatory and statutory requirements:*

13.73–92 Truth in Lending Act; § 13.155 *Prices:* 13.155–95 Terms and conditions: 13.155–95(a) Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905–60 Truth in Lending Act. Subpart—Using deceptive techniques in advertising: § 13.2275 *Using deceptive techniques in advertising.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Ralph Williams Ford et al., Encino, Calif., Docket No. C–2041, Sept. 13, 1971]

In the Matter of Ralph Williams Ford, Ralph's Chrysler-Plymouth, Ralph Williams' North West Chrysler Plymouth, Inc., Ralph Williams Gulf Gate Crysler Plymouth, Ralph Williams, Inc., Corporations, and Ralph L. Williams, Individually and as an Officer of Said Corporations, and Hunter-Willhite Advertising, Inc., a Corporation

Consent order requiring an Encino, Calif., new and used automobile dealer with dealerships in California, Washington, and Texas, and its advertising agency to cease violating the Truth in Lending Act by failing to disclose in their advertising and installment contracts the cash price, the amount of the downpayment, the number and amount of scheduled repayments, the amount and annual percentage rate of the finance charge, the deferred payment price, and all other disclosures required by Regulation Z of said Act.

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

It is ordered, That respondents Ralph Williams Ford, Ralph's Chrysler-Plymouth, Ralph Williams' North West Chrysler Plymouth, Inc., Ralph Williams Gulf Gate Chrysler Plymouth, Ralph Williams, Inc., corporations, and their officers, and Ralph L. Williams, individually and as an officer of said corporations, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the arrangement, extension, or advertisement of consumer credit in connection with the sale of motor vehicles or other products or services, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Causing to be disseminated to the public in any manner whatsoever any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, which advertisement states the amount of the downpayment required, or that no downpayment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless it states all of the following items in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d)(2) of Regulation Z:

(a) The cash price;

(b) The amount of the downpayment required or that no downpayment is required, as applicable;

(c) The number and amount of payments scheduled to repay the indebtedness if the credit is extended;

(d) The amount of the finance charge expressed as an annual percentage rate; and

(e) The deferred payment price.

2. Failing to make all disclosures required by Regulation Z clearly, conspicuously, and in meaningful sequence, as required by § 226.6(a) of Regulation Z.

3. Causing to be disseminated to the public in any manner whatsoever any advertisement to aid, promote, or assist directly or indirectly any extension of consumer credit which fails to make all the disclosures as required by § 226.10 of Regulation Z.

4. Failing to deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in any aspect of preparation, creation, and placing of advertising, all persons engaged in reviewing the legal sufficiency of advertising, and all present and future agencies engaged in preparation, creation, and placing of advertising on behalf of respondents, and failing to secure from each such person or agency a signed statement acknowledging receipt of said order.

It is further ordered, That respondent Hunter-Willhite Advertising, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with any advertisement to aid, promote, or assist, directly or indirectly any extension of consumer credit as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90–321, 15 U.S.C. 1601 et seq.) do forthwith cease and desist from:

1. Creating, producing, or causing to be disseminated to the public in any manner whatsoever any consumer credit advertisement which fails to make all the disclosures required by § 226.10 of Regulation Z clearly, conspicuously, and in meaningful sequence as required by § 226.6(a) of Regulation Z.

2. Creating, producing, or causing to be disseminated to the public in any manner whatsoever any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, which advertisement states the amount of the downpayment required or that no downpayment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless it states all of the following items in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d)(2) of Regulation Z:

(a) The cash price or the amount of the loan, as applicable;

(b) The amount of the downpayment required, or that no downpayment is required, as applicable;

(c) The number and amount of payments scheduled to repay the indebtedness if the credit is extended;

(d) The amount of the finance charge expressed as an annual percentage rate; and

(e) The deferred payment price or the sum of the payments, as applicable.

3. Creating, producing, or causing to be disseminated to the public in any manner whatsoever any advertisement to aid, promote, or assist directly or indirectly any extension of consumer credit which fails to make all the disclosures as required by § 226.10 of Regulation Z.

4. Failing to deliver a copy of this order to cease and desist to all present and future personnel of respondent engaged in reviewing the legal sufficiency of advertising prepared, created or placed on behalf of any advertiser, and failing to secure from each such person a signed statement acknowledging receipt of said order.

It is further ordered, That each respondent shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist contained herein.

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

Issued: September 13, 1971.

By the Commission.

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

[FR Doc.71–15549 Filed 10–26–71;8:47 am]

[Docket No. C–2048]

PART 13—PROHIBITED TRADE PRACTICES

Supreme Loan Co. and American Loan Office

Subpart—Advertising falsely or misleadingly: § 13.71 *Financing:* 13.71–10 Truth in Lending Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–92 Truth in Lending Act; § 13.155 *Prices:* 13.155–95 Terms and conditions; 13.155–95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623–95 Truth in Lending Act; Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions:* 13.1823–20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively,

to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–75 Truth in Lending Act: § 13.1905 *Terms and conditions:* 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Supreme Loan Co. et al., Atlanta, Ga., Docket No. C-2048, Sept. 22, 1971]

In the Matter of Supreme Loan Co., a Corporation doing business as American Loan Office

Consent order requiring an Atlanta, Ga., pawnbroker to cease violating the Truth in Lending Act by failing to disclose and print on its documents the terms "annual percentage rate" and "finance charge," and failing to make other disclosures required by Regulation Z of said Act.

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

It is ordered, That respondent, Supreme Loan Co., a corporation doing business as American Loan Office or under any other name, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with any extension of consumer credit or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to print the terms "annual percentage rate" and "finance charge", where required by Regulation Z to be used, more conspicuously than other required terminology, as set forth in § 226.6(a) of Regulation Z.

2. Failing to disclose the rate of finance charge as an annual percentage rate, computed in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

3. Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z in the manner, form and amount required by §§ 226.6, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

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

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

Issued: September 22, 1971.

By the Commission.

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

[FR Doc.71-15557 Filed 10-26-71;8:48 am]

[Docket No. 8752 o]

PART 13—PROHIBITED TRADE PRACTICES

Universe Chemicals, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties or products or service:* 13.1710–96 Waterproof, waterproofing, water-repellent. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1395 *Connections and arrangements with others;* Misrepresenting oneself and goods—Goods: § 13.1615 *Earnings and profits:* § 13.1647 *Guarantees;* § 13.1710 *Qualities or properties;* § 13.1725 *Refunds;* § 13.1730 *Results;* § 13.1762 *Tests, purported.* Subpart—Securing agents or representatives by misrepresentation: § 13.2140 *Qualities or properties of product.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Universe Chemicals, Inc., et al., Chicago, Ill., Docket No. 8752, Sept. 23, 1971]

In the Matter of Universe Chemicals, Inc., a Corporation, and Raymond L. Rosen and Jordan L. Lichtenstein, Individually and as Officers of Said Corporation

Order adopting the order of the initial decision, 35 F.R. 9853, of the hearing examiner which found respondent Jordan L. Lichtenstein, an officer of Universe Chemicals, Inc., a Chicago paint company, to be subject to the order to cease using misrepresentations to sell its products and recruit dealers.

The final order requiring report of compliance therewith, is as follows:

This matter having been heard by the Commission upon respondent Jordan L. Lichtenstein's appeal from the initial decision, and upon briefs and oral argument in support thereof and in opposition thereto; and

The Commission having concluded on this record and the facts and circumstances set forth therein, and for the reasons expressed in the accompanying opinion,[1] that the initial decision and order issued by the examiner should be adopted as the decision and order of the Commission;

It is ordered, That the initial decision and the order contained therein be, and they hereby are, adopted as the decision and order of the Commission.

It is further ordered, That respondent Lichtenstein, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: September 23, 1971.

By the Commission.

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

[FR Doc.71-15558 Filed 10-26-71;8:48 am]

[Docket No. C-2050]

PART 13—PROHIBITED TRADE PRACTICES

Edward Weiner et al.

Subpart—Advertising falsely or misleadingly: § 13.71 *Financing:* 13.71–10 Truth in Lending Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–92 Truth in Lending Act; § 13.155 *Prices:* 13.155–95 Terms and conditions; 13.155–95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623–95 Truth in Lending Act; Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions:* 13.1823–20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Edward Weiner et al., Atlanta, Ga., Docket No. C-2050, Sept. 22, 1971]

In the Matter of Edward Weiner, and Charles Weiner, Individually and as Partners Doing Business as West Side Loan Office.

Consent order requiring two Atlanta, Ga., individuals doing business as pawnbrokers to cease violating the Truth in Lending Act by failing to disclose and print where required the annual percentage rate and finance charge, and make disclosures required by Regulation Z of said Act.

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

[1] Copies of the opinion may be obtained at Federal Trade Commission Building, Room 130, Sixth and Pennsylvania Avenue NW.

It is ordered, That respondents, Edward Weiner and Charles Weiner, individually and as partners doing business as West Side Loan Office or under any other name, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with any extension of consumer credit or any advertisement to aid, promote, or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.) do forthwith cease and desist from:

1. Failing to print the terms "annual percentage rate" and "finance charge", where required by Regulation Z to be used, more conspicuously than other required terminology, as set forth in § 226.6(a) of Regulation Z.

2. Failing to disclose the rate of finance charge as an annual percentage rate, computed in accordance with § 226.5 of Regulation Z as required by § 226.8(b)(2) of Regulation Z.

3. Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z in the manner, form, and amount required by §§ 226.6, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing or advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the partnership, including dissolution, addition, or deletion of partners from the partnership agreement, acquisition, or creation of any other business entity, corporate or otherwise, or other change in the partnership which may affect compliance obligations arising out of this order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order.

Issued: September 22, 1971.

By the Commission.

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

[FR Doc.71-15559 Filed 10-26-71;8:48 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

[DESI 8311]

CERTAIN HYDROCHLORIDE AND BACITRACIN PREPARATIONS FOR INHALATION, TOPICAL, OR OTIC USE

Revocations

In a notice (DESI 8311) published in the FEDERAL REGISTER of September 23, 1970 (35 F.R. 14801), the Commissioner of Food and Drugs announced his conclusions following evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following antibiotic containing drugs for inhalation, topical, or otic use:

1. Terramycin Aerosol containing oxytetracycline hydrochloride; Chas. Pfizer and Co., Inc., 235 East 42d Street, New York, N.Y. 10017 (NDA 8-311).

2. Aureomycin Strip Dressing containing chlortetracycline hydrochloride; Davis and Geck, Division of American Cyanamid Co., 1 Casper Street, Danbury, Conn. 06810 (NDA 50-228).

3. Aureomycin Dressing containing chlortetracycline hydrochloride; Davis and Geck (NDA 50-228).

4. Aureomycin Sterilized Packing containing chlortetracycline hydrochloride; Davis and Geck (NDA 50-229).

5. Aureomycin Surgical Powder containing chlortetracycline hydrochloride; Lederle Laboratories, Division, American Cyanamid Co., Post Office Box 500, Pearl River, N.Y. 10965 (NDA 50-252).

6. Aureomycin Ear Solution containing chlortetracycline hydrochloride; Lederle Laboratories (NDA 50-246).

7. Achromycin Surgical Powder containing tetracycline hydrochloride; Lederle Laboratories (NDA 50-270).

8. Bacitracin Solvets containing bacitracin; Eli Lilly and Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 60-430).

The notice stated that these drugs were regarded as possibly effective for their labeled indications. The indications have been reclassified as lacking substantial evidence of effectiveness in that such evidence has not been submitted pursuant to the notice of September 23, 1970. Accordingly, the Commissioner concludes that the antibiotic drug regulations should be amended to delete provisions for certification of such drugs.

Chlortetracycline spray dressing, provided for by §§ 141c.227 and 146c.227, while not specifically reviewed by the Academy and not included in the announcement of September 23, 1970, is regarded as affected by that announcement.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51 as amended, 59 Stat. 463 as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 141c, 146c, 146e, and 148n are amended as follows:

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

1. Part 141c is amended:

a. In § 141c.208 by revising the heading and paragraph (a) to read as follows:

§ 141c.208 Tetracycline hydrochloride otic.

(a) *Potency.* Proceed as directed in § 141c.218(a).

* * * * *

§§ 141c.211, 141c.213, 141c.214, and 141c.227 [Revoked]

b. By revoking the following sections: § 141c.211 *Chlortetracycline surgical powder (chlortetracycline hydrochloride surgical powder); tetracycline hydrochloride surgical powder;* § 141c.213 *Chlortetracycline gauze packing;* § 141c.214 *Chlortetracycline dressing;* and § 141c.227 *Chlortetracycline spray dressing (chlortetracycline hydrochloride spray dressing).*

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

2. Part 146c is amended:

a. In § 146c.208 by revising the section heading and paragraph (a) and by amending paragraphs (c) and (d), as follows:

§ 146c.208 Tetracycline hydrochloride otic (tetracycline hydrochloride for ear solution).

(a) *Standards of identity, strength, quality, and purity.* Tetracycline otic is a packaged combination of one immediate container of crystalline tetracycline hydrochloride and one immediate container of a suitable and harmless solution. The tetracycline hydrochloride is of such quantity that, when dissolved as directed, the potency of such solution is not less than 5 milligrams per milliliter after it has been kept for 7 days at a temperature of 15° C. (59° F.). The tetracycline hydrochloride used conforms to the requirements of § 146c.218(a), except § 146c.218(a) (2), (3), (4), and (5). Each substance used in the preparation of the solution contained in the packaged combination, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

* * * * *

(c) * * *
(1) * * *

(i) On the outside wrapper or container and on the immediate container of the tetracycline hydrochloride, the statement "Expiration date _____," the blank being filled in with the date that is 36 months after the month during which the batch was certified.

(ii) On the outside wrapper or container and on the immediate container of the solution in the packaged combination, a statement giving the method of dissolving the tetracycline hydrochloride in the solution and the conditions under which the solution should be stored, including reference to its instability when stored under other conditions, and the statement, "The solution may be kept in a refrigerator for 1 week without significant loss of potency."

* * * * *

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the number of milligrams in each immediate container thereof, the date on which the latest assay of the batch was completed, the batch mark, and (unless it was previously submitted) the date on which the latest assay of the tetracycline hydrochloride used in making such batch was completed, the quantity of each ingredient used in making the solution included in the packaged combination, and a statement that such solution conforms to the requirements prescribed therefor by this section.

(2) * * *

(ii) The solution after the tetracycline hydrochloride has been dissolved therein: potency.

(iii) The tetracycline hydrochloride used in making the batch: potency, moisture, pH, crystallinity, and absorptivity.

(3) * * *

(ii) The tetracycline hydrochloride used in making the batch: 10 packages, each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with the requirements of § 146c.201(b).

* * * * *

§§ 146c.211, 146c.213, 146c.214 and 146c.227 [Revoked]

b. By revoking the following sections: § 146c.211 *Chlortetracycline surgical powder (chlortetracycline hydrochloride surgical powder); tetracycline hydrochloride surgical powder;* § 146c.213 *Chlortetracycline gauze packing (chlortetracycline hydrochloride gauze packing);* § 146c.214 *Chlortetracycline dressing (chlortetracycline hydrochloride dressing);* and § 146c.227 *Chlortetracycline spray dressing (chlortetracycline spray dressing).*

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

§ 146e.403 [Amended]

3. Part 146e is amended in § 146e.403 *Bacitracin tablets; zinc bacitracin tablets; bacitracin methylene disalicylate tablets; bacitracin suppositories; zinc bacitracin suppositories (if they are represented for vaginal use); bacitracin implantation pellets; zinc bacitracin implantation pellets (if they are represented for use by implanting under the skin of animals)* by revising the fourth sentence in paragraph (a) to read as follows: "Tablets not exceeding 15 millimeters in diameter shall disintegrate within 1 hour."

PART 148n—OXYTETRACYCLINE

§ 148n.15 [Revoked]

4. Part 148n is amended by revoking § 148n.15 *Oxytetracycline hydrochloride for inhalation.*

Any person who will be adversely affected by the removal of any such drug from the market may file objections to this order, request a hearing, and show reasonable grounds for the hearing. The statement of reasonable grounds and request for a hearing shall be submitted in writing within 30 days after publication hereof in the FEDERAL REGISTER, shall state the reasons why the antibiotic drug regulations should not be so revoked and shall include a well organized and full factual analysis of the clinical and other investigational data the objector is prepared to prove in support of his objections.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data incorporated into or referred to by the objections and from the factual analysis in the request for a hearing that no genuine issue of fact precludes the action taken by this order, the Commissioner will enter an order stating his findings and conclusions on such data.

If a hearing is requested and justified by the objections, the issues will be defined and a hearing examiner named to conduct the hearing. The provisions of Subpart F of 21 CFR Part 2 shall apply to such hearing, except as modified by 21 CFR 146.1(f), and to judicial review in accord with section 701 (f) and (g) of the Federal Food, Drug, and Cosmetic Act (35 F.R. 7250, May 8, 1970).

Objections and requests for a hearing should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852. Received objections and requests for a hearing may be seen in the above office during regular business hours, Monday through Friday.

Effective date. This order shall become effective 40 days after its date of publication in the FEDERAL REGISTER. If objections are filed, the effective date will be extended for ruling thereon. In so ruling, the Commissioner will specify another effective date.

(Secs. 502, 507, 52 Stat. 1050-51 as amended, 59 Stat. 463 as amended; 21 U.S.C. 352, 357)

Dated: October 6, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-15580; Filed 10-26-71;8:49 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER C—EMPLOYMENT TAXES

[T.D. 7115]

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

Rates of Income Tax Withholding; Marital Status for Purposes of Withholding

Correction

In F.R. Doc. 71-6917 appearing at page 9201 in the issue of Friday, May 21, 1971, the following changes should be made in the pay period withholding tables under § 31.3402(c)-2(a):

1. In the weekly and not married pay period table on pages 9216 and 9217 the following entries should be changed:

a. The entry for wages that are "at least $45 but less than $45" should read "at least $45 but less than $46".

b. The continuation heading on page 9217 should refer to employees who are not married.

c. The entry for wages that are "at least $180 but less than $180" should read "at least $180 but less than $190".

d. The entry for three exemptions under wages that are at least $230 but less than $240 should be "$39.90".

2. In the weekly and married pay period table on pages 9217 and 9218 the following entries should be changed on page 9218:

a. The entry for four exemptions under wages that are at least $300 but less than $310 reading "$42.00" should read "$42.70".

b. The entry for zero exemptions under wages that are at least $470 but less than $480 reading "$98.80" should read "$96.80".

3. In the biweekly and married pay period table beginning on page 9219 the entry for zero exemptions under wages that are at least $240 but less than $250 reading "$38.70" should read "$36.70".

4. In the semimonthly and married pay period table beginning on page 9221 the entry for five exemptions under wages that are at least $500 but less than $520 reading "$56.90" should read "$56.60".

5. In the monthly and not married pay period table beginning on page 9222 the entry for five exemptions under wages that are at least $720 but less than $760 reading "$75.80" should read "$73.80".

6. In the monthly and married pay period table beginning on page 9223 the entry for one exemption under wages that are at least $156 but less than $160 reading "$11.50" should read "$11.60".

7. In the monthly payroll period table on pages 9228 and 9229 the two entries on page 9229 for one exemption under wages that are at least $760 but less than $800 and at least $800 but less than $840 should be transposed so that the figures in the column read in ascending order.

8. In the semimonthly pay period table appearing on pages 9231 and 9232 the continuation heading on page 9232 should be changed to indicate the table is semimonthly rather than monthly.

9. In the miscellaneous pay period table on page 9233 the following changes should be made:

a. The entry for five exemptions under wages that are at least $9.25 but less than $9.50 should read "$.05".

b. Under wages that are at least $11.50 but less than $12.00 the entry for zero exemptions reading "$3.10" should read "$2.10" and the entry for six exemptions should read "$.15".

c. The entry for one exemption under wages that are at least $14.50 but less than $15.00 reading "$.235" should read "$2.35".

d. The entry for two exemptions under wages that are at least $17.50 but less than $18.00 reading "$2.45" should read "$2.55".

e. The entry for two exemptions under wages that are at least $21.00 but less than $22.00 reading "$3.29" should read "$3.20".

f. The entry for ten or more exemptions under wages that are at least $24.00 but less than $25.00 reading "$.10" should read "$1.10".

g. The entry for two exemptions under wages that are at least $26.00 but less than $27.00 reading "$1.40" should read "$4.40".

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 7146]

PART 301—PROCEDURE AND ADMINISTRATION

Restriction on Examination of Churches

Amendment of the regulations on procedure and administration under section 7605(c) of the Internal Revenue Code of 1954 to conform to section 121 (f) of the Tax Reform Act of 1969.

On December 17, 1970, notice of proposed rule making with respect to the amendment of the regulations on procedure and administration (26 CFR Part 301) under section 7605(c) of the Internal Revenue Code of 1954 (relating to restrictions on examinations of churches) to reflect the changes made by section 121(f) of the Tax Reform Act of 1969 (83 Stat. 548) was published in the FEDERAL REGISTER (35 F.R. 19115). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, as set forth below subject to certain changes in paragraph 2 of the notice of proposed rule making.

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

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

Approved: October 20, 1971.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

PARAGRAPH 1. Section 301.7605 is amended by adding at the end thereof a new subsection (c) and by revising the historical note. These amended and added provisions read as follows:

§ 301.7605 Statutory provisions; time and place of examination.

SEC. 7605. *Time and place of examination.* * * *

(c) *Restriction on examination of churches.* No examination of the books of account of a church or convention or association of churches shall be made to determine whether such organization may be engaged in the carrying on of an unrelated trade or business or may be otherwise engaged in activities which may be subject to tax under part III of subchapter F of chapter 1 of this title (sec. 511 and following, relating to taxation of business income of exempt organizations) unless the Secretary or his delegate (such officer being no lower than a principal internal revenue officer for an internal revenue region) believes that such organization may be so engaged and so notifies the organization in advance of the examination. No examination of the religious activities of such an organization shall be made except to the extent necessary to determine whether such organization is a church or a convention or association of churches, and no examination of the books of account of such an organization shall be made other than to the extent necessary to determine the amount of tax imposed by this title.

[Sec. 7605 as amended by sec. 4(1), Act of Apr. 2, 1956 (Public Law 466, 84th Cong., 70 Stat. 91); sec. 208(d)(4), Highway Revenue Act 1956 (70 Stat. 396); sec. 121(f), Tax Reform Act 1969 (83 Stat. 548)]

PAR. 2. Section 301.7605–1 is amended by adding at the end thereof a new paragraph (c). This added provision reads as follows:

§ 301.7605–1 Time and place of examination.

* * * * *

(c) *Restriction on examination of churches*—(1) *In general.* This section imposes certain restrictions upon the examination of the books of account and religious activities of a church or convention or association of churches for the purpose of determining whether such organization may be engaged in activities the income from which is subject to tax under section 511 as unrelated business taxable income. The purposes of these restrictions are to protect such organizations from undue interference in their internal financial affairs through unnecessary examinations to determine the existence of unrelated business taxable income, and to limit the scope of examination for this purpose to matters directly relevant to a determination of the existence or amount of such income. This section also imposes additional restrictions upon other examinations of such organizations.

(2) *Books of account.* No examination of the books of account of an organization which claims to be a church or a convention or association of churches shall be made except after the giving of notice as provided in this subparagraph and except to the extent necessary (i) to determine the initial or continuing qualification of the organization under section 501(c)(3); (ii) to determine whether the organization qualifies as one, contributions to which are deductible under section 170, 545, 556, 642, 2055, 2106, or 2522; (iii) to obtain information for the purpose of ascertaining or verifying payments made by the organization to another person in determining the tax liability of the recipient, such as payments of salaries, wages, or other forms of compensation; or (iv) to determine the amount of tax, if any, imposed by the Code upon such organization. No examination of the books of account of a church or convention or association of churches shall be made unless the Regional Commissioner believes that such examination is necessary and so notifies the organization in writing at least 30 days in advance of examination. The Regional Commissioner will conclude that such examination is necessary only after reasonable attempts have been made to obtain information from the books of account by written request and the Regional Commissioner has determined that the information cannot be fully or satisfactorily obtained in that manner. In any examination of a church or convention or association of churches for the purpose of determining unrelated business income tax liability pursuant to such notice, no examination of the books of account of the organization shall be made except to the extent necessary to determine such liability.

(3) *Religious activities.* No examination of the religious activities of an organization which claims to be a church or convention or association of churches shall be made except (i) to the extent necessary to determine the initial or continuing qualification of the organization under section 501(c)(3); (ii) to determine whether the organization qualifies as one, contributions to which are deductible under section 170, 545, 556, 642, 2055, 2106, or 2522; or (iii) to determine whether the organization is a church or convention or association of churches subject to the provisions of part III of subchapter F of chapter 1. The requirements of subparagraph (2) of this paragraph that the Regional Commissioner

give notice prior to examination of the books of account of an organization do not apply to an examination of the religious activities of the organization for any purpose described in this subparagraph. Once it has been determined that the organization is a church or convention or association of churches, no further examination of its religious activities may be made in connection with determining its liability, if any, for unrelated business income tax.

(4) *Effective date.* The provisions of this paragraph shall apply to audits and examinations of taxable years beginning after December 31, 1969.

[FR Doc.71-15609 Filed 10-26-71;8:52 am]

Title 29—LABOR

Chapter XIV—Equal Employment Opportunity Commission

PART 1601—PROCEDURAL REGULATIONS

Subpart B—Procedure for the Prevention of Unlawful Employment Practices

CONFIDENTIALITY

By virtue of the authority vested in it by section 713(a) of title VII of the Civil Rights Act of 1964, 42 U.S.C. section 2000e-12(a), 78 Stat. 265, the Equal Employment Opportunity Commission hereby amends Title 29, Chapter XIV, Subpart B, § 1601.20 of the Code of Federal Regulations.

Because the amendments herein adopted are procedural in nature, the provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. section 1003, for public notice and delay in effective date are inapplicable. This amendment shall become effective upon publication in the FEDERAL REGISTER.

Section 1601.20 is revised to read as follows:

§ 1601.20 Confidentiality.

Neither a charge, nor information obtained pursuant to section 709(a) of title VII, nor information obtained from records required to be kept or reports required to be filed pursuant to sections 709 (c) and (d) of said title, shall be made matters of public information by the Commission prior to the institution of any proceedings under this title involving such charge or information. This provision does not apply to such earlier disclosures to the charging party, the respondent, witnesses, and representatives of interested Federal, State, and local agencies as may be appropriate or necessary to the carrying out of the Commission's functions under the title, nor to the publication of data derived from such information in a form which does not reveal the identity of the charging party, respondent, or person supplying the information.

(Sec. 713(a), 78 Stat. 265, 42 U.S.C. 2000e-12(a))

This amendment is effective upon publication in the FEDERAL REGISTER (10-27-71).

Signed at Washington, D.C., this 18th day of October 1971.

[SEAL] WILLIAM H. BROWN III,
Chairman.

[FR Doc.71-15527 Filed 10-26-71;8:46 am]

PART 1610—AVAILABILITY OF RECORDS

Subpart A—Production or Disclosure Under 5 U.S.C. 552(a)

FEES, CHARGES, AND METHODS OF PAYMENT

By virtue of the authority vested in it by section 713(a) of title VII of the Civil Rights Act of 1964, 42 U.S.C. section 2000e-12(a), 78 Stat. 265, the Equal Employment Opportunity Commission hereby amends Title 29, Chapter XIV, Part 1610, Subpart A, by adding § 1610.16, and by amending § 1610.17, of the Code of Federal Regulations.

Because the amendments herein adopted are procedural in nature, the provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. section 1003, for public notice and delay in effective date are inapplicable. These amendments shall be effective upon publication in the FEDERAL REGISTER.

§ 1610.16 User charges, waiver.

It is the policy of the Equal Employment Opportunity Commission to cooperate with charging parties, their counsel, and private agencies working to eliminate employment discrimination. To the extent practicable that policy will be applied under this part so as to permit requests for inspection or copies of records and information to be met without cost to the charging party, attorney, or group making the request. Fees will be charged, however, in the case of requests which are determined by the General Counsel to involve a burden on staff or facilities significantly in excess of that normally accepted by the agency in handling routine requests for information. While the fees charged for services and copying will in no event exceed those as specified in § 1610.17, the Commission reserves the right to limit the number of copies that will be provided of any document or to require that special arrangements for copying be made in the case of records or requests presenting unusual problems of reproduction or handling.

(Sec. 713(a), 78 Stat. 265, 42 U.S.C. 2000e-12(a))

§ 1610.17 Schedule of fees and method of payment for services rendered.

(a) Except as provided for in § 1610.16 the following specific fees shall be applicable with respect to services rendered to members of the public under this subpart:

(1) Searching for records, per hour or fraction thereof	$3.60
(2) Other facilitative services and index assistance minimum charge	3.60
(3) Copies made by Xerox or otherwise (per page)	$0.05
(4) Certification of each record as a true copy	.75
(5) Certification of each record as a true copy, under the seal of the agency	1.00
(6) For each signed statement of negative result of search for record	1.00

(b) When no specific fee has been established for a service, e.g., legal or research assistance, or the request for a service does not fall under one of the above categories due to the amount, size, or type thereof, the Director of Administration is authorized to establish an appropriate fee pursuant to the criteria established in Bureau of the Budget Circular No. A-25, entitled "User Charges."

(c) When a request for identifiable records is made by mail, it should be accompanied by remittance of the total fee chargeable, as well as a self-addressed stamped envelope, if special mail services are desired.

(d) Fees must be paid in full prior to issuance of requested copies of records. If uncertainty as to the existence of a record, or as to the number of sheets to be copied or certified precludes remitting the exact fee chargeable with the request, the agency will inform the interested party of the exact amount required.

(e) Payment shall be in the form of a check, bank draft, money order. Remittances shall be made payable to the order of the Equal Employment Opportunity Commission.

(f) A receipt for fees paid will be given only upon request. Refund of fees paid for services actually rendered will not be made.

(g) No charge will be made for services performed at the request of other governmental agencies or officers thereof, acting in their official capacities.

(Sec. 713(a), 78 Stat. 265, 42 U.S.C. 2000e-12(a))

This amendment is effective upon publication in the FEDERAL REGISTER (10-27-71).

Signed at Washington, D.C., this 18th day of October 1971.

[SEAL] WILLIAM H. BROWN III,
Chairman.

[FR Doc.71-15526 Filed 10-26-71;8:46 am]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

PART 90—PROCEDURES FOR TRANSFER OF MINERS WITH EVIDENCE OF PNEUMOCONIOSIS

In accordance with the provisions of section 203 of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173), and pursuant to the authority vested in the Secretary of the Interior under section 508 of the Act, there was

published in the FEDERAL REGISTER for March 2, 1971 (36 F.R. 3900) a notice of proposed rule making setting forth a new Part 90 to Subchapter O of Chapter I, Title 30, Code of Federal Regulations, which provided procedures to be followed by miners, operators, and the Bureau of Mines, in relation to notification, exercise, and enforcement of the option of a miner with evidence of pneumoconiosis to transfer his position to a less dusty area of the mine.

Interested persons were afforded a period of 30 days following the date of publication of the notice in which to submit written comments, suggestions, or objections to the proposed regulations. In view of the comments, objections, and requests for public hearings received in response to said notice, the Department decided to hold a public hearing in order to receive further comments and testimony relating to Procedures for Transfer of Miners with Evidence of Pneumoconiosis. A notice of public hearing was published in the FEDERAL REGISTER for July 14, 1971 (36 F.R. 13097) and a public hearing was held on July 26, 1971 in the Auditorium, Department of the Interior, 19th and C Streets NW., Washington, D.C.

The comments and testimony received at the July 26 public hearing, as well as all other written comments, suggestions, or objections were thoroughly reviewed, and some of the regulations were revised accordingly. For example, if a miner who shows evidence of the development of pneumoconiosis is already working in a position where the concentration of respirable dust in the mine atmosphere meets the requirements of section 203(b) of the Act, the operator need not transfer him to another position. In addition a miner who elects to exercise his option of transfer need not inform the operator by whom he is employed of this election, but only must notify the Bureau of Mines, using a form supplied to him for this purpose by the Bureau.

A considerable portion of the comments, suggestions, objections, and testimony was devoted to the conflict between the miner's right to be afforded the option of transfer provided by section 203 (b) of the Act and the seniority and jobbidding provisions of the current National Bituminous Coal Wage Agreement. However, after careful consideration, it is the position of the Department that since section 203(b) of the Act is a properly enacted Federal statutory provision, it may operate to supersede, in part, provisions of this labor contract. Testimony was also received advocating the use of approved respiratory equipment in order to allow a longer period of time within which to effectuate a transfer. This approach was rejected by Congress, in its consideration of the Federal Coal Mine Health and Safety Act of 1969, and in light of this legislative history the Department has not adopted these suggestions. H.R. Conf. Rep. No. 91-761, 91st Cong., 1st Sess., 77 (1969).

A summary of the comments, suggestions, and objections, and a transcript of the July 26, 1971 public hearing, together with an explanation of actions taken with respect to this data are available for public inspection in the Office of the Deputy Director for Health and Safety, Room 4512, Bureau of Mines, Department of the Interior, Washington, D.C. 20240.

Part 90, Subchapter O, Chapter I of Title 30, Code of Federal Regulations is herewith promulgated at set forth below and shall become effective upon publication in the FEDERAL REGISTER (10-27-71).

HOLLIS M. DOLE,
Assistant Secretary of the Interior.

OCTOBER 20, 1971.

Subpart A—General

Sec.
90.1 Scope.
90.2 Definitions.

Subpart B—Notification to Miner

90.10 Notification by Director; contents.

Subpart C—Miner's Election of Option of Transfer

90.20 Election of option of transfer; notification to Bureau of Mines.

Subpart D—Operator's Transfer of Miner

90.30 Notification of option of transfer.
90.31 Operator's transfer of miner; requirements.
90.32 Transfer of miner; time requirement.
90.33 Notification to District Manager.
90.34 Compensation of transferred miner.

Subpart E—Enforcement of Miner's Option of Transfer by Bureau of Mines

90.40 Enforcement of option of transfer; notices and orders.

AUTHORITY: The provisions of this Part 90 are issued under sections 203 and 508 of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173).

Subpart A—General

§ 90.1 Scope.

Section 203(a) of the Federal Coal Mine Health and Safety Act of 1969 requires the operator of a coal mine to cooperate with the Secretary of Health, Education, and Welfare in making available to each miner working in a coal mine the opportunity to have chest roentgenograms. The films of such roentgenograms shall be read and classified in a manner prescribed by the Secretary of Health, Education, and Welfare, and the Secretary of the Interior shall submit the results of these roentgenograms to each miner and advise him of his rights under the Act related thereto. Section 203(b)(1) of the Act provides that prior to December 30, 1972, any miner who, in the judgment of the Secretary of Health, Education, and Welfare based upon such reading or other medical examinations, shows evidence of the development of pneumoconiosis shall be afforded the option of transferring from his position to another position in any area of the mine, for such period or periods as may be necessary to prevent further development of such disease, where the concentration of respirable dust in the mine atmosphere is not more than 2.0 milligrams of dust per cubic meter of air. Effective December 30, 1972, section 203(b)(2) of the Act provides that such miner shall be afforded the option of transferring from his position to another position in any area of the mine, for such period or periods as may be necessary to prevent further development of pneumoconiosis, where the concentration of respirable dust in the mine atmosphere is not more than 1.0 milligrams of dust per cubic meter of air, or if such level is not attainable in such mine, to a position in such mine where the concentration of respirable dust is the lowest attainable below 2.0 milligrams per cubic meter of air. Section 203(b)(3) of the Act further provides that any miner so transferred shall receive compensation for such work at not less than the regular rate of pay received by him immediately prior to his transfer. The regulations in this Part 90 prescribe the manner by which the Director, Bureau of Mines shall notify miners of the results of chest roentgenograms and advise them of related rights; the method by which eligible miners shall exercise their option of transfer of position; the method to be followed by operators in transferring such eligible miners; and the manner in which the Director, Bureau of Mines shall enforce the option of transfer of position of eligible miners.

§ 90.2 Definitions.

As used in this Part 90:

(a) "Coal mine" means an area of land and all structures, facilities, machinery, tools, equipment, shafts, slopes, tunnels, excavations, and other property, real or personal, placed upon, under, or above the surface of such land by any person, used in, or to be used in, or resulting from, the work of extracting in such area bituminous coal, lignite, or anthracite from its natural deposits in the earth by any means or method, and the work of preparing the coal so extracted, and includes custom coal preparation facilities;

(b) "Director" means the Director, Bureau of Mines, U.S. Department of the Interior.

(c) "Miner" means any individual working in a coal mine.

(d) "Operator" means any owner, lessee, or other person who operates, controls, or supervises a coal mine.

(e) "Option of transfer" means:

(1) Prior to December 30, 1972, the option afforded a miner, whose chest roentgenogram or other medical examination shows evidence of the development of pneumoconiosis, to transfer from his position to another position in any area of the mine, for such period or periods as may be necessary to prevent further development of pneumoconiosis, where the concentration of respirable dust in the mine atmosphere is not more than 2.0 mg./m.^{3} of air; however, if such miner is already working in a position where the concentration of respirable dust is not more than 2.0 mg./m.^{3} of air, he need not be transferred; and

(2) On and after December 30, 1972, the option afforded a miner, whose chest roentgenogram or other medical examination shows evidence of the development of pneumoconiosis, to transfer from his position to another position in

any area of the mine, for such period or periods as may be necessary to prevent further development of such disease, where the concentration of respirable dust in the mine atmosphere is not more than 1.0 mg./m.³ of air, or if such level is not attainable in such mine, to a position in such mine where the concentration of respirable dust is the lowest attainable below 2.0 mg./m.³ of air; however, if such miner is already working in a position where the concentration of respirable dust is not more than 1.0 mg./m.³ of air, or if such level is not attainable in such mine, in a position where the concentration of respirable dust is the lowest attainable below 2.0 mg./m.³ of air, he need not be transferred.

(f) "Pneumoconiosis" means a chronic dust disease of the lung arising out of employment in a coal mine.

(g) "Respirable dust" means only dust particulates 5 microns or less in size.

(h) "Secretary" means the Secretary of Health, Education, and Welfare.

Subpart B—Notification to Miner

§ 90.10 Notification by Director; contents.

(a) Upon the receipt of information from the Secretary that a miner has been given a chest roentgenogram, and that such roentgenogram has been read and classified in the manner prescribed by the Secretary, the Director shall submit to such miner, by letter, the results of such roentgenogram and advise such miner of his rights related thereto. The Director shall include a copy of the information received from the Secretary.

(b) When a chest roentgenogram shows, in the judgment of the Secretary, evidence of the development of pneumoconiosis, the Director shall notify the affected miner that he has the option of transfer.

Subpart C—Miner's Election of Option of Transfer

§ 90.20 Election of option of transfer; notification to Bureau of Mines.

Any miner notified by the Director that he has the option of transfer, if he elects to exercise such option, shall, in writing, notify the Bureau of Mines of his election to exercise the option of transfer. A miner may fulfill this requirement by signing and dating a form, similar to Figure 1, which will be sent to him by the Director for this purpose. This notification shall be sent to the Chief, Health Division—Coal Mine Health and Safety, Bureau of Mines, Department of the Interior, Washington, D.C. 20240. The miner shall not be required to furnish the operator a copy of the medical information received from the Secretary and provided to the miner by the Director.

Subpart D—Operator's Transfer of Miner

§ 90.30 Notification of option of transfer.

Upon receipt by the Bureau of Mines, pursuant to § 90.20 of information from the miner that he elects to exercise the option of transfer, the Director shall send to the operator employing such miner a letter notifying the operator that the miner is afforded the option of transfer and that the miner has exercised the option of transfer. The Director shall send a copy of this letter of notification to the miner.

§ 90.31 Operator's transfer of miner; requirements.

(a) Except as provided in paragraph (b) of this section, an operator shall, upon receipt of a letter of notification from the Director in accordance with § 90.30, transfer the miner to such a position as is required by section 203(b) of the Federal Coal Mine Health and Safety Act of 1969, within the time prescribed in § 90.32.

(b) If, based upon the respirable dust sampling requirements of Part 70 of this chapter an operator ascertains that the miner who has exercised his option of transfer is already working in a position where the concentration of respirable dust in the mine atmosphere meets the requirements of section 203(b) of the Act, then the operator need not transfer such miner from such position.

§ 90.32 Transfer of miner; time requirement.

Except as provided in § 90.31(b) the operator shall transfer the miner who has exercised the option of transfer as soon as practicable, but no later than 45 days from the date of the letter of notification by the Director pursuant to § 90.31, or by such other date after the period of 45 days that the miner may indicate, in writing, to both the operator and the Director as being acceptable to the miner for such transfer.

§ 90.33 Notification to District Manager.

(a) The operator shall, when the transfer has been accomplished or when the operator has ascertained that the miner who has exercised his option of transfer is already working in a position where the concentration of respirable dust in the mine atmosphere meets the requirements of section 203(b) of the Act, immediately notify the District Manager of the Coal Mine Health and Safety District in which the mine is located, in writing, that he has complied with § 90.31. This notice shall include the name and Social Security number of the miner who has exercised his option of transfer; the name and identification number of the mine; the section identification number; where applicable, the date of transfer, the position from which such miner was transferred, and the position to which such miner was transferred; and, where applicable, certification by the operator that such miner is already working in a position where the concentration of respirable dust in the mine atmosphere meets the requirements of section 203(b) of the Act.

(b) Upon receipt of certification by the operator that a miner is already working in a position where the concentration of respirable dust in the mine atmosphere meets the requirements of section 203(b) of the Act, the District Manager shall officially confirm such certification by reference to Bureau of Mines dust sampling data, and shall notify the miner, by letter, that the operator need not transfer him to another position. However if Bureau of Mines dust sampling data subsequently shows that the miner is working in a position where the concentration of respirable dust is in excess of the levels prescribed by section 203(b) of the Act, then the District Manager shall notify the operator and the miner that such miner must be transferred in accordance with this part.

§ 90.34 Compensation of transferred miner.

Any miner transferred in accordance with the provisions of this Part 90 shall receive compensation for his work at not less than the regular rate of pay received by him immediately prior to his transfer.

Subpart E—Enforcement of Miner's Option of Transfer by Bureau of Mines

§ 90.40 Enforcement of option of transfer; notices and orders.

(a) If the notification prescribed in § 90.33 is not received from the operator within the time required by § 90.32, the District Manager of the Coal Mine Health and Safety District where the mine is located shall make or cause to be made an inspection and investigation to determine whether or not the transfer of the miner has been accomplished and whether there is compliance with section 203 of the Act.

(b) If the inspection and investigation shows noncompliance with section 203 of the Act, the District Manager shall make or cause to be made appropriate findings, notices, and orders under section 104 of the Act. In no case shall a reasonable time for abatement of a violation be more than 30 days from the date of the notice of violation.

FIGURE 1

EXERCISE OF OPTION TO TRANSFER

Chief Health Division,
Coal Mine Health and Safety,
Bureau of Mines,
Department of the Interior,
Washington, D.C. 20240.

I have been notified by the Bureau of Mines that I am eligible, under the provisions of the Federal Coal Mine Health and Safety Act of 1969, to transfer to an area of the mine as is required by section 203(b) of the Act, if I am not already working in such an area.

I elect to exercise my option to transfer.

(Signature of miner)

(Date signed)

Name and Address of Miner.

LETTER FROM DISTRICT MANAGER TO MINER ELECTING HIS OPTION OF TRANSFER, BUT WHO IS ALREADY WORKING IN A POSITION WHERE THE RESPIRABLE DUST IN THE MINE ATMOSPHERE MEETS THE REQUIREMENTS OF SECTION 203(b) OF THE ACT.

Although you were previously notified by the Director, Bureau of Mines that, in accordance with section 203(b) of the Federal Coal Mine, Health and Safety Act of 1969 (Public Law 91-173), you were eligible for transfer to an area of the mine where the

concentration of respirable dust is not more than 2.0 milligrams per cubic meter of air, if you were not already working in such an environment, review of our records has confirmed that you are already working in such an environment. Consequently, your employer need not transfer you from your present position at this time. However you may apply for Black Lung Benefits (title V of the Act) at the nearest Social Security Office; and if official records subsequently show that you are working in an area of the mine where the concentration of respirable dust is more than 2.0 milligrams per cubic meter of air, then you and your employer will be notified that you must be transferred as required by law.

Coal Mine Health and Safety,
District Manager.

LETTER TO MINE OPERATOR (COPY TO MINER) FROM DISTRICT MANAGER WHEN SUBSEQUENT DUST SAMPLING DATA SHOWS MINER IS WORKING IN A POSITION WHERE RESPIRABLE DUST IN MINE ATMOSPHERE EXCEEDS LEVELS PRESCRIBED BY SECTION 203(b).

Miner:_____
Soc. Sec. #:_____

DEAR OPERATOR: Records of the Bureau of Mines show that the above named miner is presently working in a position where the concentration of respirable dust is in excess of the levels prescribed by section 203(b) of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173). Therefore you must transfer this miner to a less dusty area of the mine as required by Part 90, Subchapter O, Chapter I, Code of Federal Regulations.

Coal Mine Health and Safety,
District Manager.

[FR Doc.71-15574 Filed 10-26-71;8:51 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGFR 71-86A]

PART 110—ANCHORAGE REGULATIONS

Anchorage Grounds; Explosives Anchorage, Hassler Harbor, Alaska

The purpose of this amendment to the anchorage regulations is to establish an explosives anchorage in Hassler Harbor, Southeast Alaska.

This amendment is based on a notice of proposed rule making published in the Saturday, August 28, 1971, issue of the FEDERAL REGISTER (36 F.R. 17360) and Public Notice 17-5-71, issued by the Commander, 17th Coast Guard District on June 21, 1971. The explosives anchorage was proposed to be located in one of six areas that were described. The substance of the proposed regulations for the proposed explosives anchorage was described.

Nine comments were received and the majority of these comments urged that the anchorage be established in Hassler Harbor. There were no comments on the proposed regulations. Based on the comments received and the recommendations of the Commander, 17th Coast Guard District, Hassler Harbor has been selected as the area for the explosives anchorage.

One change has been made to the regulations. In order that the public understands what is required in the sign prescribed by § 110.232(b)(6)(iii), the rule now states the wording and the minimum height of the lettering to be used.

Accordingly, Part 110 is amended by adding a new section, § 110.232, to read as follows:

§ 110.232 Southeast Alaska.

(a) *The anchorage grounds*—(1) *Hassler Harbor—explosives anchorage.* The waters of Hassler Harbor within a circular area with a radius of 1,500 yards, having its center at latitude 55°12'52" N., longitude 131°25'52" W.

(b) *The regulations.* (1) Except in an emergency, only a vessel that is transporting, loading or discharging explosives may anchor, moor, or remain within the Hassler Harbor explosives anchorage.

(2) A master or person in charge of a vessel shall obtain a written permit from the captain of the port, Ketchikan, Alaska, to anchor, moor, or remain within the explosives anchorage. The vessel shall anchor in the position specified by the permit.

(3) The net weight of the explosives laden aboard all vessels anchored, moored, or remaining within the anchorage shall not exceed 800,000 pounds.

(4) The captain of the port, Ketchikan, Alaska, may require a nonself propelled vessel to be attended by a tug while moored, anchored, or remaining within the explosives anchorage.

(5) A wooden vessel must—

(i) Be fitted with a radar reflector screen of metal of sufficient size to permit target indication on the radar screen of commercial type radar; or

(ii) Have steel bulwarks; or

(iii) Have metallic cases or cargo aboard.

(6) Each vessel moored, anchored, or remaining within the explosives anchorage and carrying, loading, or discharging explosives from sunrise to sunset shall display—

(i) A red flag from the mast; or

(ii) A sign posted on each side of the vessel reading "Explosives—Keep Clear—No Smoking or Open Flame" in letters that are 3 inches or larger and have sufficient contrast with the background to be seen from a distance of 200 feet.

(7) Each vessel moored, anchored, or remaining within the anchorage during the night shall display—

(i) Anchor lights; and

(ii) A 32 point red light located from the mast or highest part of the vessel to be visible all around the horizon for a distance of 2 miles.

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1)(A), 80 Stat. 937, 33 U.S.C. 471, 49 U.S.C. 1655(g)(A), 49 CFR 1.46(c)(1), 33 CFR 1.05-1(c)(1) (36 F.R. 19160))

Effective date. This amendment shall become effective on November 26, 1971.

Dated: October 20, 1971.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.71-15592 Filed 10-26-71;8:49 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 114—Department of the Interior

PART 114-25—GENERAL

Reports

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 (Supp. V, 1965-1969) and sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), a new Subpart 114-25.48 is added to Chapter 114, Title 41 of the Code of Federal Regulations, as set forth below.

This subpart shall become effective on the date of its publication in the FEDERAL REGISTER (10-27-71).

ROGERS C. B. MORTON,
Secretary of the Interior.

OCTOBER 20, 1971.

Subpart 114-25.48—Reports

Sec.
114-25.4801 Supply activity report.
114-25.4801-50 Responsibility for review.

AUTHORITY: The provisions of this Subpart 114-25.48 issued under 5 U.S.C. 301 (Supp. V, 1965-1969); section 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 114-25.48—Reports

§ 114-25.4801 Supply activity report.

(a) Each Bureau and Office shall submit an original and three copies of a consolidated report to reach the Office of Management Operations by August 15 for review and transmittal to the General Services Administration.

(b) The following supplemental instructions shall be observed in the preparation of GSA Form 1473, Supply Activity Report:

PART I—INVENTORY ENTRIES

(1) Inventories should be reported in Part I broken down by groups as carried in Bureau records or accounts. Breakdown by Federal Supply Classification descriptions is not required, but inventories may be reported on this basis if desired.

(2) The column headed "line items" under Part I of GSA Form 1473 shall be left blank, except for line 6, "Items having no issues in the last 12 months."

(3) Do not report the value of inventory items held for "Exchange or Repair," unless in the unlikely event your Bureau carries a significant quantity of inventory items in this category.

(4) Report on line 7.a the value of "long supply" inventory transferred to other activities within the Bureau and to other Bureaus of the Department of the Interior.

Line 7.b will reflect the value of "long supply" transferred to Federal agencies outside of Interior. (See IPMR 114-27.3).

(5) Report on line 8 only that property which has been determined to be excess to the Department of the Interior in accordance with the screening requirements set forth in IPMR 114-43.1.

PART II—ACQUISITIONS

All acquisitions for inventory are to be reported under Part II, including acquisitions for inventories exempted from reporting under Part I pursuant to FPMR 101-25.4902-1473-1.

PART III—STORAGE OPERATIONS

Report under Part III only those warehouses and storerooms having inventories reported under Part I.

PART IV—STAFFING

(1) Lines 1 and 2. Report only man-years and the total annual personnel cost devoted to processing inventories reported under Part I. Do not include these data for exempted inventories.

(2) Line 3. Report the man-years and total annual personnel cost involved in the purchasing activities described under item 3, paragraph (e), page 5 of instructions for preparation of GSA Form 1473, whether or not the inventory procured is exempted from reporting under Part I.

§ 114-25.4801-50 Responsibility for review.

Reports submitted by field offices shall be reviewed at the headquarters level of each Bureau and Office, and appropriate corrective action shall be initiated promptly in those instances where the review discloses a need for improvement in supply activities.

[FR Doc.71-15587 Filed 10-26-71;8:49 am]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-76; Amdt. 173-55]

PART 173—SHIPPERS

Compressed Gases in Cylinders

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to (1) extend the 5-year hydrostatic retest requirement for certain specification 3A and 3AA cylinders to 10-year periods; (2) authorize visual inspection for specification 4E aluminum cylinders in place of periodic hydrostatic retesting; (3) authorize visual inspection for specification 4B and 4BA cylinders used exclusively in methylamine service; (4) authorize visual inspection for certain cylinders used exclusively in cyclopropane service; (5) apply periodic hydrostatic retesting and reinspection requirements to specifications 3AX and 3AAX cylinders; (6) remove the service pressure restriction limiting the type of cylinders that may be visually inspected instead of being hydrostatically retested; and (7) provide requalification requirements for cylinders that contained a material classified as a "corrosive liquid" prior to recharging with a compressed gas.

On January 23, 1971, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-76; Notice No. 71-3 (36 F.R. 1153), which proposed this amendment. Interested persons were invited to give their views and several comments were received by the Board. A few of the comments were more of an editorial nature and suggested clarifications of some of the proposed rules. Several suggestions were adopted. Editorial changes were made to § 173.34 (c), (e) table, (e)(11), and (e)(15). Some editorial changes suggested would have resulted in substantial revisions without appropriate rule making process and therefore could not be considered by the Board at this time.

One commenter noted that he had suggested in a petition for rule change, deletion of the last sentence of § 173.34(c)(3)(i) on the basis that this requirement was covered by § 173.34(e)(4). As an alternative, the commenter stated that it would be proper to change the word "and" to "or" in the subject text reading "* * * unless they are reheat treated and requalified in accordance with the requirements of this section." The Board has not adopted this change. The Board believes that these texts should remain as presently written since § 173.34(e)(4) provides an option rather than a requirement. The requirement for reheat treatment is to assure uniform heat treatment throughout the cylinder to preclude the existence of localized cold worked areas.

The proposal to amend § 173.301(b) was based on the opinion that a long-term lessee can be considered, for the purposes of the Hazardous Materials Regulations, the same as an owner. The comments received do not substantiate this opinion. Since the Board does not wish to expand the term "owner" outside of persons having ownership-type controls, the proposed change has not been included in this amendment.

Objection was received regarding the Board's proposal to restrict the application of the 10-year retest to a cylinder "not over 35 years old when it is retested." The Board believes it should gather additional retest information on a broader base before it can consider a 10-year retest period applied over a longer time span than was proposed.

Two commenters requested that methane and sulfur hexafluoride be added to the gases listed in § 173.34(e)(15)(ii). It is the Board's opinion that newly introduced matters of this nature must be permitted review through the normal rule-making procedures. As these changes were not included in Notice No. 71-3, they cannot be covered by this amendment but will have to be the subject of future rule making.

Several commenters mentioned possible confusion concerning cylinders used for underwater breathing. The Board did not intend that such cylinders be covered by § 173.34(e)(15). Accordingly, a restriction has been added in that subparagraph. Also, the matter of dryness in cylinders following hydrostatic testing was mentioned as a matter for concern. Therefore, to preclude a possible source of moisture, a requirement that cylinders be dried immediately following testing has been added to § 173.34(e)(15).

In consideration of the foregoing, 49 CFR Part 173 is amended as follows:

(A) In § 173.34, paragraph (a)(1) is amended, (a)(3) is amended and redesignated paragraph (b); paragraph (b) is redesignated (c)(3)(i); the introductory text of paragraph (c) is amended, (c)(2) is canceled, (c)(3) is redesignated (c)(3)(ii), (c)(4) is redesignated (c)(2), and (c)(5) is canceled; paragraph (e) table and paragraph (e)(6) are amended, (e)(9) is amended by inserting "DOT-4E" following DOT-4BW in the first sentence, "§ 178.68" has been inserted following § 178.61 within the parentheses, and the last sentence has been deleted, (e)(10) table is amended and the last sentence of the paragraph canceled, (e)(11) and (e)(15) are amended, and (e)(16) added as follows:

§ 173.34 Qualification, maintenance and use of cylinders.

(a) * * *

(1) No person may charge or fill a cylinder unless it is as specified in this part and Part 178 of this chapter. A cylinder that leaks, is bulged, has defective valves or safety devices, bears evidence of physical abuse, fire or heat damage, or detrimental rusting or corrosion, must not be used unless it is properly repaired and requalified as prescribed in these regulations.

* * * * *

(b) *Grandfather clause.* A cylinder in domestic use previous to the date upon which the specification therefor was first made effective in these regulations may be used if the cylinder has been properly tested and otherwise complies with the requirements applicable for the gas with which it is charged.

(c) *Cylinder marking.* Each required marking on a cylinder must be maintained so that it is legible. Retest markings and original markings which are becoming illegible may be reproduced by stamping on a metal plate which must be permanently secured to the cylinder.

* * * * *

(2) When the space originally provided for dates of subsequent retests becomes filled, the stamping of additional test dates into the external surface of the footring of a cylinder is authorized.

(3) A cylinder marking may not be changed except as follows:

(i) Marked service pressure may be changed only upon application to the Bureau of Explosives and receipt of written instructions as to the procedure to be followed. Such a change is not authorized for a cylinder which has failed to pass the prescribed periodic hydrostatic retest unless it is reheat treated and requalified in accordance with the requirements of this section.

(ii) Changes may be made in serial numbers and in the identification symbols by the owners. Indentification symbols must be registered and approved by the Bureau of Explosives. Serial numbers and identification symbols may be changed only by the owner upon his receipt of written approval from the Bureau of Explosives. The request for approval must identify the existing markings (including serial numbers) that correspond with the proposed new markings.

* * * * *

(5) [Canceled]

* * * * *

(e) * * *

Specification under which cylinder was made	Minimum retest pressure (p.s.i.)	Retest period (years)
DOT-3	3,000 p.s.i.	5.
DOT-3A, 3AA	5/3 times service pressure, except noncorrosive service (see § 173.34 (e)(10)).	5 or 10 (see § 173.34 (e)(11), (e)(14), and (e)(15)).
DOT-3AX, 3AAX	5/3 times service pressure	5.
3B, 3BN	2 times service pressure (see § 173.34 (e)(10)).	5 or 10 (see § 173.34(e)(14)).
3C	Retest not required.	
3D	5/3 times service pressure.	5.
3E	Retest not required.	
3HT	5/3 times service pressure.	3 (see § 173.34(e)(13)).
4	700 p.s.i.	10.
4A	5/3 times service pressure (see § 173.34(e)(10)).	5 or 10 (see § 173.34(e)(14)).
4AA480	2 times service pressure (see § 173.34 (e)(10)).	5 or 10 (see § 173.34(e)(11)).
4B, 4BA, 4BW, 4B-240ET	2 times service pressure, except noncorrosive service (see § 173.34(e)(10)).	5 or 10 (see § 173.34 (e)(9) and (e)(14)).
4C	Retest not required.	
4D, 4DA, 4DS	2 times service pressure.	5.
DOT-4E	2 times service pressure, except noncorrosive service (see § 173.34(e)(10)).	5.
4L	Retest not required.	
7	...do...	
7-150 for liquefied petroleum gas	300 p.s.i.	5.
8, 8AL	Retest not required.	
DOT-9	400 p.s.i. (maximum 600 p.s.i.)	5.
26	500 p.s.i.	5.
26 for filling at over 450 p.s.i.	5/3 times service pressure.	5.
26 for filling at 450 p.s.i. and below	2 times service pressure, except noncorrosive service (see § 173.34(e)(10)).	5 or 10 (see § 173.34(e)(9)).
33	800 p.s.i.	5.
38	500 p.s.i.	5.
Any cylinder with marked test pressure.	Retest at marked test pressure.	5.
Foreign cylinder charged for export.	As marked on the cylinder, but not less than 5/3 of any service or working pressure marking.	See § 173.301(j).

* * * * *

(6) Each cylinder passing reinspection and retest must be marked with the date (month and year), plainly and permanently stamped into the metal of the cylinder or on a metal plate which must be permanently secured to the cylinder. For example, "4–70" for April 1970. The dash between the month and year figures may be replaced by the mark of the testing or inspecting agency. Stamping must be in accordance with marking requirements of the specification. Date of the previous tests must not be obliterated.

* * * * *

(10) * * *

Cylinders made in compliance with—	*Used exclusively for—*
DOT-4, DOT-3A, DOT-3AA, DOT-3A480X, DOT-4A, DOT-4AA480.	Anhydrous ammonia of at least 99.95% purity.
DOT-3A, DOT-3AA, DOT-3A480X, DOT-3B, DOT-4B, DOT-4BA, DOT-4BW, ICC-26-240,[1] ICC-26-300.[1]	Butadiene, inhibited, which is commercially free from corroding components.
DOT-3A, DOT-3A480X, DOT-3AA, DOT-3B, DOT-4A, DOT-4AA480, DOT-4B, DOT-4BA, DOT-4BW.	Cyclopropane which is commercially free from corroding components.
DOT-3A, DOT-3AA, DOT-3A480X, DOT-4B, DOT-4BA, DOT-4BW, DOT-4E.	Fluorinated hydrocarbons and mixtures thereof which are commercially free from corroding components.
DOT-3A, DOT-3AA, DOT-3A480X, DOT-3B, DOT-4B, DOT-4BA, DOT-4BW, DOT-4E, ICC-26-240,[1] ICC-26-300.[1]	Liquefied hydrocarbon gas which is commercially free from corroding components.
DOT-3A, DOT-3AA, DOT-3A480X, DOT-3B, DOT-4B, DOT-4BA, DOT-4BW, DOT-4E, ICC-26-240,[1] ICC-26-300.[1]	Liquefied petroleum gas which is commercially free from corroding components.
DOT-3A, DOT-3AA, DOT-3B, DOT-4B, DOT-4BA, DOT-4BW, DOT-4E.	Methylacetylene-propadiene, stabilized, which is commercially free from corroding components.
DOT-3A, DOT-3AA, DOT-3B, DOT-4B, DOT-4BA, DOT-4BW.	Anhydrous mono, di, trimethylamines which are commercially free from corroding components.

[1] Use of existing cylinders authorized, but new construction not authorized.

* * * * * * *

(11) A cylinder made in compliance with specification DOT-3A, DOT-3A 480X, or DOT-4AA480 used exclusively for anhydrous ammonia, commercially free from corroding components, and protected externally by suitable corrosion resisting coatings (such as painting, etc.) may be retested every 10 years instead of every 5 years.

* * * * *

(15) A cylinder made in compliance with specification DOT-3A or 3AA, not exceeding 125 pounds water capacity and removed from any cluster, bank, group, rack, or vehicle each time it is filled, may be retested every 10 years instead of every 5 years, provided the cylinder complies with all of the following:

(i) The cylinder is not over 35 years old when it is retested.

(ii) The cylinder is used exclusively for: Air, argon, cyclopropane, ethylene, helium, hydrogen, krypton, neon, nitrogen, nitrous oxide, oxygen, xenon, and permitted mixtures thereof (see § 173.301(a)) and permitted mixtures of these gases with up to 30 percent by volume of carbon dioxide. These commodities must have a dewpoint at or below minus 52° F. at 1 atmosphere.

(iii) Prior to each refill, the cylinder is subjected to, and passes the hammer test specified in CGA Pamphlet C–6.

(iv) A cylinder currently in compliance with subdivisions (i), (ii), and (iii) of this subparagraph but which has not been confined to the exclusive use service specified since the last required hydrostatic retest is retested and examined in accordance with the requirements of § 173.302(c) (2), (3), and (4) before the periodic retest interval is extended to 10 years.

(v) Each cylinder less than 35 years old is stamped with a five pointed star at least one-fourth of an inch high following the test date. If at any time a cylinder marked with the star is used other than as specified in this paragraph, the star following the most recent test date is obliterated and subsequent tests are made every 5 years.

(vi) The cylinder is dried immediately following hydrostatic testing to remove all traces of free water.

(vii) The cylinder is not used for underwater breathing.

(16) A cylinder that previously contained a commodity classified as a "corrosive liquid" must not be used for the transportation of any compressed gas unless the following requirements are complied with before the subsequent initial filling with the compressed gas.

(i) The cylinder must be visually inspected, internally and externally, in accordance with the CGA Pamphlet C–6.

(ii) Regardless of the previous test or retest date, the cylinder must be tested by interior hydrostatic pressure and must meet the acceptance criteria as specified in subparagraphs (1), (2), (3), and (4) of this paragraph.

(iii) In addition to the record prescribed in subparagraph (5) of this paragraph, the record of the inspection and

test shall include the date (month and year) of the inspection and test; the cylinder identification (including ICC or DOT specification number, registered symbol, serial number, date of manufacture, and ownership symbol); the conditions checked (leakage, corrosion, gouges, dents, or digs in shell or heads, broken or damaged footrings, or fire damage) and the disposition of the cylinder (returned to service, returned to the manufacturer for repairs, or scraped).

(iv) A cylinder requalified for compressed gas service in accordance with this subparagraph may have its next retest and inspection scheduled from the date of the inspection and retest prescribed herein.

(v) A cylinder that contained any corrosive liquid, for which decontamination methods cannot remove all significant residue or impregnation by the former corrosive content must not be used for the transportation of any compressed gas.

* * * * *

(B) In § 173.301, paragraph (a) is amended as follows:

§ 173.301 General requirements for shipment of compressed gas in cylinders.

(a) *Gases capable of combining chemically.* A cylinder charged with compressed gas must not contain gases or materials that are capable of combining chemically with each other or with the cylinder material so as to endanger its serviceability. See § 173.34(e)(16) regarding the requalification of a cylinder that previously contained a corrosive liquid.

* * * * *

This amendment is effective December 31, 1971. However, compliance with the regulations as amended herein is authorized immediately.

(Secs. 831–835 of title 18, United States Code; section 9, Department of Transportation Act, 49 U.S.C. 1657, title VI, section 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421–1430, 1472(h))

Issued in Washington, D.C., on October 19, 1971.

G. H. READ,
Captain, Alternate Board Member, for the United States Coast Guard.

MAC E. ROGERS,
Board Member, for the Federal Railroad Administration.

ROBERT A. KAYE,
Board Member, for the Federal Highway Administration.

JAMES F. RUDOLPH,
Board Member, for the Federal Aviation Administration.

[FR Doc.71-15477 Filed 10-26-71;8:45 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 75]

ILLUMINATION IN UNDERGROUND COAL MINES

Proposed Standards

In the FEDERAL REGISTER for December 31, 1970 (35 F.R. 20009), there was published a notice of proposed rule making which prescribed the illumination to be provided in the working places of underground coal mines, and in addition, the reflection efficiency of permissible electric face equipment, and the restrictions on visual impedance and pulsation frequencies of lighting devices installed on such equipment.

In light of the written comments, suggestions, and objections submitted to the Bureau of Mines concerning this notice of proposed rule making, and in view of numerous consultation meetings held, in accordance with section 101(c) of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173), since publication of the proposal, it is deemed advisable to withdraw the proposed rule making of December 31, 1970, and to propose revised illumination standards.

Therefore notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under section 101(a) of the Act, and in accordance with section 317(e) thereof which requires the Secretary to propose standards under which all working places in an underground coal mine shall be illuminated by permissible lighting while persons are working in such places, it is proposed that Part 75, Subchapter O of Chapter I, Title 30, Code of Federal Regulations be amended by adding §§ 75.1719 through 75.1719-4, as set forth below. These proposed amendments prescribe the illumination to be provided in the working places of underground coal mines, requirements for lighting fixtures, methods of measuring light, and requirements for mining machines, hard hats, and cap lamps.

Interested persons may submit written comments, suggestions, or objections to the Director, Bureau of Mines, Washington, D.C. 20240, no later than 45 days following publication of this notice in the FEDERAL REGISTER.

HOLLIS M. DOLE,
Assistant Secretary of the Interior.

OCTOBER 19, 1971.

Part 75, Subchapter O of Chapter I, Title 30, Code of Federal Regulations would be amended by adding the following:

§ 75.1719 Illumination in working places.

[STATUTORY PROVISIONS]

On or before December 30, 1970, the Secretary shall propose the standards under which all working places in a mine shall be illuminated by permissible lighting within 18 months after the promulgation of such standards, while persons are working in such places.

§ 75.1719-1 Luminance standard.

(a) On or before _____,[1] each operator of an underground coal mine shall provide each working place in the mine with lighting as prescribed in § 75.1719-2 while miners are working in such places.

(b) The lighting prescribed in this section shall be in addition to that provided by personal cap lamps.

(c) The luminous intensity of surfaces of working places in the direction of miners relative to their normal visual fields shall be no less than 0.06 foot lamberts.

(d) Except as provided in paragraphs (e), (f), (g), and (h) of this section, the areas to be illuminated within the normal visual fields of miners shall include rib, roof, floor, exposed equipment, and task surfaces where equipment is employed during the cutting, mining, and loading of coal, up to and including the inby end of shuttle cars and other conveying equipment during the actual loading of coal.

(e) The area in each longwall working place required to be illuminated shall include the area from the face to the gob-side of the longwall roof support system, and the work areas occupied by the headpiece and tailpiece operator regardless of their location.

(f) The area to be illuminated within the normal visual fields of miners performing tasks including, but not limited to, timbering, roof bolting, electrical, pipe, or machine repair shall be 5 feet in all directions.

(g) The area in each pitching anthracite working place required to be illuminated shall include the area between the face and the full box, and the battery area at and inby the last open crosscut to a distance of 5 feet on either side of a miner in such area.

(h) An authorized representative of the Secretary may specify other areas in working places to be illuminated for the protection of miners.

§ 75.1719-2 Lighting fixtures; requirements.

(a) Lighting fixtures shall be permissible. Electrically operated lighting fixtures shall be energized by direct current, or by sinusoidal full wave alternating current not less than 50 cycles per second (100 pulses per second), or an equivalent power source that causes no greater flicker.

(b) The metal frames or enclosures of stationary lighting fixtures receiving power through portable cables shall be effectively grounded through a separate grounding conductor inside the cable, to a grounding medium approved by an authorized representative in accordance with the applicable requirements of this Part 75. Machine-mounted lighting shall be electrically grounded to the machine, either by frame contact or by a separate grounding conductor in the cable to such fixture.

(c) Cables conducting power to stationary lighting fixtures shall be considered trailing cables, and shall meet the requirements of Subpart G of this part. In addition, such cables shall be protected against overloads and short circuits by a suitable circuit breaker, or other device approved by the Secretary, equipped with an approved ground fault trip arrangement.

(d) Cable-connected lighting fixtures shall be deenergized, and removed out of the line of blast and not less than 50 feet from the working face, prior to removal of shunts on blasting caps and the introduction of the firing cable to the face area after the shot holes are charged.

(e) Lighting fixture systems shall be designed and installed to minimize discomfort and glare. Lighting fixtures (except those lighting devices with less than 90-foot lamberts brightness) shall be enclosed, or otherwise designed and installed to limit the maximum light spread to 170°.

(f) Surface brightness in the normal visual field of a miner shall not vary by more than 50 percent through each 10° angle of sight, and the maximum surface brightness shall not exceed 120-foot lamberts.

§ 75.1719-3 Light measuring instruments; methods of measurement.

(a) Surface brightness may be measured by telescopic photosensors or visual photometers. Illumination levels may also be determinated by photometers which measure incident light.

(b) Meters shall be properly calibrated and maintained. Meters calibrated against standards traceable to the National Bureau of Standards and those which are color corrected (by use of a filter or equivalent) in accordance with Figure 4-5, "Illuminating Engineering Society Handbook, 4th Ed.," shall be accepted as the criterion. Incident photometers shall also be cosine corrected.

(c) The relation between surface brightness and incident light is as follows:

[1] Within 18 months after promulgation of these proposed mandatory safety standards.

Surface brightness (foot lamberts) = incident light (foot-candles) × reflectance.

Where values of reflectance are:
0.01—coal surface.
0.01—roof.
0.15—clothing.
0.03—floor.
0.05—unpainted metallic parts.
0.50—painted machine surfaces.

Then the minimum level of illumination shall be 6 foot-candles on the coal, task, and roof surfaces, and 2 foot-candles on the floor.

(d) In determining compliance with § 75.1719–1, the surface-brightness or incident light shall be considered as the average of uniformly spaced measurements taken on the task or other surface required to be illuminated. Allowance shall be made for shadows cast by roof-control posts or other obstructions necessary to insure safe mining conditions.

§ 75.1719–4 Mining machines; hard hats; cap lamps; requirements.

(a) Mining machines shall, when newly painted, be a bright color having a minimum reflectance of 50 percent (ASTM Method E 97–55 for daylight or equivalent, reapproved 1965), except for cab interiors and similar surfaces which might adversely affect visibility. Exposed machine surfaces, particularly vertical surfaces, shall be maintained in a reasonably well-painted and clean condition.

(b) Red reflectors mounted in protective metal frames or reflecting tape shall be installed on each end of mining machines, except that continuous mining machines, loaders, and cutters need only have such reflectors or tape on the outby end.

(c) Each miner regularly employed in the active workings of an underground coal mine shall be required to wear an approved personal cap lamp or an equivalent portable light.

(d) Hard hats shall, when newly painted, be a bright color having a minimum reflectance of 50 percent (ASTM Method E 97–55 for daylight or equivalent, reapproved 1965), and shall have reflecting tape on both front and back. Hard hats shall be maintained in a reasonably well-painted and clean condition.

[FR Doc.71–15578 Filed 10–26–71;8:52 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 58]

BULK AMERICAN CHEESE FOR MANUFACTURING

Proposed Standards for Grades

Grading and inspection, general specifications for approved dairy plants and standards for grades of dairy products.

Notice is hereby given that the U.S. Department of Agriculture is considering the issuance, as hereinafter proposed, of U.S. Standards for Grades of Bulk American Cheese for Manufacturing pursuant to the authority contained in the Agricultural Marketing Act of 1946 (sec. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

The proposed standards are applicable only to cheese made for use in the manufacture of pasteurized process cheese products or as an ingredient in other food products.

Statement of consideration. In August 1960 the Department responded to industry requests by agreeing to tentatively grade cheddar cheese packed in steel barrels. The U.S. grade standard for cheddar cheese was to be used during this trial period. Subsequently there have been industry advances in technology and a substantial increase in the use of bulk cheese for manufacturing. With these developments the Research Committee of the National Cheese Institute asked the Department in December 1968 to develop a separate U.S. grade standard for bulk cheese for manufacturing. The Department agreed to draft a proposed standard which would recognize the differences in quality characteristics and end use between cheddar cheese and bulk cheese for manufacturing applicable to cheese packed in barrels and other bulk form.

Since 1968 the Department has met at various times with the National Cheese Institute and industry to obtain technical advice. This information, together with technical data and the experience and technical knowledge within the Department form the basis for establishing the proposed standards. These proposed standards have been field tested to determine that the bulk cheese would be adequately and properly graded.

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same in duplicate with the Hearing Clerk, Room 112A, Administration Building, Washington, D.C. 20250 not later than 30 days from the date of publication in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspections at the office of the Hearing Clerk during regular business hours (7 CFR 1.27b).

The proposed standards are as follows:

Subpart H—United States Standards for Grades of Bulk American Cheese for Manufacturing [1]

DEFINITIONS

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

DEFINITIONS

§ 58.2455 Bulk American cheese for manufacturing.

"Bulk American cheese for manufacturing" is cheese made for use in the manufacture of pasteurized process cheese products or as an ingredient in other food products. The composition requirements of the curd shall be that of the particular variety and type of cheese made. Cheese used in pasteurized process cheese or other food products shall have such defects as mold, soft spots, or salt spots removed before use.

§ 58.2456 Variety and type of cheese included.

The varieties and types of cheese included in these standards are as follows:

(a) Cheddar cheese and cheddar cheese for manufacturing shall conform to the provisions of the Definitions and Standards of Identity for Food and Food Products of the Food and Drug Administration (21 CFR 19.500 and 19.502, respectively).

(b) Washed curd cheese (soaked curd cheese), and washed curd cheese for manufacturing shall conform to the provisions of the Definitions and Standards of Identity for Food and Food Products of the Food and Drug Administration (21 CFR 19.505 and 19.507, respectively).

(c) Granular cheese (stirred curd cheese), and granular cheese for manufacturing shall conform to the provisions of the Definitions and Standards of Identity for Food and Food Products of the Food and Drug Administration (21 CFR 19.535 and 19.537, respectively).

(d) Colby cheese and colby cheese for manufacturing shall conform to the provisions of the Definitions and Standards of Identity for Food and Food Products of the Food and Drug Administration (21 CFR 19.510 and 19.512, respectively).

§ 58.2457 Types of packaging.

The following are the types of packaging for bulk American cheese for manufacturing:

(a) The cheese shall have a clean primary container in good condition, which will entirely cover the cheese and be properly closed or sealed so as to protect it from damage, contamination, or desiccation.

(b) The cheese and the primary container may or may not be placed in a secondary container.

(c) If requested, the primary and/or secondary container may be inspected in accordance with the U. S. Standards for Condition of Food Containers (Part 42 of this title).

U.S. GRADES

§ 58.2458 Nomenclature of U.S. grades.

The nomenclature of U.S. grades is as follows:

(a) U.S. extra grade.
(b) U.S. standard grade.
(c) U.S. commercial grade.

§ 58.2459 Basis for determination of U.S. grades.

The U.S. grades of bulk American cheese for manufacturing shall be determined on the basis of rating the following quality factors: Flavor; and body and texture. The rating of each quality factor shall be established on the basis of the attributes present in each production lot in which the cheese may be formed. A production unit shall be selected at random from each production lot. No single piece of cheese, whatever its shape, shall weight less than 100 pounds. If the cheese in a production unit is derived from more than one production lot, the grade shall be determined on the basis of the lowest grade for either lot. The cheese shall be graded no sooner than 10 days of age. The cheese shall be properly identified as to place of manufacture, variety, and type, and marked to include date of manufacture, vat or production lot. A production unit representative of the production lot of cheese shall be sampled and graded by taking a satisfactory plug with a standard bulk cheese trier from any surface of the cheese. The plug shall be taken at a slight angle to the surface of the cheese. The final U.S. grade shall be established on the basis of the lowest rating of any one of the quality factors.

(a) *U.S. Extra Grade.* U.S. extra grade bulk American cheese for manufacturing conforms to the following:

(1) *Flavor.* Is pleasing and free from undesirable flavors and odors; may possess to a very slight degree, a bitter flavor; and to a slight degree, feed, and acid flavor. See table I.

(2) *Body and Texture.* A sample drawn from the cheese shall be firm and sufficiently compact to draw a satisfactory plug, however may appear loosely knit and open and may have two sweet holes, but shall be free of other gas holes. Therefore, it may possess the following: To a slight degree, sweet holes, coarse, short, mealy, weak; to a definite degree, curdy, and open. See table II.

(b) *U.S. Standard Grade.* U.S. standard grade bulk American cheese for manufacturing conforms to the following:

(1) *Flavor.* May possess certain undesirable flavors to a limited degree; to a very slight degree, onion; to a slight degree, bitter, yeasty, malty, old milk, weedy, barny, lipase, fruity, utensil, sulfide, and whey taint; to a definite degree, feed and acid. See table I.

(2) *Body and Texture.* A plug drawn from the cheese may be loosely knit with large and connecting mechanical openings. In addition to three to four sweet holes, it may have scattered yeast holes and other scattered gas holes, however, pinny gas holes are permitted only to a very slight degree. May possess the following: To a slight degree, gassy, slitty, and corky; to a definite degree, sweet holes, coarse, short, mealy, weak, pasty, and crumbly; to a pronounced degree, curdy and open. See table II.

(c) *U.S. Commercial Grade.* U.S. commercial grade bulk American cheese for manufacturing conforms to the following:

(1) *Flavor.* May possess certain undesirable flavors to a limited degree; to a very slight degree, metallic and sour; to a slight degree, onion; to a definite degree, bitter, fruity, utensil, whey taint, yeasty, malty, old milk, weedy, barny, lipase, and sulfide; to a pronounced degree, feed and acid. See table I.

(2) *Body and Texture.* A plug drawn from the cheese may be loosely knit with large and connecting mechanical openings. In addition to having numerous sweet holes, yeast holes, and other gas holes, it may have pinny gas holes to a slight degree. May possess the following defects: To a definite degree; gassy and slitty; to a pronounced degree, curdy, coarse, open, sweet holes, short, mealy, weak, pasty, crumbly, and corky. See table II.

TABLE I—RATING OF FLAVOR QUALITY FACTOR

Identification of flavor attributes	U.S. Extra Grade	U.S. Standard Grade	U.S. Commercial Grade
Feed	S	D	P
Acid	S	D	P
Bitter	VS	S	D
Fruity (fermented)		S	D
Utensil		S	D
Metallic			VS
Sour			VS
Whey taint		S	D
Yeasty		S	D
Malty		S	D
Old Milk		S	D
Weedy		S	D
Onion		VS	S
Barny		S	D
Lipase		S	D
Sulfide		S	D

VS—Very Slight. S—Slight. D—Definite. P—Pronounced.

TABLE II—RATING OF BODY AND TEXTURE QUALITY FACTOR

Identification of body and texture attributes	U.S. Extra Grade	U.S. Standard Grade	U.S. Commercial Grade
Curdy	D	P	P
Coarse	S	D	P
Open	D	P	P
Sweet holes	S	D	P
Short	S	D	P
Mealy	S	D	P
Weak	S	D	P
Pasty		D	P
Crumbly		D	P
Gassy		S	D
Slitty		S	D
Corky		S	P
Pinny		VS	S

S—Slight. D—Definite. P—Pronounced. VS—Very Slight.

§ 58.2460 Explanation of terms.

(a) *General*—(1) *Variety.* A particular cheese such as cheddar cheese, washed curd cheese, colby cheese and granular cheese.

(2) *Type.* A distinction between one or more classes of cheese in the same variety, such as cheddar and cheddar for manufacturing.

(3) *Quality factor.* A separate criteria established for each of the following: Flavor, body, and texture, and color.

(4) *Attribute.* An inherent characteristic of the product being graded.

(5) *Production lot (vat).* The cheese manufactured from a single source within a plant during the interval between start and finish. However the time interval varies, and each production unit must be identified as to date and order of manufacture.

(6) *Production unit (barrel or block).* A single discrete portion of a batch or continuous production output, except in instances where portions of two production lots may be contained in a sample unit of either lot.

(7) *Primary container.* The immediate container in which the product is packaged and which serves to protect, preserve, and maintain the quality of the product.

(8) *Secondary container.* The container in which the product and the primary container is placed to protect and preserve them during transit or storage.

(9) *Bulk Cheese trier.* A trier made of stainless steel capable of delivering a satisfactory plug approximately 10 inches long and seven-eighths of an inch in diameter at the top and five-eighths of an inch in diameter at the tip.

(b) *With respect to flavor*—(1) *Very slight.* Detected only upon very critical examination.

(2) *Slight.* Detected only upon critical examination.

(3) *Definite.* Not intense but detectable.

(4) *Pronounced.* So intense as to be easily identified.

(5) *Feed.* Feed flavors (such as alfalfa, sweet clover, silage, or similar feed) in milk carried through into the cheese.

(6) *Acid.* Sharp and puckery to the taste, characteristic of lactic acid.

(7) *Bitter.* Distasteful, similar to taste of quinine. Most frequently found in aged cheese.

(8) *Fruity.* A fermented fruit-like flavor resembling apples; generally increasing in intensity as the cheese ages.

(9) *Utensil.* A flavor that is suggestive of improper or inadequate washing and sterilization of milking machines, utensils or factory equipment.

(10) *Metallic.* A flavor having qualities suggestive of metal, imparting a puckery sensation.

(11) *Sour.* An acidy pungent flavor resembling vinegar.

(12) *Whey-taint.* A slightly acid flavor and odor characteristic of fermented whey caused by too slow expulsion of whey from the curd.

(13) *Yeasty.* A flavor indicating yeasty fermentation.

(14) *Malty.* A distinctive, harsh flavor suggestive of malt.

(15) *Old Milk.* Lacks freshness.

(16) *Weedy.* A flavor due to the use of milk which possesses a common weedy flavor. Present in cheese when cows have eaten weedy hay or grazed on common weed-infested pasture.

(17) *Onion.* This flavor is recognized by the peculiar taste and aroma suggestive of its name. Present in milk or cheese when cows have eaten onions, garlic, or leeks.

(18) *Barny.* A flavor characteristic of the odor of a cow stable.

(19) *Lipase.* A flavor suggestive of rancidity or butyric acid, sometimes associated with a bitterness.

(20) *Sulfide.* A flavor of hydrogen sulfide similar to the flavor of water with a high sulfur content.

(c) *With respect to body and texture*—(1) *Slight.* An attribute which is barely identifiable and present only to a small degree.

(2) *Definite.* An attribute which is readily identifiable and present to a substantial degree.

(3) *Pronounced.* An attribute which is markedly identifiable and present to a large degree.

(4) *Smooth.* Feels silky; not dry and coarse or rough.

(5) *Firm.* Feels solid, not soft or weak.

(6) *Waxy.* When worked between the fingers, molds well like wax.

(7) *Curdy.* Smooth but firm; when worked between the fingers is rubbery and not waxy or broken down.

(8) *Coarse.* Feels rough, dry, and sandy.

(9) *Open.* Mechanical openings that are irregular in shape and are caused by workmanship and not gas fermentation.

(10) *Sweet holes.* Spherical gas holes, glossy in appearance; usually about the size of BB shots; also referred to as shot or swiss holes.

(11) *Short.* No elasticity to the plug and when rubbed between the thumb and fingers, it tends toward mealiness.

(12) *Mealy.* Short body, does not mold well and looks and feels like corn meal when rubbed between the thumb and fingers.

(13) *Weak.* Requires little pressure to crush, is soft but is not necessarily sticky like a pasty cheese.

(14) *Pasty.* Usually weak body and when the cheese is rubbed between the thumb and fingers it becomes sticky and smeary.

(15) *Crumbly.* Tends to fall apart when rubbed between the thumb and fingers.

(16) *Gassy.* Gas holes of various sizes and may be scattered.

(17) *Slitty.* Narrow elongated slits generally associated with a cheese that is gassy or yeasty. Sometimes referred to as "Fish-eyes."

(18) *Corky.* Hard, tough, over-firm cheese which does not readily break down when rubbed between the thumb and fingers.

(19) *Pinny.* Numerous very small gas holes.

Done at Washington, D.C. this 19th day of October 1971.

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

[FR Doc.71-15504 Filed 10-26-71;8:45 am]

[7 CFR Part 911]

[Docket No. AO-267-A6]

LIMES GROWN IN FLORIDA

Notice of Hearing on Proposed Amendment of Marketing Agreement and Order

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Homestead Agricultural Center, 18710 Southwest 288th Street, Homestead, FL, at 9:30 a.m., local time, November 10, 1971, with respect to proposed further amendment of the marketing agreement and order (7 CFR Part 911) regulating the handling of limes grown in Florida. The proposed amendment has not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendment, which is hereinafter set forth, and appropriate modifications thereof.

The following amendment of the amended marketing agreement and order was proposed by the administrative committee, the administrative agency established pursuant to the marketing agreement and order.

1. Amend the first sentence in § 911.10 *Handle* by deleting the initial word "Handle" and inserting in lieu thereof " 'Handle' is synonymous with 'ship' and" so that the entire sentence reads as follows:

§ 911.10 Handle.

"Handle" is synonymous with "ship" and means to sell, consign, deliver, or transport limes within the production area or between the production area and any point outside thereof: *Provided,* That such term shall not include: (a) The sale or delivery of limes to a handler, registered as such with the committee in accordance with such rules and regulations as it may prescribe with the approval of the Secretary, who has facilities within the production area for preparing limes for market; (b) the delivery of limes to such a handler solely for the purpose of having such limes prepared for market; or (c) the transportation of limes by a handler so registered with the committee, from the grove to his packing facilities within the production area for the purpose of having such limes prepared for market. In the event a grower sells his limes to a handler who is not so registered with the committee, such grower shall be the first handler of such limes.

2. Add a new section § 911.12 *Week or full week* to read as follows:

§ 911.12 Week or full week.

"Week" or "full week" means a 7-day period beginning with Saturday.

3. Amend § 911.30 *Procedure* by revising paragraph (a) and adding a new paragraph (c) to read as follows:

§ 911.30 Procedure.

(a) Except as provided in paragraph (c) of this section, six members of the committee, including alternates acting for members, shall constitute a quorum and any decision, recommendation or other action of the committee shall require not less than five concurring votes including one by a handler member or an alternate acting as such.

* * * * *

(c) For any recommendation of the committee pursuant to § 911.53 as to the total quantity of limes deemed advisable to be handled during any week immediately following two or more continuous weeks of regulation all members of the committee, including alternatives acting for members, shall constitute a quorum and a concurring vote by all such members, including alternates, shall be required. The quorum and voting requirements of the preceding sentence shall not apply to recommendations pursuant to § 911.53 to increase the quantity that may be handled during the applicable week or, pursuant to § 911.54 to terminate or suspend any existing regulation.

4. Renumber §§ 911.50 through 911.56 as §§ 911.46 through 911.52, respectively.

5. Amend § 911.46 *Marketing policy* by revising paragraph (d) and changing the introductory paragraph to read as follows:

§ 911.46 Marketing policy.

Each season prior to making any recommendations pursuant to § 911.47 or § 911.53, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to (a) * * *

* * * * *

(d) A schedule of estimated weekly shipments of limes during the ensuing season;

* * * * *

6. Amend § 911.52 *Limes not subject to regulations* by changing the introductory sentence to read as follows preceding paragraph (b):

§ 911.52 Limes not subject to regulations.

Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 911.41, 911.48, 911.51, and 911.54, and the regulations issued thereunder, handle limes (a) for consumption by charitable institutions; * * *

7. Add a new section § 911.53 *Recommendation for volume regulation* to read as follows:

§ 911.53 Recommendation for volume regulation.

(a) The committee may, during any week, recommend to the Secretary the total quantity of limes which it deems advisable to be handled during the succeeding week: *Provided,* That such volume regulation shall not be recommended for any week except during the regulatory period comprised of the period beginning with the week preceding the first full week in May through the

last full week in August: *Provided, further,* That no such regulation shall be recommended after such regulations have been effective for an aggregate of eight (8) weeks during the aforesaid period.

(b) In making its recommendations, the committee shall give due consideration to the following factors:

(1) Market prices for limes;

(2) Supply of limes en route to principal markets;

(3) Supply, maturity, and condition of limes in the production area;

(4) Market prices and supplies of fruits from competitive producing areas, including foreign competing areas, and supplies of other competitive fruits;

(5) Trend and level in consumer income; and

(6) Other relevant factors.

(c) At any time during a week for which the Secretary, pursuant to § 911.54, has fixed the quantity of limes which may be handled, the committee may recommend to the Secretary that such quantity be increased for such week. Each such recommendation, together with the committee's reason for such recommendation, shall be submitted promptly to the Secretary.

8. Add a new section § 911.54 *Issuance of volume regulations* to read as follows:

§ 911.54 Issuance of volume regulations.

Whenever the Secretary finds, from the recommendation and information submitted by the committee, or from other available information, that to limit the quantity of limes which may be handled during a specified week will tend to effectuate the declared policy of the act, he shall fix such quantity: *Provided,* That such regulations during a regulatory period shall not in the aggregate limit the volume of lime shipments for more than eight (8) weeks. The quantity so fixed for any week may be increased by the Secretary at any time during such week. Such regulations may, as authorized by the act, be made effective irrespective of whether the season average price of limes is in excess of the parity price specified therefor in the act. The Secretary may upon the recommendation of the committee, or upon other available information, terminate or suspend any regulation at any time.

9. Add a new section § 911.55 *Prorate bases* to read as follows:

§ 911.55 Prorate bases.

(a) Each person who desires to handle limes shall submit to the committee, at such time and in such manner as may be designated by the committee, and upon forms made available by it, a written application for a prorate base and for allotments as provided in this section and § 911.56.

(b) Such application shall be substantiated in such manner and shall be supported by such information as the committee may require.

(c) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction.

(d) Each week during the regulatory period when volume regulation is likely to be recommended for the following week, the committee shall compute a prorate base for each handler who has made application in accordance with the provisions of this section. The prorate base for each such handler shall be computed by adding together the handler's shipments of limes in the current season and his shipments in the immediately preceding seasons, if any, within the representative period, in which he shipped limes and dividing such total by a divisor computed by adding together the number of weeks elapsed in the current season and 18-weeks for each of such immediately preceding seasons within the representative period in which the handler shipped limes. For purposes of this section "representative period" means the two preceding seasons together with the current season; the term "season" means the 18-week period beginning with the week preceding the first full week in May of any fiscal year; and the term "current season" means the period beginning with the week preceding the first full week in May of the current fiscal year through the fourth full week preceding the week of regulation: *Provided,* That when official shipping records are available to the committee the said "current season" shall extend through the third full week preceding the week of regulation.

10. Add a new section § 911.56 *Allotments* to read as follows:

§ 911.56 Allotments.

Whenever the Secretary has fixed the quantity of limes which may be handled during any week, the committee shall calculate the quantity of limes which may be handled during such week by each person who has applied for a prorate base and for whom such a base was computed by the committee. Such quantity shall be the allotment of such person and shall be that portion of the total quantity fixed by the Secretary which, expressed in terms of percent, is equal to the percentage that such applicant's prorate base is of the aggregate of the prorate bases of all such applicants. The committee shall give reasonable notice to each person of the allotment computed for him pursuant to this section.

11. Add a new section § 911.57 *Overshipments* to read as follows:

§ 911.57 Overshipments.

During any week for which the Secretary has fixed the total quantity of limes which may be handled, any person who has received an allotment may handle, in addition to the total allotment available to him, an amount of limes equivalent to 10 percent of such total allotment or 50 bushels, whichever is the greater.

12. Add a new section § 911.58 *Undershipments* to read as follows:

§ 911.58 Undershipment.

If any person handles during any week a quantity of limes, covered by a regulation issued pursuant to § 911.54, in an amount less than the total allotment available to him for such week, he may handle, during the next succeeding week, a quantity of limes, in addition to that permitted by the allotment available to him for such week, equivalent to such undershipment or 50 percent of the allotment issued to him for the week during which the undershipment was made, whichever is the lesser: *Provided,* That the committee, with the approval of the Secretary, may increase or decrease such percentage.

13. Add a new section § 911.59 *Allotment loans* to read as follows:

§ 911.59 Allotment loans.

(a) A person to whom allotments have been issued may lend or transfer all or part of such allotments to other persons to whom allotments have also been issued. Each party to any such loan or transfer agreement shall, prior to completion of the agreement, notify the committee of the proposed loan or transfer and the applicable date of repayment, if any, and obtain the committee's approval of the agreement.

(b) The committee may act on behalf of persons desiring to arrange allotment loans or participate in the transfer of allotment. In each case the committee shall confirm all such transactions immediately after the completion thereof by memorandum addressed to the parties concerned, which memorandum addressed to the parties concerned, shall be deemed to satisfy the requirements of paragraph (a) of this section as to notifying the committee and obtaining committee approval.

The Fruit and Vegetable Division, Consumer and Marketing Service, has proposed that consideration be given to making such other changes in the amended marketing agreement and order as may be necessary to make the entire provisions thereof conform with any amendment thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or from Mr. M. F. Miller, Fruit and Vegetable Division, Consumer and Marketing Service, Post Office Box 9, Lakeland, FL 33802.

Dated: October 21, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-15604 Filed 10-26-71;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 101]

PUBLIC INFORMATION

Proposed Fee Schedule

Notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 101 of Title 45 of the Code of Federal Regulations to establish a schedule of fees to be charged for the provision of special information services pursuant to section 552 of title 5 of the United States Code. In view of the effect of this regulation upon the general public, it has been determined that, while not required by law, it is appropriate to solicit public participation in the formulation of the rule under the procedures set forth in 5 U.S.C. 553. Any interested person may submit to the Commissioner of Education, 400 Maryland Avenue SW., Washington, DC 20202, within 30 days after the date of publication of this material in the FEDERAL REGISTER, comments, suggestions, or objections in writing, concerning all or part of the amendment proposed herein. An original and two conformed copies should be filed. Comments received in response to this notice will be available for public inspection at the Office of Education's Information Center, Room 1127, 400 Maryland Avenue SW., Washington, DC 20202, Monday through Friday between 8 a.m. and 4:30 p.m.

The proposed amendment would be issued under the authority granted by 5 U.S.C. 552, as implemented in regulations of the Department of Health, Education, and Welfare (45 CFR 5.60–5.65), and pursuant to the general rule making authority of the Commissioner, 20 U.S.C. 2, 1231.

The following is a proposed amendment to Part 101, Chapter I, Title 45 of the Code of Federal Regulations: Amend Part 101 by adding the following new subpart B, which will read as follows:

Subpart B—Special Regulations Pertaining to Availability of Information Under 5 U.S.C. 552

§ 101.10 Fee schedule.

(a) *Policy.* It is the policy of the Office of Education to provide routine information to the general public at no charge. Special information services involving a benefit that does not accrue to the general public are subject to the payment of fees which have been established to recover the cost to the Government of providing such services (45 CFR 5.60).

(b) *Record searches.* Searches of or for records will be performed (to the extent that time can be made available) at the following rates:

(1) By clerical personnel: $5 per person per hour.

(2) By professional personnel at an actual hourly cost basis (including overhead) to be established prior to search.

No charge will be made for the first one-half hour or portion therof.

(c) *Other services.* Charges for other special services regarding Office of Education records are as follows:

(1) Certification of records: $5 per certification.

(2) Authentication of records: $5 for first 25 pages or portion thereof; 20 cents per page thereafter.

(3) Copying and duplicating services: 25 cents per page (one side).

(4) Duplication of automatic data processing records.

(i) Punched cards: $6.50 per thousand or portion thereof.

(ii) Magnetic tape: $65 per reel or portion thereof.

(iii) Computer listing, single ply: 35 cents per page.

(d) *Mailing costs.* The basic fees set forth above provide for records to be mailed with ordinary first-class postage prepaid. If special handling or packaging is required, costs thereof will be added to the basic fee.

(e) *Payment of fees and charges.* Payment may be made by check, draft, or postal money order, payable to U.S. Office of Education. Requests for services, accompanied by payment, or requests for charges for record searches, should be made to:

Office of Education, Information Center, 400 Maryland Avenue SW., Washington, DC 20202.

(f) *Services under section 417 of General Education Provisions Act.* Payment in advance is required for all services. Charges for requests for transcripts or copies of tables and other records and for special statistical compilations to be furnished by the Commissioner of Education pursuant to section 417 of the General Education Provisions Act (20 U.S.C. 1231f) will be established at the time a specific request is submitted. (5 U.S.C. 552, 20 U.S.C. 1231f.)

Dated: September 1, 1971.

S. P. MARLAND, Jr.,
Commissioner of Education.

Approved: October 20, 1971.

ELLIOTT L. RICHARDSON,
Secretary.

[FR Doc.71-15591 Filed 10-26-71;8:49 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 71-270]

FOREIGN CURRENCIES

Rates of Exchange

OCTOBER 5, 1971.

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Belgian franc, German deutsche mark, Japanese yen, and Netherlands guilder.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which vary by 5 per centum or more from the quarterly rate published in Treasury Decision 71-175 for the dates and countries indicated. Therefore, as to entries covering merchandise exported on the dates and from the countries listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Belgian franc:	
September 27, 1971	$0.0212192
September 28, 1971	.0212030
September 29, 1971	.0212305
September 30, 1971	.0212526
German deutsche mark:	
September 27, 1971	$0.301775
September 28, 1971	.301708
September 29, 1971	.301812
September 30, 1971	.301550
Japanese yen:	
September 27, 1971	$0.00297400
September 28, 1971	.00297300
September 29, 1971	.00298000
September 30, 1971	.00298200
Netherlands guilder:	
September 27, 1971	$0.297050
September 28, 1971	.297137
September 29, 1971	.297504
September 30, 1971	.296900

[SEAL] LEONARD LEHMAN,
Acting Commissioner of Customs.

[FR Doc.71-15579 Filed 10-26-71;8:54 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

[1030.1]

NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

Implementation and Instructions

1. *Purpose.* The National Environmental Policy Act of 1969 (NEPA) establishes national policy, goals and procedures for protecting and enhancing the environment. This statute governs all Federal departments and agencies, and requires positive orientation of all existing administrative discretion to support the new mandate. It requires that an explicit analysis of the environmental consequences of proposed "major Federal actions" shall be made and publicly commented upon prior to agency decision, and that this detailed environmental statement shall accompany the proposals for actions through the existing agency review and decision processes. This environmental statement is to include an analysis of the physical, social, and aesthetic dimensions of the environmental impact of the proposed action, and is to include systematic efforts to avoid or lessen adverse environmental consequences by means of modified approaches or alternatives. It is the purpose of this instruction to establish orderly environmental clearance processes within the Law Enforcement Assistance Administration (LEAA) and to provide guidance in the preparation and utilization of environmental statements and comments.

2. *Scope.* This instruction applies to all "Federal actions" as defined in paragraph 4. Assistant Administrators are responsible for assuring that all covered actions are made in compliance with the National Environmental Policy Act of 1969 and for establishing procedures consistent with the requirements of this instruction.

3. *Authority.* a. The National Environmental Policy Act of 1969 establishes a broad national policy to promote efforts to improve the relationship between man and his environment, and provides for the creation of a Council on Environmental Quality (CEQ) to oversee implementation of the policy. NEPA sets out certain policies and goals concerning the environment, and requires that, to the fullest extent possible, the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with those policies and goals.

b. Section 102(2)(c) of the National Environmental Policy Act of 1969 requires that all agencies of the Federal Government include in every major Federal action significantly affecting the quality of the human environment a detailed statement on the environmental impact of such action.

c. Guidelines from the President's Council on Environmental Quality (CEQ), dated April 23, 1971, 36 F.R. 7727, set forth procedures which must be followed by Federal agencies in implementing NEPA.

d. Office of Management and Budget Circular A-95 details the requirements for State and local review of environmental statements required by section 102(2)(c) of NEPA.

e. Section 501 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, Public Law 90-351, Public Law 90-644, authorizes LEAA to establish such rules, regulations and procedures as are necessary to the exercise of its functions and are consistent with the stated purpose of the Act.

4. *Definitions.* a. "The Act" means title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

b. "Federal actions" includes the entire range of activity undertaken by LEAA, with the exception of block grants made pursuant to sections 202, 306(a)(1), and 455(a)(1) of the Act. Actions include:

(1) LEAA grants made under sections 306(b)(2), 402, 406, 407, 408, 455(b)(2), and 515 of the Act.

(2) Direct LEAA Federal programs, projects and administrative actions such as:

(a) Rule making and regulations.

(b) Contracts.

(c) Research, development and demonstration projects.

(d) Legislative proposals.

c. "Major." Any Federal action significantly affecting the environment is deemed to be a major.

d. "Significantly Affecting the Environment." The following are nonexhaustive examples of significant effects a project may have on the environment. A Federal action is considered to significantly affect the environment when it would:

(1) Lead to a noticeable change in the ambient noise level for a substantial number of people.

(2) Divide or disrupt an established community as to its historic, cultural or natural aspects, including places of unique interest or scenic beauty.

(3) Have a significant aesthetic or visual effect.

(4) Destroy or derogate from important recreational areas.

(5) Substantially alter the pattern or behavior of a nonhuman species.

(6) Interefere with important breeding, nesting or feeding grounds.

(7) Lead to a significant increase in air or water pollution in a given area.

(8) Disturb the ecological balance of a land or water area.

(9) Involve a reasonable possibility of contamination of public water supply source, treatment facility, of distribution system.

5. *Policy*—a. *General.* It is the policy of LEAA to implement NEPA and related Executive Branch guidance documents on environment as fully as statutory authority and available resources permit, and to orient LEAA's administrative discretion under the Act toward the broad national goal of preserving and enhancing the environment.

b. *Analysis of environmental consequences prior to decisions.* It is the further policy of LEAA to give full consideration to environmental impacts in its decisions. Accordingly, environmental statements shall be prepared on all major Federal actions significantly affecting the environment in accordance with the provisions of NEPA and guidelines developed by the CEQ and the Office of Management and Budget (OMB). Draft environmental statements shall be circulated for comment to Federal agencies as required by CEQ guidelines and to State and local agencies as required by OMB Circular No. A-95 Revised. Final environmental statements shall be completed prior to LEAA commitment or decision, and shall accompany the proposed action through LEAA review and decision processes. LEAA decisions and actions shall reflect these environmental statements and public comments in improved actions which lessen or avoid adverse environmental consequences wherever feasible and appropriate. LEAA officials will comment as appropriate on draft environmental statements referred by other agencies.

c. *Actions on which environmental statements are required.* (1) The construction, renovation, or modification of facilities.

(2) The implementation of programs involving the use of herbicides and pesticides.

(3) Other actions determined by the Assistant Administrators to possibly have a significant effect on the quality of the environment.

6. *Action*—a. *Preparation and processing of environmental statements for nonblock grants and other Federal actions.*

(1) *Environmental statements and negative declarations.* Any application for a grant or other Federal action to which this instruction applies will include either a draft environmental statement as required by section 102(2)(c) of NEPA or a declaration that the proposed action will not have a significant impact on the environment. Before accepting a negative declaration LEAA officials shall review the grant application and apply guidelines set forth above to verify that an environmental statement is not necessary.

(2) *Preparation of statements.* Draft statements shall be prepared at the earliest practicable point in time. They shall be prepared early enough in the process so that the analysis of the environmental effects and the exploration of alternatives with respect thereto may be a significant part of the decision-making process of the Administration.

(3) *Form and content of statement.* (a) Each statement will be headed as follows:

DEPARTMENT OF JUSTICE

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

(Draft) Environmental Impact Statement Pursuant to Section 102(2)(C), Public Law 91-190.

(b) Each statement will, at a minimum, contain sections corresponding to the following subparagraphs, appropriately headed:

1. A description of the proposed action and its purpose.

2. The probable impact of the proposed action on the environment.

3. Any probable adverse environmental effects which cannot be avoided should the proposal be implemented.

4. Alternatives to the proposed action. (Section 102(2)(D) of the Act requires the responsible agency to "study, develop and describe appropriate alternatives to recommend courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." Alternative actions that might avoid some or all of the adverse environmental effects or increase beneficial effects should be set forth and analyzed.)

5. The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This in essence requires the agency to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

6. Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. This requires the agency to identify the extent to which the action curtails the range of beneficial uses of the environment.

7. Where appropriate, a discussion of problems and objections raised by other Federal agencies, State and local entities, and citizens in the review process, and the disposition of the issues involved. (This section may be added at the end of the review process in the final text of the environmental statement.)

(4) *State or local review.* (a) Discretionary grant applications and environmental statements must be submitted to State, regional and local clearinghouses for review and comment as required by OMB Circular No. A-95.

(b) Where no public hearing has been held on other proposed actions and where review of the proposed action by State and local agencies authorized to develop and enforce environmental standards is relevant, their comments on the draft environmental statement may be obtained directly or by publication of a summary notice in the FEDERAL REGISTER (with a copy of the environmental statement and comments of Federal agencies thereon to be supplied on request). The notice in the FEDERAL REGISTER may specify that comments of the relevant State and local agencies must be submitted within a specified period of time from the date of publication of the notice, but not less than 30 days.

(5) *Comments of Federal agencies.* After, or simultaneously with, obtaining State and local review, the Administration shall circulate the draft environmental statement for comment by all Federal agencies which have jurisdiction by law or special expertise with respect to the environmental impact involved, and to the Council on Environmental Quality. A list of Federal agencies and their areas of expertise is attached as Appendix 1. A time period for comment of not less than 30 or 45 days if the project has impacts within Environmental Protection Agency's jurisdiction, may be specified. Where comments of other Federal agencies have been obtained by the applicant, comments need not be solicited again from the same agencies unless there are pertinent and significant changes in the project proposal.

(6) *Utilization of comments.* Comments received under subparagraphs (4) and (5) shall accompany the draft environmental statement through the project or program review process.

(7) *Final statements.* Draft statements shall be revised, as appropriate, to reflect comments received or other considerations before being put into final form for approval of the Administrator.

(8) *Availability of statements.* The Administration is responsible for transmitting 10 copies of each statement to the CEQ, which transmittal shall be deemed transmittal to the President. The Administration is also responsible for making draft and final statements and comments available to the public as provided for in CEQ Guidelines § 10 (b) and (e).

b. *LEAA Administrative Action.* No administrative action concerning the grant is to be taken sooner than 90 days after the availability of the draft statement and 30 days after the availability of the final statement (these periods may run concurrently). Where there are overriding considerations of increased cost or emergency circumstances, the responsible official shall consult with the CEQ about alternative arrangements.

JERRIS LEONARD,
Administrator.

RICHARD W. VELDE,
Associate Administrator.

CLARENCE M. COSTER,
Associate Administrator.

APPENDIX 1—FEDERAL AGENCIES WITH JURISDICTION BY LAW OR SPECIAL EXPERTISE TO COMMENT ON VARIOUS TYPES OF ENVIRONMENTAL IMPACTS

AIR

Air Quality and Air Pollution Control

Department of Agriculture—
  Forest Service (effects on vegetation).
Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
  Air Pollution Control Office.
Department of the Interior—
  Bureau of Mines (fossil and gaseous fuel combustion).
  Bureau of Sport Fisheries and Wildlife (wildlife).
Department of Transportation—
  Assistant Secretary for Systems Development and Technology (auto emissions).
  Coast Guard (vessel emissions).
  Federal Aviation Administration (aircraft emissions).

Weather Modification

Department of Commerce—
  National Oceanic and Atmospheric Administration.
Department of Defense—
  Department of the Air Force.
Department of the Interior—
  Bureau of Reclamation.

ENERGY

Environmental Aspects of Electric Energy Generation and Transmission

Atomic Energy Commission (nuclear power).
Environmental Protection Agency—
Water Quality Office.
Air Pollution Control Office.
Department of Agriculture—
Rural Electrification Administration (rural areas).
Department of Defense—
Army Corps of Engineers (hydro-facilities).
Federal Power Commission (hydro-facilities and transmission lines).
Department of Housing and Urban Development (urban areas).
Department of the Interior—(facilities on Government lands).

Natural Gas Energy Development, Transmission and Generation

Federal Power Commission (natural gas production, transmission and supply).
Department of the Interior—
Geological Survey.
Bureau of Mines.

HAZARDOUS SUBSTANCES

Toxic Materials

Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency.
Department of Agriculture—
Agricultural Research Service.
Consumer and Marketing Service.
Department of Defense.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.

Pesticides

Department of Agriculture—
Agricultural Research Service (biological controls, food and fiber production).
Consumer and Marketing Service.
Forest Service.
Department of Commerce—
National Marine Fisheries Service.
National Oceanic and Atmospheric Administration.
Environmental Protection Agency—
Office of Pesticides.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife (effects on fish and wildlife).
Bureau of Land Management.
Department of Health, Education, and Welfare (Health aspects).

Herbicides

Department of Agriculture—
Agricultural Research Service.
Forest Service.
Environmental Protection Agency—
Office of Pesticides.
Department of Health, Education, and Welfare (Health aspects).
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
Bureau of Reclamation.

Transportation and Handling of Hazardous Materials

Department of Commerce—
Maritime Administration.
National Marine Fisheries Service.
National Oceanic and Atmospheric Administration (impact on marine life).
Department of Defense—
Armed Services Explosive Safety Board.
Army Corps of Engineers (navigable waterways).
Department of Health, Education, and Welfare—
Office of the Surgeon General (Health aspects).
Department of Transportation—
Federal Highway Administration Bureau of Motor Carrier Safety.
Coast Guard.
Federal Railroad Administration.
Federal Aviation Administration.
Assistant Secretary for Systems Development and Technology.
Office of Hazardous Materials.
Office of Pipeline Safety.
Environmental Protection Agency (hazardous substances).
Atomic Energy Commission (radioactive substances).

LAND USE AND MANAGEMENT

Coastal Areas: Wetlands, Estuaries, Waterfowl Refuges, and Beaches

Department of Agriculture—
Forest Service.
Department of Commerce—
National Marine Fisheries Service (impact on marine life).
National Oceanic and Atmospheric Administration (impact on marine life).
Department of Transportation—
Coast Guard (bridges, navigation).
Department of Defense—
Army Corps of Engineers (beaches, dredge and fill permits, Refuse Act permits).
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
National Park Service.
U.S. Geological Survey (coastal geology).
Bureau of Outdoor Recreation (beaches).
Department of Agriculture—
Soil Conservation Service (soil stability, hydrology).
Environmental Protection Agency—
Water Quality Office.

Historic and Archeological Sites

Department of the Interior—
National Park Service.
Advisory Council on Historic Preservation.
Department of Housing and Urban Development (urban areas).

Flood Plains and Watersheds

Department of Agriculture—
Agricultural Stabilization and Research Service.
Soil Conservation Service.
Forest Service.
Department of the Interior—
Bureau of Outdoor Recreation.
Bureau of Reclamation.
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Measurement.
U.S. Geological Survey.
Department of Housing and Urban Development (urban areas).
Department of Defense—
Army Corps of Engineers.

Mineral Land Reclamation

Appalachian Regional Commission.
Department of Agriculture—
Forest Service.
Department of the Interior—
Bureau of Mines.
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
U.S. Geological Survey.
Tennessee Valley Authority.

Parks, Forests, and Outdoor Recreation

Department of Agriculture—
Forest Service.
Soil Conservation Service.
Department of the Interior—
Bureau of Land Management.
National Park Service.
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Department of Defense—
Army Corps of Engineers.
Department of Housing and Urban Development (urban areas).

Soil and Plant Life, Sedimentation, Erosion and Hydrologic Conditions

Department of Agriculture—
Soil Conservation Service.
Agricultural Research Service.
Forest Service.
Department of Defense—
Army Corps of Engineers (dredging, aquatic plants).
Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of the Interior—
Bureau of Land Management.
Bureau of Sport Fisheries and Wildlife.
Geological Survey.
Bureau of Reclamation.

NOISE

Noise Control and Abatement

Department of Health, Education, and Welfare (Health aspects).
Department of Commerce—
National Bureau of Standards.
Department of Transportation—
Assistant Secretary for Systems Development and Technology.
Federal Aviation Administration (Office of Noise Abatement).
Environmental Protection Agency (Office of Noise).
Department of Housing and Urban Development (urban land use aspects, building materials standards).

PHYSIOLOGICAL HEALTH AND HUMAN WELL BEING

Chemical Contamination of Food Products

Department of Agriculture—
Consumer and Marketing Service.
Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Office of Pesticides (economic poisons).

Food Additives and Food Sanitation

Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Office of Pesticides (economic poisons, e.g., pesticide residues).
Department of Agriculture—
Consumer Marketing Service (meat and poultry products).

Microbiological Contamination

Department of Health, Education, and Welfare (Health aspects).

Radiation and Radiological Health

Department of Commerce—
National Bureau of Standards.
Atomic Energy Commission.
Environmental Protection Agency—
Office of Radiation.
Department of the Interior—
Bureau of Mines (uranium mines).

Sanitation and Waste Systems

Department of Health, Education, and Welfare—(Health aspects).
Department of Defense—
Army Corps of Engineers.
Environmental Protection Agency—
Solid Waste Office.
Water Quality Office.

Department of Transportation—
U.S. Coast Guard (ship sanitation).
Department of the Interior—
Bureau of Mines (mineral waste and recycling, mine acid wastes, urban solid wastes).
Bureau of Land Management (solid wastes on public lands).
Office of Saline Water (demineralization of liquid wastes).

Shellfish Sanitation

Department of Commerce—
National Marine Fisheries Service.
National Oceanic and Atmospheric Administration.
Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—Office of Water Quality.

TRANSPORTATION

Air Quality

Environmental Protection Agency—
Air Pollution Control Office.
Department of Transportation—
Federal Aviation Administration.
Department of the Interior—
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Department of Commerce—
National Oceanic and Atmospheric Administration (meteorological conditions).

Water Quality

Environmental Protection Agency—
Office of Water Quality.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
Department of Commerce—
National Oceanic and Atmospheric Administration (impact on marine life and ocean monitoring).
Department of Defense—
Army Corps of Engineers.
Department of Transportation—
Coast Guard.

URBAN

Congestion in Urban Areas, Housing and Building Displacement

Department of Transportation—
Federal Highway Administration.
Office of Economic Opportunity.
Department of Housing and Urban Development.
Department of the Interior—
Bureau of Outdoor Recreation.

Environmental Effects With Special Impact in Low-Income Neighborhoods

Department of the Interior—
National Park Service.
Office of Economic Opportunity.
Department of Housing and Urban Development (urban areas).
Department of Commerce (economic development areas).
Economic Development Administration.
Department of Transportation—
Urban Mass Transportation Administration.

Rodent Control

Department of Health, Education, and Welfare (Health aspects).
Department of Housing and Urban Development (urban areas).

Urban Planning

Department of Transportation—
Federal Highway Administration.
Department of Housing and Urban Development.
Environmental Protection Agency.
Department of the Interior—
Geological Survey.
Bureau of Outdoor Recreation.
Department of Commerce—
Economic Development Administration.

WATER

Water Quality and Water Pollution Control

Department of Agriculture—
Soil Conservation Service.
Forest Service.
Department of the Interior—
Bureau of Reclamation.
Bureau of Land Management.
Bureau of Sport Fisheries and Wildlife.
Bureau of Outdoor Recreation.
Geological Survey.
Office of Saline Water.
Environmental Protection Agency—
Water Quality Office.
Department of Health, Education, and Welfare (Health aspects).
Department of Defense—
Army Corps of Engineers.
Department of the Navy (ship pollution control).
Department of Transportation—
Coast Guard (oil spills, ship sanitation).
Department of Commerce—
National Oceanic and Atmospheric Administration.

Marine Pollution

Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of Transportation—
Coast Guard.
Department of Defense—
Army Corps of Engineers.
Office of Oceanographer of the Navy.

River and Canal Regulation and Stream Channelization

Department of Agriculture—
Soil Conservation Service.
Department of Defense—
Army Corps of Engineers.
Department of the Interior—
Bureau of Reclamation.
Geological Survey.
Bureau of Sport Fisheries and Wildlife.
Department of Transportation—
Coast Guard.

WILDLIFE

Environmental Protection Agency.
Department of Agriculture—
Forest Service.
Soil Conservation Service.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
Bureau of Outdoor Recreation.

FEDERAL AGENCY OFFICES FOR RECEIVING AND COORDINATING COMMENTS UPON ENVIRONMENTAL IMPACT STATEMENTS

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Robert Garvey, Executive Director, Suite 618, 801 19th Street NW., Washington, DC 20006, 343–8607.

DEPARTMENT OF AGRICULTURE

Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, 388–7803.

APPALACHIAN REGIONAL COMMISSION

Orville H. Lerch, Alternate Federal Cochairman, 1666 Connecticut Avenue NW., Washington, DC 20235, 967–4103.

DEPARTMENT OF THE ARMY (CORPS OF ENGINEERS)

Col. J. B. Newman, Executive Director of Civil Works, Office of the Chief of Engineers, Washington, D.C. 20314, 693–7168.

ATOMIC ENERGY COMMISSION

For nonregulatory matters: Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 20545, 973–5391.
For regulatory matters: Christopher L. Henderson, Assistant Director for Regulation, Washington, D.C. 20545, 973–7531.

DEPARTMENT OF COMMERCE

Dr. Sydney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Washington, D.C. 20230, 967–4335.

DEPARTMENT OF DEFENSE

Dr. Louis M. Rousselot, Assistant Secretary for Defense (Health and Environment), Room 3E172, The Pentagon, Washington, DC 20301, 697–2111.

DELAWARE RIVER BASIN COMMISSION

W. Brinton, Whitall, Secretary, Post Office Box 360, Trenton, NJ 08603, 609–883–9500.

ENVIRONMENTAL PROTECTION AGENCY

Charles Fabrikant, Director of Impact Statements Office, 1626 K Street NW., Washington, DC 20460, 632–7719.

FEDERAL POWER COMMISSION

Frederick H. Warren, Commission's Advisor on Environmental Quality, 441 G Street NW., Washington, DC 20426, 386–6084.

GENERAL SERVICES ADMINISTRATION

Rod Kreger, Deputy Administrator, General Services Administration–AD, Washington, D.C. 20405, 343–6077.
Alternate contact: Aaron Woloshin, Director, Office of Environmental Affairs, General Services Administration–ADF, 343–4161.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Roger O. Egeberg, Assistant Secretary for Health and Science Affairs, HEW North Building, Washington, D.C. 20202, 963–4254.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT [1]

Charles Orlebeke, Deputy Under Secretary, 451 Seventh Street SW., Washington, DC 20410, 755–6960.
Alternate contact: George Wright, Office of the Deputy Under Secretary, 755–8192.

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[1] Contact the Deputy Under Secretary with regard to environmental impacts of legislation, policy statements, program regulations and procedures, and precedent-making project decisions. For all other HUD consultation, contact the HUD Regional Administrator in whose jurisdiction the project lies, as follows:

James J. Barry, Regional Administrator I, Attention: Environmental Clearance Officer, Room 405, John F. Kennedy Federal Building, Boston, MA 02203, 617–223–4066.
S. William Green, Regional Administrator II, Attention: Environmental Clearance Officer, 26 Federal Plaza, New York, NY 10007, 212–264–8068.
Warren P. Phelan, Regional Administrator III, Attention: Environmental Clearance Officer, Curtis Building, Sixth and Walnut Street, Philadelphia, PA 19106, 215–597–2560.
Edward H. Baxter, Regional Administrator VI, Attention: Environmental Clearance Officer, Peachtree-Seventh Building, Atlanta, GA 30323, 404–526–5585.
George Vavoulis, Regional Administrator V, Attention: Environmental Clearance Officer, 360 North Michigan Avenue, Chicago, IL 60601, 312–353–5680.
Richard L. Morgan, Regional Administrator VI, Attention: Environmental Clearance Officer, Federal Officer Building, 819 Taylor Street, Fort Worth, TX 76102, 817–334–2867.
Harry T. Morley, Jr., Regional Administrator VII, Attention: Environmental Clearance Officer, 911 Walnut Street, Kansas City, MO 64106, 816–374–2661.
Robert C. Rosenheim, Regional Administrator VIII, Attention: Environmental Clearance

DEPARTMENT OF THE INTERIOR

Jack O. Horton, Deputy Assistant Secretary for Programs, Washington, D.C. 20240, 343–6181.

NATIONAL CAPITAL PLANNING COMMISSION

Charles H. Conrad, Executive Director, Washington, D.C. 20576, 382–1163.

OFFICE OF ECONOMIC OPPORTUNITY

Frank Carlucci, Director, 1200 19th Street NW., Washington, DC 20506, 254–6000.

SUSQUEHANNA RIVER BASIN COMMISSION

Alan J. Summerville, Water Resources Coordinator, Department of Environmental Resources, 105 South Office Building, Harrisburg, Pa. 17120, 717–787–2315.

TENNESSEE VALLEY AUTHORITY

Dr. Francis Gartrell, Director of Environmental Research and Development, 720 Edney Building, Chattanooga, Tenn. 37401, 615–755–2002.

DEPARTMENT OF TRANSPORTATION

Herbert F. DeSimone, Assistant Secretary for Environment and Urban Systems, Washington, D.C. 20590, 426–4563.

DEPARTMENT OF TREASURY

Richard E. Slitor, Assistant Director, Office of Tax Analysis, Washington, D.C. 20220, 964–2797.

DEPARTMENT OF STATE

Christian Herter, Jr., Special Assistant to the Secretary for Environmental Affairs, Washington, D.C. 20520, 632–7964.

[FR Doc.71–15567 Filed 10–26–71;8:53 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

POULTRY INSPECTION

Designation of Virgin Islands Under Poultry Products Inspection Act

The Secretary of Agriculture has determined, after consultation with appropriate officials of the Territory of the Virgin Islands of the United States, that the Territory has not developed or activated requirements at least equal to those under sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) with respect to establishments within such Territory at which poultry are slaughtered, or poultry products are processed for use as human food, solely for distribution within such Territory. Therefore, notice is hereby given that the Secretary of Agriculture designates said Territory under section 5(c) of the Poultry Products Inspection Act (21 U.S.C. 454(c)) as a jurisdiction in which the requirements of sections 1–4, 6–10, and 12–22 shall apply to intraterritorial operations and transactions and to persons, firms, and corporations engaged therein with respect to poultry, poultry products, and other articles subject to the Act. Upon the expiration of 30 days after publication of this notice in the FEDERAL REGISTER, the provisions of sections 1–4, 6–10, and 12–22 of said Act shall apply to intraterritorial operations and transactions and to persons, firms, and corporations engaged therein, in the Virgin Islands of the United States, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce," within the meaning of the Act, and any establishment in the Virgin Islands which conducts any slaughtering of poultry or processing of poultry products as described above must have Federal inspection or cease its operations, unless it qualifies for an exemption under subsection 5(c)(2) or section 15 of the Act.

Therefore, the operator of each such establishment who desires to continue or commence such operations after designation of the Territory becomes effective should immediately communicate with the Regional Director specified below:

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

Done at Washington, D.C., on October 20, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71–15564 Filed 10–26–71;8:54 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. Idaho 07977]

IDAHO

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

OCTOBER 18, 1971.

Notice of an application, Serial No. I–07977, for withdrawal and reservation of lands was published as F.R. Doc. No. 57–9804 of the issue for November 27, 1957. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands will be at 10 a.m. on November 1, 1971, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

PAYETTE NATIONAL FOREST

BOISE MERIDIAN, IDAHO

T. 19 N., R. 6 E.,
Sec. 33, SE¼SW¼SW¼, W½E½SW¼.

The area described aggregates 50 acres.

RICHARD H. PETRIE,
Chief,
Division of Technical Services.

[FR Doc.71–15588 Filed 10–26–71;8:49 am]

Bureau of Reclamation

NAVAJO PROJECT, ARIZ.

Notice of Availability of Draft Environmental Statement

Notice is hereby given that a draft of document entitled "Environmental Statement, Navajo Project, dated September 1971, submitted in conformance with section 102(2)(C) of the National Environmental Policy Act of 1969" has been prepared as required by the act and is being placed for public examination in offices of the Bureau of Reclamation in Washington, D.C., and Boulder City, Nev. Persons wishing to examine a copy of the document may do so at either of the following offices:

Office of Ecology, Bureau of Reclamation, Room 7620, Department of the Interior, C Street between 18th and 19th Streets NW., Washington, DC 20240, telephone (202) 343–4991.

Office of the Regional Director, Bureau of Reclamation, Post Office Box 427, Nevada Highway and Park Street, Boulder City, NV 89005, telephone (702) 293–8560.

Single copies of the draft statement may be obtained on request to either of the above offices.

ELLIS L. ARMSTRONG,
Commissioner of Reclamation.

OCTOBER 5, 1971.

[FR Doc.71–15586 Filed 10–26–71;8:49 am]

Office of Hearings and Appeals

[Docket No. M72–7]

IMPERIAL COAL CO.

Petition for Modification of Interim Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. section 861(c) (Supp. V, 1970)), notice is given that the Imperial Coal Co. has filed an amendment to a petition to modify the application of section 305(d) of the Act, 30 U.S.C. § 865(d) (Supp. V, 1970), as it applies to its Eagle Mine (Docket No. M72–7). Notice of the petition was published in the FEDERAL REGISTER on September 15, 1971, 36 F.R. 18479.

Section 305(d) provides as follows:

(d) All power-connection points, except where permissible power connection units are used, outby the last open crosscut shall be in intake air.

The petitioner originally proposed to modify the application of section 305(d) by providing that the trolley connection points in the mine shall be in the intake air course "except for a relatively short distance where it enters the return air course at the hoisting shaft, through automatic doors." By the amendment the petitioner proposes to further modify the application of section 305(d) by providing that all of the following nonpermissible power-connection units should also remain in the return air course for the same reasons stated in the petition:

Officer, Samsonite Building, 1051 South Broadway, Denver, CO 80209, 303–837–4061.
Robert H. Baida, Regional Administrator IX, Attention: Environmental Clearance Officer, 450 Golden Gate Avenue, Post Office Box 36003, San Francisco, CA 94102, 415–556–4752.
Oscar P. Pederson, Regional Administrator X, Attention: Environmental Clearance Officer, Room 226, Arcade Plaza Building, Seattle, WA 98101, 206–583–5415.

Two transformers in the warmup shack at the bottom of the shaft; two switches in the shop; three switches in the warmup shack at the bottom of the shaft; one switch on the outside of the shop; one transformer in the shop; motor on the grinder in the shop; approximately 1,700 feet of trolley wire; switchbox supplying power to the pumps at the bottom of return shaft; six switches in the pumping station at the bottom of return shaft; four pump motors; and one transformer at the pumping station at the bottom of the return shaft.

The petitioner's statement of reasons was set forth in the notice previously published in the FEDERAL REGISTER.

The parties interested in the petition as amended shall file their answers or comments and, if they wish a hearing, their request for one, within 30 days from the date of publication of this notice in the FEDERAL REGISTER with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, Utah 84111. Copies of the petition, and the amendment to the petition, are available for inspection at that address.

ERNEST F. HOM,
Acting Director,
Office of Hearings and Appeals.

OCTOBER 12, 1971.

[FR Doc.71-15576 Filed 10-26-71;8:51 am]

[Docket No. M72-8]

IMPERIAL COAL CO.

Petition for Modification of Interim Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. § 861(c) (Supp. V, 1970)) notice is given that the Imperial Coal Co. has filed an amendment to a petition to modify the application of section 305(d) of the Act, 30 U.S.C. § 865(d) (Supp. V, 1970) as it applies to its Imperial Mine (Docket No. M72-8). Notice of the petition was published in the FEDERAL REGISTER on September 15, 1971, 36 F.R. 18479.

Section 305(d) provides as follows:

(d) All power-connection points, except where permissible power connection units are used, outby the last open crosscut shall be in intake air.

The petitioner originally proposed to modify the application of section 305 (d) by providing that the trolley connection points shall be in the return air course. By the amendment the petitioner proposes to further modify the application of section 305(d) by providing that all pump and pump connections should also remain in the return air course. Petitioner states that if the pump and pump connections do not remain in the return air course, the water lines and pumps will freeze during cold weather and the employees would be subjected to a more hazardous condition.

Parties interested in the petition as amended shall file their answers or comments and, if they wish a hearing, their request for one, within 30 days from the date of publication of this notice in the FEDERAL REGISTER with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, Utah 84111. Copies of the petition and the amendment to the petition are available for inspection at that address.

ERNEST F. HOM,
Acting Director,
Office of Hearings and Appeals.

OCTOBER 12, 1971.

[FR Doc.71-15577 Filed 10-26-71;8:52 am]

Oil Import Administration

[Bulletin 3; Amdt.]

APPLICATIONS FOR OIL IMPORT ALLOCATIONS

Oil Import Bulletin No. 3 (34 F.R. 14906) is hereby amended to read as follows:

1. Section 5 of Oil Import Regulation 1 (Revision 5), as amended, requires that applications for allocations and licenses of imports of crude oil, unfinished oils, or finished products be filed not later than 60 days prior to the beginning of an allocation period and subparagraph (2) of paragraph (a) of section 25 of Oil Import Regulation 1 (Revision 5), as amended, requires that applications for allocations of imports of crude oil and unfinished oils for new or reactivated refinery capacity and for petrochemical plants based on estimated inputs be filed not later than 60 days prior to the beginning of an allocation period.

2. Timely filing of applications under section 5 or under section 25 of Oil Import Regulation 1 (Revision 5), as amended, is deemed essential. Accordingly, with respect to the allocation period beginning January 1, 1972, and with respect to each allocation period thereafter, the Administrator will no longer follow the practice, sometimes indulged with respect to prior allocation periods, of recommending the waiver of such timely filing requirements.

3. As a matter of convenience to prospective applicants, within approximately 90 days prior to the beginning of an allocation period, forms of applications for allocations and licenses will, so far as practicable, be mailed to persons, firms, and corporations on a list compiled by the Oil Import Administration of persons, firms, or corporations likely, in the judgment of the Administrator, to be interested in filing applications for allocations and licenses of imports of crude oil, unfinished oils, or finished products or applications for allocations of crude and unfinished oils for new or reactivated refinery capacity or petrochemical plants based upon estimated inputs. The compilation of the list above described is not to be construed as a representation that the same is complete and neither the United States nor its officers or employees assume responsibility or liability for the failure, negligent or otherwise, to include in such list any person, firm, or corporation so interested, or for the failure to mail the requisite form or forms to any person, firm, or corporation, whether or not such person, firm, or corporation is on such a list. The failure of any person, firm, or corporation to receive a requisite application form or forms will not constitute a basis for recommending waiver of the timely filing requirements of Oil Import Regulation 1 (Revision 5), as amended.

RALPH W. SNYDER, Jr.,
Acting Administrator,
Oil Import Administration.

OCTOBER 21, 1971.

[FR Doc.71-15624 Filed 10-22-71;12:35 pm]

Office of the Secretary

ROBERT W. THOMAS, JR.

Report of Appointment and Statement of Financial Interest

OCTOBER 14, 1971.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Robert W. Thomas, Jr.

Name of employing agency: U.S. Department of the Interior, Office of Oil and Gas Emergency Petroleum and Gas Administration.

The title of the appointee's position: Regional Administrator, Region 8.

The name of the appointee's private employer or employers: Standard Oil Company of California.

The statement of "financial interests" for the above appointee is set forth below.

ROGERS C. B. MORTON,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on September 30, 1971, as Regional Administrator, Interior, Oil and Gas, Emergency Petroleum and Gas Administration, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Standard Oil Company of California.
Columbia Corp.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

R. W. THOMAS, Jr.

OCTOBER 11, 1971.

[FR Doc.71-15581 Filed 10-26-71;8:52 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-387; NDA No. 1-704, etc.]

ORGANON, INC., ET AL.

New-Drug Applications; Notice of Withdrawal of Approval

The following firms, listed with their addresses, respective drugs, and new-drug application number, have discontinued marketing of said products and requested withdrawal of approval of the new-drug applications, thereby waiving opportunity for hearing.

NDA	Drug name	Applicant's name and address
1-704	Progestoral Tablets (pregnenimolone)	Organon Inc., 375 Mount Pleasant Ave., West Orange, N.J. 07052.
7-747	Corticotropin Injection and Solution for Injection (corticotropin)	Wilson Laboratories, 4221 South Western Blvd., Chicago, Ill. 60609.
7-913	Cortone Acetate Ophthalmic Ointment and Suspension (cortisone acetate)	Merck Sharp & Dohme, Division Merck & Co., Inc., West Point, Pa. 19486.
9-150	Abten Coated Tablets (rauwolfia serpentina)	Lemmon Pharmacal Co., Temple Ave., Sellersville, Pa. 18960.
9-204	Rauwistan Tablets (rauwolfia serpentina)	The J. B. Williams Co., Inc., 767 Fifth Ave., New York, New York 10022.
9-281	Topical Lotion Hydrocortone (hydrocortisone)	Merck Sharp & Dohme, Division Merck & Co., Inc., West Point, Pa. 19486.
9-465	Suspension Hydrocortone T.B.A. (hydrocortisone tertiary-butylacetate).	Merck Sharp & Dohme, Division Merck & Co., Inc., West Point, Pa. 19486.
10-129	Veretenal R-S Tablets (rauwolfia serpentina, phenobarbital, aconite, veratrum viride, potassium bicarbonate, potassium nitrate).	Richlyn Laboratories 3725 Castor Ave., Philadelphia, Pa. 19124.
10-404	Scopolamine Methyl Bromide Prolongsules and Scopolamine Methyl Bromide with Phenobarbital Prolongsules (methscopolamine bromide).	Richlyn Laboratories 3725 Castor Ave., Philadelphia, Pa. 19124.
10-537	Tempogen and Tempogen Forte Tablets (prednisolone, sodium ascorbate, aspirin, aluminum hydroxide).	Merck Sharp & Dohme, Division Merck & Co., Inc., West Point, Pa. 19486.
10-642	Thixokon Solution (sodium acetrizoate).	Mallinckrodt Chemical Works, Pharmaceutical Division, 3600 North Second St., Box 5439, St. Louis, Mo. 63160.
11-594	Formula 99 Hexachlorophene Plus Powdered Hand Soap (hexachlorophene and trichlorocarbanilide).	Armour Pharm. Co., 111 East Wacker Dr., Post Office Box 1622, Chicago, Ill. 60690.
11-595	Formula 99 Hexachlorophene Plus Powdered Hand Soap with Borax (hexachlorophene and trichlorocarbanilide).	Armour Pharm. Co., 111 East Wacker Dr., Post Office Box 1622, Chicago, Ill. 60690.
11-809	Ducobee Depot Injection (vitamin B_{12}).	Breon Laboratories Inc., 90 Park Ave., New York, New York 10016.
12-162	Tussene Cough Syrup (carbetapentane citrate, pyrilamine maleate, phenylephrine hydrochloride and ammonium chloride).	L. Perrigo Co., Allegan, Michigan 49010.
12-260	Ditriokon Sterile Solution (sodium diatrizoate, sodium diprotrizoate).	Mallinckrodt Chemical Works, Pharmaceutical Division, Box 5439, 3600 North Second St., St. Louis, Mo. 63160.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053 as amended, 21 U.S.C. 355(e)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), approval of new-drug applications Nos. 1-704, 7-747, 7-913, 9-150, 9-204, 9-281, 9-465, 10-129, 10-404, 10-537, 10-642, 11-594, 11-595, 11-809, 12-162, and 12-260 including all amendments and supplements thereto, are hereby withdrawn on the grounds that certain reports of experience with the drug required under section 505(j) of the Act (21 U.S.C. 355(j)) and §§ 130.13 and 130.35 (e) and (f) of the new-drug regulations (21 CFR 130.13 and 130.35) have not been submitted.

This order shall become effective on its date of publication in the FEDERAL REGISTER (10-27-71).

Dated: October 14, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-15467 Filed 10-26-71;8:45 am]

[Docket No. FDC-D-380; NDA No. 5-590]

PARKE, DAVIS & CO.

Synapoidin Steri-Vial; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New-Drug Application

In a notice (DESI 5590) published in the FEDERAL REGISTER of April 29, 1971 (36 F.R. 8072), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Synapoidin Steri-Vial, containing pituitary-chorionic gonadotropins; Parke, Davis & Co., Joseph Campau Avenue at the River, Detroit, Mich. 48232 (NDA 5-590). The announcement stated that there is a lack of substantial evidence that the effectiveness of gonadotropins of animal origin is sufficient to justify their use in view of their known hazards.

The Commissioner announced his intentions to initiate proceedings to withdraw approval of the above new-drug application and all other new-drug applications for drugs which contain gonadotropins of animal origin for parenteral use in man. The holder of the new-drug application and any interested person who may be adversely affected by the removal of such preparations from the market were invited to submit any pertinent data bearing on the proposal within 30 days after publication of said notice in the FEDERAL REGISTER.

In a letter dated June 11, 1971, Ayerst Laboratories, Division of American Home Products Corp., 685 Third Avenue, New York, N.Y. 10017, submitted information concerning Equinex (serum gonadotropin) marketed by that firm. Equinex is not the subject of a new-drug application. The information submitted was reviewed and concluded to be inadequate to establish the safety and effectiveness of such preparations. There were no other responses to the announcement.

Therefore, notice is hereby given to Parke, Davis & Co. and to any interested person who may be adversely affected, that the Commissioner proposes to issue an order under section 505(e) withdrawing approval of new-drug application No. 5-590 for Synapoidin Steri-Vials and all amendments and supplements thereto on the grounds that: (1) New evidence of clinical experience, not contained in the application or not available until after the application was approved, evaluated together with the evidence available when the application was approved, reveals that the drug is not shown to be safe for use under the conditions of use upon the basis of which the application was approved. The use of gonadotropins of animal origin entails the risk of eliciting the formation of antibodies to their animal protein content so that allergic reactions may be produced by their use. Other drugs are available which are of equivalent benefit and involve less risk; and (2) new information, evaluated together with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), 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 to show why approval of the new-drug application should not be withdrawn. Any related drug for human use not the subject of an approved new-drug application, may be affected by this 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, Room 6-88, 5600 Fishers Lane, Rockville, Maryland 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 approval of the new-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 the Commissioner finds 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, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new-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. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that genuine and substantial issue of fact 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 no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, Oct. 27, 1970).

Received requests for a hearing and/or elections not to request a hearing may be seen 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. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: October 13, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-15563 Filed 10-26-71;8:49 am]

Office of the Secretary

OFFICE OF DEPUTY ASSISTANT SECRETARY FOR FIELD MANAGEMENT

Statement of Organization, Functions, and Delegations of Authority

Part I of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, is amended to add a new chapter 1L10 as follows:

Section 1L10.00 *Mission.* The Deputy Assistant Secretary for Field Management serves the Secretary and the Assistant Secretary for Community and Field Services in the development and execution of policies and priorities related to heightening in a general manner the Department's awareness of and strengthening its capability to serve the needs of communities and individuals which are or ought to be affected by Departmental activities and organizing and managing the HEW regional operations in such a way as to increase the Department's effectiveness.

SECTION 1L10.10 *Organization.* The Deputy Assistant Secretary for Field Management reports directly to the Assistant Secretary for Community and Field Services. The Office of the Deputy Assistant Secretary for Field Management consists of:

A. Office of Management Services.
B. Office of Regional Coordination:
B-1. Regional Operations Division.
B-2. Operational Systems Division.
C. Office of Community Development:
C-1. Program Development Division.
C-2. Policy Development Division.

SEC. 1L10.20 *Functions.* The Office of the Deputy Assistant Secretary for Field Management directs and promotes development, execution, and evaluation of policies, priorities, plans, and systems for strengthening the Department's responsiveness to communities and for organizing and managing the HEW regional operations; ensures field attention to Departmental priorities; advises the Department on the conduct and effect of its operations in the field; evaluates regional performance; serves as the primary contact for other Federal offices on matters relating to HEW field operations. Specifically the functions of the principal component are:

A. Office of Management Services supports the Office of Field Management in personnel, financial management, office services, and administrative matters, develops and monitors the operating budgets for the Office of Field Management and the Offices of the Regional Directors; assists the regional offices in management activities through direct technical assistance and through liaison with other management offices in the Department; conducts or participates in the studies for improving the Department's administrative procedures and processes; coordinates the field implementation of new and improved administrative procedures and processes; evaluates the effectiveness of administrative procedures and processes for field management.

B. Office of Regional Coordination coordinates the regional implementation of Department policies and systems; provides a focal point for Washington liaison with the Office of the Regional Directors; maintains effective levels of regional coordination, integration and administration; coordinates the definition, planning implementation, and evaluation of regional priorities in consonance with the priorities of the Department; counsels with Regional Directors' offices and other offices of the Department on regional matters; promotes and designs regional involvement in the system development activities of the Department; ensures an effective flow of information on policy, program, management and operations matters between the regional offices and Washington.

B-1. Regional Operations Division maintains a regional desk in support of each of the HEW regional offices; provides continued interaction with the regional offices to remain apprised of their operational needs and, to inform, guide, and assist them in the implementation of the Department's priorities, policies, and programs; interacts with other offices of the Department to be knowledgeable of directions and developments and to be able to interpret them for specific regional operations; sponsors the necessary involvement of individual regional operations in Departmental development activities; participates with the regional offices in problem and priority definition and in the development, implementation, and evaluation of objectives, strategies, and plans to address them, including acting as the regional advocate in negotiations with other Departmental functions.

B-2. Operational Systems Division leads and coordinates the regional application of systems for planning, information, and evaluation; provides technical assistance to regional operations in system applications; participates, as the field component, in the development and improvement of the Department's planning and management systems; develops procedures and methodologies for guiding and interpreting regional implementation of planning and management systems; coordinates, develops and guides systems, and techniques for regional and intergovernmental information flow; monitors and evaluates the effectiveness of the operational systems as they may be or are applied to regional operations.

C. Office of Community Development develops policies and procedures for improving the responsiveness of the Department to the needs of communities, for services, direction, and guidance in their programs for people; leads efforts to broaden services and assistance for community and regional development; coordinates Department activities for community development with those of other Federal Agencies; coordinates HEW program efforts so that they have a major impact on dealing with community problems as a whole; provides regional and community development strategy for the Departmental performance and program priorities; provides a

focal point for regional interaction with HEW agency and program offices; advises the Department on its role in intergovernmental relations, particularly as it regards general purpose government elements and representative public interest groups.

C-1. Program Development Division maintains a functional interface with the program operations of the HEW agencies; through this relationship, identifies and interprets program directions and opportunities for the field and promotes and ensures a responsiveness to community needs in the agency's program development; devises strategies for the regional application of the Department's program priorities, develops methods for program application and coordination to better serve community needs; evaluates the effect of program application at the community level; provides program related technical assistance to the field; determines and assesses program support to Model Cities; coordinates HEW community oriented program development with other Federal departments.

C-2. Policy Development Division develops, promotes, and coordinates Departmental policies and processes in support of community development at the region, State, and local levels, particularly as it relates to intergovernmental relations, services integration, citizen participation, and regionalization and generally as it relates to the implementation of the Department's performance priorities; provides technical assistance and training to the field in application and interpretation of policy and processes; maintains liaison with other Federal departments and with public interest groups on relevant policy developments; evaluates the effects of Departmental policy in improving community development.

Dated: October 18, 1971.

STEVEN D. KOHLERT,
Acting Deputy Assistant Secretary for Management.

[FR Doc.71-15561 Filed 10-26-71;8:49 am]

ATOMIC ENERGY COMMISSION

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Filing and Denial of Petition for Rule Making

Notice is hereby given that Consolidated Edison Company of New York, Inc., has filed with the Atomic Energy Commission a petition for rule making, dated August 18, 1971, together with a supporting memorandum, to amend Appendix D of the Commission's regulation "Licensing of Production and Utilization Facilities" 10 CFR Part 50. Appendix D in effect on the date of the petition for rule making was a statement of general policy and procedure for the implementation of the National Environmental Policy Act of 1969 (NEPA).

The petitioner requested that the Commission amend Appendix D by adding thereto an addendum, providing that, notwithstanding the other provisions of Appendix D, in a proceeding on an application for a facility operating license for which a notice of hearing was issued on or before December 4, 1970, and for which a full power operating license has not been issued as of the effective date of the addendum:

1. A hearing will be held to consider the environmental impact of the facility in accordance with NEPA, such hearing and actions preliminary thereto required to comply with NEPA to be undertaken and completed promptly in accordance with such orders as the Commission shall issue with respect to such proceeding.

2. The fact that a hearing on environmental issues is to be held will not be cause for delaying the completion of any hearing now in progress on issues specified in a notice of hearing published prior to December 4, 1970. Upon completion of such hearing, the atomic safety and licensing board is authorized and directed to issue an initial decision with respect to such issues and, if its findings so warrant, to authorize the issuance of an operating license. If the hearing on environmental issues has not been completed at that time, the license shall be issued with a condition that it is subject to continuance, suspension, modification or revocation based on the outcome of the environmental hearing, and shall expire 1 year from the date of issuance if at that time the environmental hearing and related procedures have not been completed and an initial decision with respect to environmental matters has not yet been issued, provided that, in such event, the Commission may grant one or more extensions of the license upon good cause shown.

A supplemental affidavit in support of the petition for rule making was filed on August 25, 1971.

After the above petition for rule making was filed, the Commission published in the FEDERAL REGISTER (36 F.R. 18071, Sept. 9, 1971) a revision of Appendix D of 10 CFR Part 50, effective on the date of publication, that set forth Commission policy and procedure for the implementation of NEPA in accordance with the decision of the United States Court of Appeals for the District of Columbia Circuit in "Calvert Cliffs' Coordinating Committee, Inc., et al. v. United States Atomic Energy Commission, et al.", Nos. 24,839 and 24,871 (July 23, 1971). Section D of revised Appendix D deals specifically with proceedings in which hearings were pending as of September 9, 1971, which would include the proceedings that are the subject of instant petition.

Section D of the revised Appendix D states that the atomic safety and licensing board will proceed expeditiously with the aspects of the application related to the Commission's licensing requirements under the Atomic Energy Act of 1954, as amended, pending compliance with the other applicable requirements of revised Appendix D related to environmental matters. It also permits the applicant, in a proceeding for the issuance of an operating license in which the requirements of other applicable provisions of Appendix D pertaining to environmental matters have not been met, to make a motion, pursuant to 10 CFR 50.57(c) for the issuance of a license authorizing the loading of fuel in the reactor core and limited operation within the scope of § 50.57(c).

The atomic safety and licensing board may grant such a motion upon finding that the proposed licensing action will not have a significant, adverse impact on the environment and upon satisfaction of the requirements of § 50.57(c). It is also provided that, under other circumstances where limited operation may be warranted during the period of ongoing NEPA review, consistent with appropriate regard for environmental values, the board may, upon satisfaction of the requirements of § 50.57(a) grant a motion for authorization to operate at less than full power after consideration and balancing on the record of certain specified factors. Operation beyond 20 percent of full power, however, may not be authorized except upon specific prior approval of the Commissioners. (The provisions of § 50.57(c) apply to the resolution of objections by any opposing party and the making of findings pursuant to that section.) Any license so issued will be without prejudice to subsequent licensing action that may be taken by the Commission with regard to the environmental aspects of the facility and any license issued will be conditioned to that effect.

The Commission believes that the recent revision of Appendix D of 10 CFR Part 50 deals appropriately with the proceedings that are the subject of the instant petition, albeit in a manner somewhat different from that suggested by the petitioner. Furthermore, it should be noted that the notice of rule making published on September 9, 1971 invited the submission of comments and suggestions on revised Appendix D within 60 days of publication. In view of the foregoing, the Commission deems it unnecessary to initiate a further rule making proceeding with respect to the matters in the petition for rule making.

Accordingly, the petition for rule making filed by Consolidated Edison Company of New York, Inc., is denied.

For the Atomic Energy Commission.

Dated at Germantown, Md., this 8th day of October 1971.

W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.71-15522 Filed 10-26-71;8:46 am]

[Docket No. 50-247]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Issuance of Facility Operating License

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued Facility Operating License No. DPR-26 to Consolidated Edison Company of New York, Inc. (Consolidated Edison),

which permits fuel loading and subcritical testing of the Indian Point Nuclear Generating Unit No. 2 (facility), a pressurized water nuclear reactor located at Consolidated Edison's site near Buchanan in Westchester County, N.Y. The facility is designed for operation at approximately 2,758 megawatts thermal, but in accordance with the provisions of Facility Operating License No. DPR-26 and the Technical Specifications appended thereto, activities under the license are restricted to fuel loading and subcritical testing and it is provided that at no time shall the reactor be made critical following fuel loading.

On October 6, 1970, Consolidated Edison requested a public hearing on its application for a license to operate the facility at full power. Pursuant to a Commission Order, a public hearing before an Atomic Safety and Licensing Board (Board) commenced on December 17, 1970, in Buchanan, N.Y. This hearing is still in progress. On June 18, 1971, Consolidated Edison requested the Board, pursuant to 10 CFR 50.57 of the Commission's regulations to issue an order authorizing the Director of Regulations to make the necessary findings and issue a license permitting fuel loading and subcritical testing. The Board issued such an order on July 20, 1971.

Before the license permitting fuel loading and subcritical testing of the facility could be issued, the Commission amended appendix D of 10 CFR Part 50, which is a statement of general Commission policy relating to the implementation of the National Environmental Policy Act of 1969 in connection with licensing actions. Subsequently Consolidated Edison and the staff presented to the Board information as to the environmental impact of the proposed fuel loading and subcritical testing license. On October 15, 1971, the Board issued an order, based on a consideration of the evidence adduced in reference to the environmental impact of the activities to be authorized under the proposed license, affirming the authorization granted in its July 20, 1971, order.

The Commission's regulatory staff has inspected the facility and has determined that, for fuel loading and subcritical testing, the facility has been constructed in accordance with the application, as amended, and the provisions of Provisional Construction Permit No. CPPR-21, as amended. The licensee has submitted proof of financial protection in satisfaction of 10 CFR Part 140.

The Director of Regulation has made the findings set forth in the license, and has concluded that the application for construction permit and facility license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Ch. 1, that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

The license is effective as of the date of issuance and shall expire six (6) months from said date, unless extended for good cause shown, or upon earlier issuance of a subsequent licensing action.

Copies of (1) the Board's orders of July 20, 1971, and October 15, 1971, (2) Facility Operating License No. DPR-26, complete with Technical Specifications, (3) the Safety Evaluation for the Indian Point Nuclear Generating Unit No. 2, dated November 16, 1970, and Supplements 1, 2, and 3 thereto, dated November 20, 1970, July 1971 and September 3, 1971, respectively, (4) the report of the Advisory Committee on Reactor Safeguards on the Indian Point Nuclear Generating Unit No. 2, dated September 23, 1970, and (5) "Discussion and Conclusions by the Division of Reactor Licensing, U.S. Atomic Energy Commission, Pursuant to Appendix D of 10 CFR Part 50, Supporting the Issuance of a License to Consolidated Edison Company of New York, Inc., Authorizing the Loading of Fuel and Subcritical Testing of Indian Point Unit No. 2, Docket No. 50-247, dated October 6, 1971," are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies of the license, complete with Technical Specifications, and items (3) and (5) above may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 19th day of October, 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-15523 Filed 10-26-71;8:46 am]

[Docket No. 50-223]

LOWELL TECHNOLOGICAL INSTITUTE

Order Extending Construction Permit Completion Date

Lowell Technological Institute having filed a request dated September 15, 1971, for extension of the latest completion date specified in Construction Permit No. CPRR-87, which authorizes construction of a nuclear research reactor on its campus in Lowell, Mass.; and

Good cause having been shown for extension of said date, pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and 10 CFR 50.55(b) of the Commission's regulations: *It is hereby ordered,* That the latest completion date of Construction Permit No. CPRR-87 is extended from October 31, 1971, to December 31, 1972.

This order is effective as of its date of issuance.

Date of issuance: October 13, 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-15524 Filed 10-26-71;8:46 am]

[Docket No. 50-297]

NORTH CAROLINA STATE UNIVERSITY

Order Extending Construction Permit Completion Date

North Carolina State University having filed a request dated September 15, 1971, for an extension of the latest completion date specified in Construction Permit No. CPRR-106 which authorizes construction of the PULSTAR nuclear research reactor facility on the University's campus at Raleigh, N.C.; and

Good cause having been shown for this extension pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and 10 CFR 50.55(b) of the Commission's regulations: *It is hereby ordered,* That the latest completion date of Construction Permit No. CPRR-106 is extended from November 1, 1971, to May 1, 1972.

This order is effective as of its date of issuance.

Date of issuance: October 13, 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-15525 Filed 10-26-71;8:46 am]

CIVIL AERONAUTICS BOARD

[Docket No. 21866-6A]

DOMESTIC PASSENGER-FARE INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter Phase 6A, seating configuration is assigned to be held before the Board on November 4, 1971, at 10 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., October 20, 1971.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.71-15600 Filed 10-26-71;8:52 am]

[Docket No. 23486; Order 71-10-58]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Currency Matters

Issued under delegated authority October 14, 1971.

Agreement adopted by the Traffic Conferences of the International Air Transport Association relating to currency matters; Docket No. 23486, Agreement CAB 22723.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers,

foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association and adopted by mail vote. The agreement has been assigned the above-designated CAB agreement number.

The agreement, insofar as its affects air transportation, permits the establishment of special Contract Bulk Inclusive Tour (CBIT) fares in Japanese yen, exclusively for travel originating in Japan to U.S. points. Application of the current exchange rate of 360 Japan yen=one U.S. dollar renders the current level of CBIT fares unchanged.

Pursuant to authority duly delegated by the Board in the Board's regulations, it is not found, on a tentative basis, that the following resolutions which are incorporated in Agreement CAB 22723, are adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

IATA Resolution Numbers

300 (Mail 367) 001s.
JT23 (Mail 287) 001s.
JT31 (Mail 206) 001s.
JT123 (Mail 676) 001s.

Accordingly, it is ordered, That:

Action on Agreement CAB, 22723 be and hereby is deferred with a view toward eventual approval: *Provided,* That in the event that action pursuant to said resolution results in revision of a basic specified or constructed fare or rate, such new basic fare or rate shall be filed with the Board as an agreement under section 412 of the Act and approved by the Board prior to being placed in effect.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-15598 Filed 10-26-71;8:52 am]

[Docket No. 22628; Order 71-10-83]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fares

Issued under delegated authority October 19, 1971.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to fare matters; Docket No. 22628, Agreement CAB 22681.

By Order 71-9-89, dated September 24, 1971, action was deferred, with a view toward eventual approval, on an agreement adopted by Traffic Conference 1 of the International Air Transport Association (IATA). The agreement establishes a round-trip 5/21-day excursion fare between Phoenix and Ciudad Obregon of $60, a reduction of about 25 percent from the currently effective round-trip economy-class fare.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 71-9-89 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22681 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-15599 Filed 10-26-71;8:52 am]

RAILROAD CARRIER/LONG-HAUL MOTOR CARRIER APPLICATION FOR AIR FREIGHT FORWARDER AUTHORITY [1]

Notice to Interested Persons

Notice is hereby given, pursuant to §§ 296.84 and 297.64 of the Board's economic regulations, that the following application of an affiliate of a railroad carrier and a long-haul motor carrier of general commodities for air freight forwarder authority is on file with the Board:

Burlington Northern Air Freight Inc., 176 East Fifth Street, St. Paul, MN 55101 (D&I).

Dated at Washington, D.C., October 21, 1971.

[SEAL] HAROLD S. PARROTT,
Chief, Supplementary Services Division, Bureau of Operating Rights.

[FR Doc.71-15601 Filed 10-26-71;8:52 am]

CIVIL SERVICE COMMISSION

ACTION

Notice of Grant of Authority to Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes ACTION to fill by noncareer executive assignment in the excepted service the position of Deputy Associate Director for Older Americans Programs, Office of the Associate Director for Domestic and Anti-Poverty Operations.

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

[FR Doc.71-15513 Filed 10-26-71;8:45 am]

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[1] D—Interstate; I—International.

ACTION

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes ACTION to fill by noncareer executive assignment in the excepted service the position of Deputy Associate Director for VISTA and Anti-Poverty Programs.

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

[FR Doc.71-15514 Filed 10-26-71;8:45 am]

ACTION

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes ACTION to fill by noncareer executive assignment in the excepted service the position of Deputy Associate Director for Domestic and Anti-Poverty Operations.

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

[FR Doc.71-15515 Filed 10-26-71;8:45 am]

ARCHIVIST, SMITHSONIAN INSTITUTION

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on October 1, 1971, for the single position of Archivist, GS-1420-11, Smithsonian Institution, Washington, D.C. The finding is self-canceling when the position is filled.

Assuming other legal requirements are met, an appointee to this position may be paid for the expense of travel and transportation to first post of duty.

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

[FR Doc.71-15516 Filed 10-26-71;8:45 am]

DEPARTMENT OF THE INTERIOR

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by

noncareer executive assignment has been changed from "Legislative Counsel, Office of the Solicitor" to "Legislative Counsel and Director, Office of Legislation, Office of the Secretary".

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

[FR Doc.71-15512 Filed 10-26-71;8:45 am]

FEDERAL POWER COMMISSION

NATIONAL GAS SURVEY EXECUTIVE ADVISORY COMMITTEE

Order Designating Additional Member

OCTOBER 18, 1971.

The Federal Power Commission by Order issued April 6, 1971 established an Executive Advisory Committee of the National Gas Survey.

1. Membership. An additional member to the Executive Advisory Committee, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Hon. James R. Schlesinger, Chairman, Atomic Energy Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.71-15535 Filed 10-26-71;8:47 am]

[Docket No. RP72-49]

CITY OF RUSTON, LA. AND ARKANSAS LOUISIANA GAS CO.

Order Instituting Investigation and Prescribing Hearing Procedures

OCTOBER 19, 1971.

On September 24, 1971, the city of Ruston, La. (Ruston), filed a document entitled "Reply Brief of City of Ruston, Louisiana" in Docket No. RP71-122, which involves FPC Gas Tariff changes proposed by Arkansas Louisiana Gas Co. (Arkla) pursuant to the Commission's Order No. 431 to effectuate a gas curtailment policy. Among other things, Ruston alleged that the proposed tariff changes would have certain anticompetitive effects because Ruston purchases from Arkla under a requirements contract and because it competes directly with Arkla for commercial and residential customers. In an answer requesting rejection of the "Reply Brief," Arkla countered that the existence of the contract demonstrated the absence of an attempt to restrain competition and that no evidence was present on the record in Docket No. RP71-122 to show that Arkla intended to limit competition through institution of curtailment procedures.

Upon analysis of the pleadings, it is our view that Ruston should be permitted an opportunity to present evidence in support if its claim that Arkla is restraining competition. Accordingly, the above-mentioned filings will be treated as a complaint and answer thereto, respectively, and a public hearing will be held in order to afford all parties an opportunity to present evidence on the issues raised therein.

The Commission finds:

(1) It is necessary and appropriate in the proper exercise of the Commission's responsibilities under the Natural Gas Act that the above-described issues raised by the city of Ruston, La., in its "Reply Brief" filed in Docket No. RP71-122 be investigated in the context of a complaint proceeding.

(2) The expeditious disposition of this proceeding will be furthered by the submission of prepared testimony and exhibits by city of Ruston, La., in support of its allegations on or before December 1, 1971.

(3) The expeditious disposition of this proceeding will be further effectuated by holding a hearing on January 5, 1972.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 14, 15, and 16 thereof, and the Commission's rules of practice and procedure, an investigation is hereby instituted to determine whether Arkansas Louisiana Gas Co. is restraining competition in its relationships with the city of Ruston, La., and, if necessary, to prescribe such tariff provisions as are appropriate to protect competition within the boundaries permitted by the Natural Gas Act.

(B) Any person desiring to be heard or to make any protest with reference to the matters presented in this proceeding should, on or before November 8, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 and 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 participate as a party in any hearing herein must file petitions to intervene in accordance with the Commission's rules.

(C) City of Ruston, La., shall file with the Commission and serve on all parties to the proceeding, including the Staff of the Commission, direct testimony and exhibits in support of its allegations on or before December 1, 1971.

(D) A public hearing on the issues presented will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC, commencing at 10 a.m., e.s.t., on January 5, 1972.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.71-15529 Filed 10-26-71;8:46 am]

[Docket No. CP71-142]

INTER-CITY MINNESOTA PIPELINES LTD., INC.

Notice of Petition To Amend

OCTOBER 18, 1971.

Take notice that on June 21, 1971, Inter-City Minnesota Pipelines Ltd., Inc. (petitioner), 203 Portage Avenue, Winnipeg 2, Canada, filed in Docket No. CP71-142 a petition to amend the order of the Commission issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act on December 21, 1970 (44 FPC ——), by authorizing the continuation of sales of natural gas heretofore initiated by petitioner, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of December 21, 1970, authorized, inter alia, the construction and operation of approximately 48 miles of 12-inch natural gas pipeline and related facilities in the State of Minnesota. The authorization granted therein is conditioned upon Petitioner's obtaining, within 6 months title to all natural gas transported through said facilities which will be consumed in the United States. Petitioner states that it has complied with this condition and submits this petition in compliance with ordering paragraph (E) of said order which requires a filing pursuant to section 7(c) of the Natural Gas Act for authorization to continue sales of nautral gas in interstate commerce initiated under the prior arrangements.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 8, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-15530 Filed 10-26-71;8:46 am]

[Docket No. E-7630]

METROPOLITAN EDISON CO.

Notice of Further Extension of Time

OCTOBER 18, 1971.

On October 14, 1971, the Boroughs of Kutztown, Middletown, Lewisberry, and Goldsboro, Pa., filed a motion for a further extension of time to and including December 3, 1971, within which to file their testimony and exhibits, pursuant to paragraph (C) of the order issued June 29, 1971, in the above-designated matter. The motion also requests that the time be extended to and including December 24, 1971, within which rebuttal testimony shall be filed by Metropolitan Edison Co. The motion further requests that cross-examination be postponed, to commence on January 11, 1972.

On October 15, 1971, Metropolitan Edison Co. filed an answer in opposition to the motion.

Upon consideration, notice is hereby given that the time is further extended to and including November 15, 1971, within which intervenors' and Staff evidence, including testimony and exhibits, shall be served; the time is further extended to and including December 3, 1971, within which rebuttal testimony shall be filed by Metropolitan Edison Co.; and the cross-examination of all witnesses and the testimony filed by all parties is further postponed, to commence on December 13, 1971, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-15531 Filed 10-26-71;8:46 am]

[Docket No. CP70-122]

TENNESSEE GAS PIPELINE CO. AND TRUNKLINE GAS CO.

Notice of Petition To Amend

OCTOBER 18, 1971.

Take notice that on September 23, 1971, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), Post Office Box 2511, Houston, TX 77001, and Trunkline Gas Co. (Trunkline), Post Office Box 1642, Houston, TX 77001, filed in Docket No. CP70-122 a petition to amend the order issued pursuant to section 7(c) of the Natural Gas Act on February 19, 1970 (43 FPC 207), by authorizing an increase in the daily volumes of gas to be exchanged, the construction and operation of an additional exchange point, the use of existing connection facilities for the aforementioned exchange and an extension in the term of the exchange agreement, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of February 19, 1970, authorized, inter alia, the transportation and exchange of up to 65,000 Mcf of natural gas per day at existing points of interconnection between the respective systems of Petitioners in Harris County, Tex., and Jefferson Davis Parish, La.

Petitioners have entered into an agreement which provides for the exchange of gas between them on a firm daily basis as well as on optional and best efforts bases as they may elect. Such agreement provides for the delivery by Trunkline and the receipt by Tennessee of 125,000 Mcf of exchange gas on a firm daily basis at the new Harris County delivery point proposed herein. At Trunkline's option, Trunkline may deliver or cause to be delivered and Tennessee shall receive at mutually agreeable existing point or points of delivery in South Texas on Tennessee's pipeline system south of Trunkline's Premont Compressor Station such additional volumes of exchange gas as Trunkline may elect to deliver or cause to be delivered on any day up to 25,000 Mcf. Upon the request of Tennessee or Trunkline, the parties will use best efforts to deliver and receive at the Harris County delivery point additional quantities of exchange gas on any day up to a maximum additional quantity of 75,000 Mcf.

The new agreement further provides that on any day Tennessee receives exchange gas from Trunkline, Tennessee will redeliver at the Kinder redelivery point, Jefferson Davis Parish, La., quantities of exchange gas equal in volume to the total volume received by Tennessee from Trunkline on such day; however, Tennessee's obligation to redeliver to Trunkline daily volumes equal to the volumes received from the delivery points in South Texas shall be on a best efforts basis with the understanding that Tennessee shall redeliver such equal volumes as soon as operating conditions permit. Such agreement further provides that if Tennessee has gas available at the Kinder redelivery point in excess of its other delivery and redelivery obligations to Trunkline under this and all other agreements, including balancing obligations thereunder, or if Trunkline otherwise agrees, Trunkline will, at the request of Tennessee, use its best efforts to deliver for the account of Tennessee at the Potomac, Ill., delivery point such additional quantities of exchange gas as Tennessee may have available for delivery to Trunkline at the Kinder redelivery point.

Petitioners state that while the exchange contemplated is intended to be achieved as nearly as is practicable on a simultaneous basis, a party may, from time to time to accommodate operational problems, arrange by mutual agreement to take receipt of gas for exchange on a nonsimultaneous basis. In the event a party having received exchange gas determines that it is unable to return such gas within 90 days, then with the consent of the other party such gas may be purchased, at the rate in effect at such point at the time when such gas was due to be returned, at Trunkline's "R" rate or Tennessee's Zone 1, "R" rate, both expressed at a pressure base of 14.73 p.s.i.a. saturated, whichever is applicable.

For all exchange volumes delivered on a simultaneous best efforts basis at the Potomac delivery point for the account of Tennessee, Tennessee proposes to pay Trunkline 12 cents per Mcf. The volumes of exchange gas so delivered at the Potomac delivery point will be delivered to Midwestern Gas Transmission Co. (Midwestern) for the account of Tennessee. On any day that such deliveries can be accomplished, Tennessee will reduce its deliveries to Midwestern at its delivery point near Portland, Tenn., by the same quantity.

Petitioners propose that the term of their exchange agreement be extended for 3 years from November 1, 1971, and from year to year thereafter if not terminated by either party's giving 18 months prior notice.

In order for Trunkline to deliver and Tennessee to receive the total daily volume of gas proposed to be exchanged in Harris County, Tex., petitioners propose to establish the new Harris County delivery point by interconnecting their pipeline facilities at the junction of Trunkline's 24-inch line and Tennessee's 30-inch line No. 3 in Harris County, Tex. Tennessee will install, own and operate the facilities proposed to be installed at such new delivery point. Trunkline will reimburse Tennessee for one-half of all the costs incurred by Tennessee in establishing such new interconnection and delivery point. The estimated cost of such facilities is $181,720.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 8, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to became a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-15533 Filed 10-26-71;8:47 am]

[Docket No. CP72-84]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

OCTOBER 18, 1971.

Take notice that on September 27, 1971, Texas Eastern Transmission Corp. (applicant), Post Office Box 2521, Houston, TX 77001, filed in Docket No. CP72-84 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under said Act, for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1972, and operation of certain natural gas facilities to enable applicant to take into its pipeline system supplies of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas which will be purchased from producers in the general areas of its existing pipeline system. The total cost of the facilities proposed herein will not exceed $7 million, with no single offshore project costing in excess of $1,750,000, and no single onshore project costing in excess of $1 million. Applicant states that these costs will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 2, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-15532 Filed 10-26-71;8:47 am]

[Docket No. CP63-329]

WESTERN TRANSMISSION CORP.

Notice of Petition to Amend

OCTOBER 18, 1971.

Take notice that on September 23, 1971, Western Transmission Corp. (petitioner), 250 Park Avenue, New York, NY 10017, filed in Docket No. CP63-329 a petition to amend the order accompanying Opinion No. 429 issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act on May 24, 1964 (31 FPC 1295), by deleting certain conditions imposed by the Commission, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order accompanying Opinion No. 429 authorizes, inter alia, the construction and operation of facilities and the sale for resale of natural gas by petitioner to Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (CIG). Said certificate is conditioned so that petitioner is prohibited from applying for rate increases based on inadequate return or financial need and so that the price for all sales to CIG shall not exceed the sum of 5 cents per Mcf plus the rate in effect for the sale of natural gas to petitioner by its affiliate, U.S. Natural Gas Corp. (U.S. Natural).

Petitioner states that it is no longer affiliated with U.S. Natural and that U.S. Natural is no longer its sole source of gas supply. Petitioner alleges that as the result of its present management's efforts in contracting for and attaching existing reserves, the rates to which it is restricted by the order accompanying Opinion No. 429 are not compensatory and do not offer an adequate incentive to seek out and attach new supplies. Accordingly, petitioner requests there be deleted from the certificate order:

1. The condition which provides that applicant's rate for sales to Colorado Interstate Gas Corp. shall not at any time exceed the sum of 5 cents per Mcf plus any rate lawfully in effect for the sale of gas to applicant by U.S. Natural Resources.

2. The condition which provides that applicant may not file rate increases other than those related to and based on specifically permitted rate increases by U.S. Natural.

Petitioner has included in its petition to amend a pro forma tariff change which provides for a rate based on petitioner's average weighted cost of gas with a spread of 9 cents per Mcf between said cost and the price at which gas is sold to CIG.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 8, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-15534 Filed 10-26-71;8:47 am]

[Docket No. CI72-220]

CHARLES A. BARTON, SR.

Notice of Application

OCTOBER 22, 1971.

Take notice that on October 18, 1971, Charles A. Barton, Sr., 903 Beck Building, Shreveport, La. 71101, filed in Docket No. CI72-220 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Trunkline Gas Co. from the Fields Field, Beauregard Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell natural gas for 1 year commencing December 3, 1971, at the rate of 26 cents per Mcf at 15.025 p.s.i.a. within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). The estimated monthly sales volume is 37,500 Mcf.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before November 5, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

MARY B. KIDD,
Acting Secretary.

[FR Doc.71-15648 Filed 10-26-71;8:54 am]

[Docket No. G-3573 etc.]

WISER OIL CO., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates [1]

OCTOBER 15, 1971.

The Wiser Oil Co. (successor to Southern Petroleum Exploration, Inc.), and other applicants listed herein.

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 November 8, 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. PLUMB,
Secretary.

[1] 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-3573 E 5-13-71	The Wiser Oil Co. (successor to Southern Petroleum Exploration Inc.), Post Office Box 192, Sistersville, WV 26175.	El Paso Natural Gas Co., Acreage in Rio Arriba County, N. Mex.	12.0	15.025
G-16367 D 9-30-71	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, TX 77001.	Transwestern Pipeline Co., Feldman Field, Lipscomb County, Tex.	(3)	.....
G-16368 D 9-30-71	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	Transwestern Pipeline Co., West Shattuck Field, Ellis County, Okla.	(3)	.....
G-18141 E 5-13-71	The Wiser Oil Co. (successor to Southern Petroleum Exploration Inc.), Post Office Box 192, Sistersville, WV 26175.	El Paso Natural Gas Co., Acreage in Rio Arriba County, N. Mex.	13.0	15.025
G-18297 C 9-27-71	Cities Service Oil Co. (Operator), Post Office Box 300, Tulsa, OK 74102.	Kansas-Nebraska Natural Gas Co., Inc., Outlet at Kimball Gasoline Plant, Kimball County, Nebr.	25.6506	16.4
C160-593 10-4-71 [2]	Atlantic Richfield Co., Post Office Box 2819, Dallas, TX 75221.	Texas Gas Transmission Corp., Calhoun Field; Jackson, Lincoln, and Ouachita Parishes, La.	26.0	15.025
C161-1245 10-4-71 [2]	do	do	26.0	15.025
C163-489 C 9-10-71 [3]	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.	23.0202	14.65
C166-653 D 10-1-71	Austral Oil Co., Inc., et al., 2700 Humble Bldg., Houston, Tex. 77002 (partial abandonment).	Arkansas Louisiana Gas Co., Royal Resources No. 1 White E Unit, Pittsburg County, Okla.	Uneconomical	.....
C168-155 C 9-24-71	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	Texas Eastern Transmission Corp., Main Pass Block 6 Field, Offshore Louisiana.	26.0	15.025
C168-610 D 9-22-71	Amoco Production Co. (Operator) et al., Post Office Box 3092, Houston, TX 77001.	Texas Eastern Transmission Corp., Riggan Field, Willacy County, Tex.	Depleted	.....
C169-621 D 9-20-71	Harper Oil Co., 904 Hightower Bldg., Oklahoma City, Okla. 73102.	Northern Natural Gas Co., Vici Area, Woodward County, Okla.	Depleted	.....
C171-11 C 9-20-71 [4]	Petroleum, Inc. (Operator) et al., 300 West Douglas, Wichita, KS 67202.	Northern Natural Gas Co., Tyrone Pool, Texas County, Okla.	[5] 20.33	14.65
C171-317 C 10-4-71	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	Michigan Wisconsin Pipe Line Co., Block 273, Eugene Island Area, Offshore Louisiana.	26.0	15.025
C171-809 C 9-20-71 [4]	Clinton Oil Co., 217 North Water, Wichita, KS 67202.	Panhandle Eastern Pipe Line Co., Angell Area, Meade County, Kans.	[6] 22.0	14.65
C172-157 (C164-64 and C164-187) F 9-13-71	Kerr-McGee Corp. (successor to Clark M. Clifford), Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	Arkansas Louisiana Gas Co., Northwest Okeene Area, Blaine County, Okla.	18.082	14.65
C172-158 B 9-16-71	L. D. Nutter et als., c/o Alma Schrader, agent, 861 Terrace Ave., Weston, WV 26452.	Equitable Gas Co., Copen Salt Lick District, Braxton County, W. Va.	(7)	.....
C172-159 A 9-20-71	Monsanto Co., 1300 Post Oak Tower, Houston, Tex. 77027.	Northern Natural Gas Co., Gomez Field, Pecos County, Tex.	[6] 22.0	14.65
C172-160 A 9-20-71	Cities Service Oil Co., Post Office Box 300, Tulsa, OK 74102.	Columbia Gas Transmission Corp., acreage in Jackson County, W. Va.	32.0	15.325
C172-161 B 9-20-71	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	Columbia Gas Transmission Corp., Cole's Gully Field, Acadia Parish, La.	Depleted	.....
C172-162 A 9-20-71	Edwin L. Cox, 3800 First National Bank Bldg., Dallas, Tex. 75202.	Cities Service Gas Co., Southeast Sterling Field, Comanche County, Okla.	16.0	14.65
C172-163 (C8 68-1) F 9-20-71	Texas Pacific Oil Co., Inc. (successor to K. K. Amini), 1700 One Main Pl., Dallas, TX 75250.	El Paso Natural Gas Co., Spraberry Trend and Texon W. (Spraberry) Fields, Regan County, Tex.	14.5	14.65
C172-164 A 9-21-71	The Superior Oil Co., Post Office Box 1521, Houston, Tex. 77001	Panhandle Eastern Pipe Line Co., Light Field, Beaver County, Okla.	[8] 0.14261/36	14.65
C172-165 A 9-21-71	do	Texas Gas Transmission Co., South Bosco Field, Acadia Parish, La.	26.0	15.025
C172-166 B 9-22-71	Rudco Oil & Gas Co., 1717 North Dixie Highway, Tyler, TX 75701.	Arkansas Louisiana Gas Co., South Hallsville Field, Panola County, Tex.	Depleted	.....
C172-167 B 9-23-71	Claiborne Gasoline Co., 1365 First National Bank Bldg., Dallas, Tex. 75202.	United Gas Pipe Line Co., Lisbon Field Plant, Claiborne Parish, La.	(7)	.....
C172-168 B 9-22-71	Monsanto Co. (Operator) et al., 1300 Post Oak Tower, Houston, Tex. 77027.	Texas Eastern Transmission Corp., Logansport Field, De Sota Parish, La.	(7)	.....
C172-169 A 9-22-71	Phillips Petroleum Co., Bartlesville, Okla. 74004.	El Paso Natural Gas Co., Permian Basin Area, Ector Plant, Ector County, Tex.	[9] 26.5	14.65
C172-171 A 9-24-71	The Superior Oil Co., Post Office Box 1521, Houston, TX 77001.	Michigan Wisconsin Pipe Line Co., Eugene Island Area Block 296, Offshore Louisiana.	22.0	14.7
C172-172 B 9-24-71	Monsanto Co., 1300 Post Oak Tower, Houston, Tex. 77027.	Panhandle Eastern Pipe Line Co., Bond Field, Meade County, Kans.	Depleted	.....

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI72-173..... B 9-20-71	Marathon Oil Co., 1300 Post Oak Tower, Houston, Tex. 77027.	Texas Eastern Transmission Corp., Charlie No. 1 Unit, Logansport Field, De Soto Parish, La.	Depleted	
CI72-174..... A 9-28-71	Morris Cannan, 16th Floor, Milam Bldg., San Antonio, Tex. 78205.	Texas Eastern Transmission Corp., Maxine and Burnell Fields, Live Oak and Bee Counties, Tex.	23.35	14.65
CI72-175..... A 9-24-71	Tenneco Oil Co., Post Office Box 2511, Houston, TX 77001.	United Gas Pipe Line Co., Cotton Valley Field, Webster Parish, La.	25.0	15.025
CI72-176..... (C866-137) F 9-23-71	Texas Pacific Oil Co., Inc. (successor to Ormand Industries, Inc.), 1700 One Main Pl., Dallas, TX 75250.	Northern Natural Gas Co., Ozona (Canyon Sand) Field, Crockett County, Tex.	16.06	14.65
CI72-177..... A 9-29-71	Shell Oil Co., One Shell Plaza, Houston, TX 77001.	United Gas Pipe Line Co., Van Field, Van Zandt County, Tex.	20.0	14.65
CI72-178..... 9-28-71 [11]	Gulf Oil Corp., Post Office Box 1589, Tulsa, OK 74102.	Natural Gas Pipeline Co. of America, Brooks and Jim Wells Counties, Tex.	[12] 19.0	14.65
CI72-179..... 9-27-71 [13]	Edwin L. Cox, 3800 First National Bank Bldg., Dallas, Tex. 75202.	Natural Gas Pipeline Co. of America, acreage in Carter County, Okla.	19.300225	14.65
CI72-180..... A 10-4-71	Union Oil Co. of California, Post Office Box 7600, Los Angeles, CA 90051.	Texas Gas Transmission Corp., South Bosco Field, Acadia Parish, La.	[8] 26.0	15.025
CI72-181..... A 10-4-71	Midwest Oil Corp., 1700 Broadway, Denver, CO 80202.	United Gas Pipe Line Co. et al., Ship Shoal Area, Offshore Louisiana.	30.0	15.025
CI72-182..... B 9-27-71	Pacific States Gas & Oil Co., c/o Louis J. Ramirez III, agent, Van Nuys, Calif. 91408.	Equitable Gas Co., Floyd Well, Gilmer County, W. Va.	Depleted	
CI72-183..... (CI62-792) F 9-27-71	Sun Oil Co. (successor to Marathon Oil Co.), Post Office Box 2880, Dallas, TX 75221.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	18.78	14.65
CI72-184..... A 10-5-71	Ashland Oil, Inc., Post Office Box 18695, Oklahoma City, OK 73118.	Texas Gas Transmission Corp., Manitou Gas Field, Hopkins County, Ky.	18.0	15.025

[1] Leases expired or have been canceled.
[2] Applicant proposes to sell gas from additional acreage and to sell additional gas made available by changes in applicant's cycling operations.
[3] Application previously noticed Sept. 24, 1971, in G-4533 et al., at a rate of 20 cents per Mcf, plus 2.68 cents per Mcf upward B.t.u. adjustment. By letter filed Sept. 24, 1971, applicant amended its application to reflect a rate of 23.0202 cents per Mcf, which includes 2.68 cents per Mcf upward B.t.u. adjustment.
[4] Amendment to pending application.
[5] Includes 0.33 cent per Mcf tax reimbursement. Subject to upward and downward B.t.u. adjustment.
[6] Subject to upward and downward B.t.u. adjustment.
[7] Low production.
[8] Applicant is willing to accept temporary authorization conditioned to an initial price, not subject to refund, of at least 22 cents per Mcf subject to quality adjustments and treating charges as applicable; however, the contract price is 26.5 cents per Mcf, subject to upward and downward B.t.u. adjustment.
[9] Includes 0.1319335 cent per Mcf tax reimbursement.
[10] Excluding B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[11] Applicant proposes to continue the sale of its own gas heretofore authorized in Docket No. G-9307 to be made pursuant to Texaco, Inc. (Operator), et al., FPC Gas Rate Schedule No. 93.
[12] Applicant is willing to accept a permanent certificate in conformance with Opinion No. 595.
[13] Applicant proposes to continue the sale of his own gas heretofore authorized in Docket No. CI62-273 to be made pursuant to Mack Oil Co. (Operator) et al., FPC Gas Rate Schedule No. 2.

[FR Doc.71-15414 Filed 10-26-71;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN BANCORPORATION, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by American Bancorporation, Inc., which is a bank holding company located in St. Paul, Minn., for prior approval by the Board of Governors of the acquisition by applicant of 100 percent of the voting shares (less directors' qualifying shares) of Bank of Minneapolis and Trust Co., Minneapolis, Minn.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of proposed transactions are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Minneapolis.

Board of Governors of the Federal Reserve System, October 20, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-15536 Filed 10-26-71;8:50 am]

BANK SECURITIES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Bank Securities, Inc., which is a bank holding company located in Alamogordo, N. Mex., for prior approval by the Board of Governors of the acquisition by applicant of 60 percent or more of the voting shares of The First National Bank of Portales, Portales, N. Mex.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Dallas.

Board of Governors of the Federal Reserve System, October 20, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-15537 Filed 10-26-71;8:50 am]

COLUMBIA HOLDING, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Columbia Holding, Inc., which is a bank holding company located in Baltimore, Md., for prior approval by the Board of Governors of the acquisition by applicant of 100 percent of the voting shares of the successor by merger to The Equitable Trust Co., Baltimore, Md.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquistion or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Richmond.

Board of Governors of the Federal Reserve System, October 20, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-15538 Filed 10-26-71;8:50 am]

FIRST AT ORLANDO CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First at Orlando Corp., Orlando, Fla., for approval of acquisition of 90 percent or more of the voting shares of the First National Bank and Trust Company of Dunedin, Dunedin, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First at Orlando Corp., Orlando, Fla., for the Board's prior approval of the acquisition of 90 percent or more of the voting shares of the First National Bank and Trust Company of Dunedin, Dunedin, Fla. (Bank).

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

Notice of receipt of the application was published in the FEDERAL REGISTER on August 12, 1971 (36 F.R. 15074), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

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

Applicant, the fifth largest bank holding company in the State, controls 18 banks with aggregate deposits of approximately $574 million, representing 4.1 percent of the deposits held by commercial banks in Florida. (Banking data are as of December 31, 1970, and reflect holding company formations and acquisitions approved by the Board through September 30, 1971.) Consummation of the proposal would add less than one-half of 1 percent to applicant's percentage share of such deposits and would not change its relative position among the State's banking organizations.

Bank (deposits of $50 million) is the third largest of 14 banks in the Clearwater area controlling about 12 percent of area deposits. Applicant's closest banking subsidiary to Bank is located 25 miles southeast of Bank in Tampa with several intervening banks between this subsidiary and Bank and there is no present competition between Bank and this or any other of applicant's subsidiaries. Additionally, the distances involved and the natural barrier formed by Tampa Bay make it unlikely that any such competition will develop in the future. Bank's larger competitors are each over two and one-half times Bank's size. Consummation of the proposed acquisition would not adversely affect competition in any relevant area and would not have an adverse effect on any competing bank.

The financial and managerial resources and future prospects of applicant, its subsidiary banks, and Bank are regarded as satisfactory. Considerations relating to the banking factors lend some weight for approval in that affiliation with applicant would give Bank continuity of management. Considerations related to the convenience and needs of the community lend weight for approval since Bank, through applicant's assistance, will be able to provide a broader and more sophisticated range of services for the numerous light industries developing in the Clearwater area. It is the Board's judgment that the proposed transaction is in the public interest and should be approved.

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

By order of the Board of Governors,[1] October 18, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-15539 Filed 10-26-71;8:50 am]

1ST STAN-ISLE CO., INC.

Formation of One-Bank Holding Company

1st Stan-Isle Co., Inc., Stanwood, Wash., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of action whereby applicant would become a bank holding company through acquisition of 100 percent of the voting shares of The First National Bank of Stanwood, Stanwood, Wash.

The application may be inspected at the Federal Reserve Bank of San Francisco.

Section 3(c) of the Act requires that the Board consider the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the applicant and the bank concerned, and the convenience and needs of the communities to be served.

Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than November 11, 1971.

Pursuant to § 222.3(b) of Regulation Y, this application shall be deemed to be approved on November 26, 1971, unless the applicant is notified to the contrary before that time, or is granted approval at an earlier date.

Board of Governors of the Federal Reserve System, October 19, 1971.

TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-15584 Filed 10-26-71;8:52 am]

MARINE BANCORPORATION

Proposed Retention of Coast Mortgage Co.

Marine Bancorporation, Seattle, Wash., a bank holding company, has applied, pursuant to Section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 222.4(b)(2) of the Board's Regulation Y, for permission to retain voting shares of Coast Mortgage Co., Seattle, Wash. Notice of the application was published between August 2, 1971, and August 12, 1971, in newspapers of general circulation in the following counties in the State of Washington:

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Burns and Governor Daane.

King County, Pierce County, Grays Harbor County, Whatcom County, Snohomish County, Kitsap County, Thurston County, and Clark County.

The proposed activities of the proposed subsidiary are mortgage lending, servicing mortgage loans, land development, and sale of credit-related insurance to customers of the applicant (and to others to the extent permitted by § 222.4(a)(9)(ii)(c)). With the exception of land development, such activities have been specified by the Board in § 222.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 222.4(b).

The activities of land development are in issue with respect to this application, to which interested persons may express their views on whether either or both of such activities are so closely related to banking or managing or controlling banks as to be a proper incident thereto.

The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of San Francisco.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question, or on the issue of whether land development is closely related to banking or managing or controlling banks as to be a proper incident thereto, should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 18, 1971.

Board of Governors of the Federal Reserve System, October 18, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-15541 Filed 10-26-71;8:50 am]

MIDLANTIC BANKS, INC.

Order on Request for Reconsideration and Alternative Proposal

This matter comes before the Board of Governors on a request for reconsideration and alternative proposal filed by Midlantic Banks Inc., concerning the Board's order dated July 29, 1971, in which the Board denied the application of Midlantic Banks Inc., Newark, N.J., for prior approval of the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Citizens National Bank, Englewood, N.J., pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)). (1971 Federal Reserve Bulletin 684.)

Pursuant to § 262.2(f)(6) of the Board's rules, applicant requested reconsideration of its original proposal and in the alternative submitted an alternative proposal which would provide for the transfer of Citizens National Bank's home office from Englewood, N.J., to Tenafly, N.J., where the bank presently has a branch office. The Board finds that the request for reconsideration presents no new issues which would appear appropriate for the Board to consider and that reconsideration is not otherwise appropriate or in the public interest.

It is hereby ordered, That the request for reconsideration of the Board's order dated July 29, 1971, is denied. In order to facilitate consideration of the alternative proposal, comments and views regarding the amended proposal may be filed with the Board not later than November 9, 1971. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application, as supplemented, may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York.

By order of the Board of Governors,[1] October 18, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-15585 Filed 10-26-71;8:52 am]

S C NATIONAL CORP.

Formation of One-Bank Holding Company

S C National Corp., Columbia, S.C., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of action whereby applicant would become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The South Carolina National Bank of Charleston, Charleston, S.C.

The application may be inspected at the Federal Reserve Bank of Richmond.

Section 3(c) of the Act requires that the Board consider the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the applicant and the bank concerned, and the convenience and needs of the communities to be served.

Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than November 8, 1971.

Pursuant to § 222.3(b) of Regulation Y, this application shall be deemed to be approved on November 22, 1971, unless the applicant is notified to the contrary before that time, or is granted approval at an earlier date.

Board of Governors of the Federal Reserve System, October 19, 1971.

TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-15542 Filed 10-26-71;8:50 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Daane.

JACOB SCHMIDT CO.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Jacob Schmidt Co., which is a bank holding company located in St. Paul, Minn., for prior approval by the Board of Governors of the acquisition by Applicant of 100 percent of the voting shares (less directors' qualifying shares) of Bank of Minneapolis and Trust Co., Minneapolis, Minn.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquistion may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Minneapolis.

Board of Governors of the Federal Reserve System, October 20, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-15540 Filed 10-26-71;8:50 am]

U.S. BANCORP

Proposed Acquisition of Securities-Intermountain, Inc.

OCTOBER 19, 1971.

U.S. Bancorp, Portland, Oreg., a bank holding company, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 222.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Securities-Intermountain, Inc., Portland, Oreg. Notice of the application was published in newspapers and circulated in:

Portland, Oreg., The Daily Journal of Commerce, July 22, 1971.
Seattle, Wash., The Daily Journal of Commerce, July 22, 1971.
Bellevue, Wash., The Bellevue American, July 29, 1971.
Spokane, Wash., Spokesman-Review, July 22, 1971.
Palo Alto, Calif., Palo Alto Times, July 23, 1971.
San Diego, Calif., The Daily Transcript, July 22, 1971.

The proposed activities of the proposed subsidiary are mortgage lending, servicing mortgage loans, construction, real estate development, and sale of credit-related insurance to customers of the applicant (and to others to the extent permitted by § 222.4(a)(9)(ii)(c)). With the exception of construction and real estate development, such activities have been specified by the Board in § 222.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 222.4(b).

The activities of construction and real estate development are in issue with respect to this application, to which interested persons may express their views on whether either or both of such activities are so closely related to banking or managing or controlling banks as to be a proper incident thereto.

The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of San Francisco.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices". Any request for a hearing on this question, or on the issue of whether construction and real estate development are activities so closely related to banking or managing or controlling banks as to be a proper incident thereto, should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 18, 1971.

Board of Governors of the Federal Reserve System, October 18, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-15543 Filed 10-26-71;8:51 am]

POSTAL RATE COMMISSION

NOTICE OF CHANGE OF LOCATION

OCTOBER 20, 1971.

Effective November 1, 1971, the Postal Rate Commission will be located at 2000 L Street NW., Suite 500, Washington, DC. It will function at its present offices at 12th and Pennsylvania Avenue NW., Washington, DC, until the close of business, 5:15 p.m., e.d.t., Friday, October 29, 1971. The mailing address will remain Postal Rate Commission, Washington, D.C. 20268.

GORDON M. GRANT,
Secretary.

[FR Doc.71-15589 Filed 10-26-71;8:54 am]

INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

POINT ROBERTS, WASH.

Initial Public Hearing

As previously announced, the International Joint Commission was requested by the Governments of the United States and Canada on April 21, 1971, to investigate and recommend measures to alleviate certain conditions of life of residents of Point Roberts, in the State of Washington, existing by reason of the fact that the only connection by land between Point Roberts and other territory of the United States is through Canada.

The International Joint Commission is to make recommendations for the alleviation of such problems which include but are not restricted to:

Application of customs laws and regulations of the United States and Canada; regulations governing employment in Canada of residents of Point Roberts: Health and medical services; existing arrangements for supply of electric power and telephone services; and, law enforcement.

The complete text of the reference is available upon request at the Commission's offices in Washington or Ottawa.

In order to give those interested convenient opportunity to present, in person or by counsel, oral and documentary evidence that is relevant and material to the above questions, the Commission will hold an initial public hearing; the evidence presented to be considered by the Commission in the conduct of its inquiry.

The public hearing will be held at The Breakers, Point Roberts, Wash., on November 30, 1971, at 10 a.m., local time.

Depending on the number of persons wishing to be heard, the Commission may limit the time allotted to each witness. While not mandatory, written statements are desirable to supplement oral testimony and to insure accuracy of the record. When a written statement is presented, thirty (30) copies should be provided for Commission purposes. Additional copies of written statements may be deposited with the Secretaries at the hearing for distribution to the news media and others interested.

WILLIAM A. BULLARD,
Secretary, U.S. Section, International Joint Commission, Room 203, 1717 H Street NW., Washington, DC 20440, Stop No. 86.

D. G. CHANCE,
Secretary, Canadian Section, International Joint Commission, Room 850, 151 Slater Street, Ottawa, Ontario KIP 5H2.

OCTOBER 20, 1971.

[FR Doc.71-15575 Filed 10-26-71;8:54 am]

PRESIDENT'S COMMISSION ON PERSONNEL INTERCHANGE

DESIGNATED OFFICIAL SEAL

OCTOBER 21, 1971.

The President's Commission on Personnel Interchange has designated an official seal. The seal will appear as set forth below.

JOSEPH T. MCCULLEN, Jr.,
Executive Director.

[FR Doc.71-15610 Filed 10-26-71;8:53 am]

SECURITIES AND EXCHANGE COMMISSION

[811-2035]

CONTINENTAL BANK SECURITY FUND

Notice of Filing of Application for Order Declaring that Company has Ceased To Be an Investment Company

OCTOBER 20, 1971.

Notice is hereby given that Continental Bank Security Fund (Applicant), 231 South La Salle Street, Chicago, IL 60690, registered under the Investment Company Act of 1940 (Act) has filed an application for an order of the Commission pursuant to section 8(f) of the Act 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 therein which are summarized below.

On February 25, 1970, Applicant filed a notification of registrations on Form N-8A pursuant to section 8(a) of the Act, a registration statement on Form N-8B-1 pursuant to section 8(b) of the Act and a registration statement on Form S-5 pursuant to the Securities Act of 1933. The registration statement under the Securities Act of 1933 has never become effective.

Applicant abandoned its intended public offering of its units because of the decision of the U.S. Supreme Court in "Investment Company Institute v. Camp," 401 U.S. 617 (1971), which held that the operation of a fund such as Applicant for the collective investment of funds held by a national bank as managing agent would be illegal under certain provisions of the Federal banking laws. As a consequence of that decision, Applicant's managing board, by resolution dated July 31, 1971, terminated Applicant's existence.

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 November 9, 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, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant 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 matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal 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.71-15568 Filed 10-26-71;8:51 am]

[812-2976]

INVESTMENT COMPANY OF AMERICA

Notice of Filing of Application Order Exempting a Proposed Transaction

OCTOBER 19, 1971.

Notice is hereby given that The Investment Company of America (Applicant), 611 West Sixth Street, Los Angeles, CA 90017, a Delaware corporation registered under the Investment Company Act of 1940 (Act) as an open-end, diversified management investment company, has filed an application pursuant to section 6(c) of the Act for an order exempting from the provisions of sections 22(c) and 22(d) of the Act and 22c-1 thereunder a transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price in exchange for substantially all of the assets of the Camelleta Corp. (Camelleta) and at a price other than the price next determined after the receipt of an order to purchase its shares.

All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Pursuant to the provisions of a proposed Agreement and Plan of Reorganization (Agreement) between Applicant and Camelleta, substantially all of the assets of Camelleta which had total assets of $3,198,820, approximately $1,400,000 in cash and $1,798,000 in investment securities, as of June 30, 1971, will be transferred to Applicant in exchange for shares of Applicant's capital stock. The shares of Applicant are to be sold at net asset value without sales charge. The number of shares of Applicant to be issued to Camelleta is to be determined by dividing the aggregate market value (subject to certain adjustments set forth in detail in the application) of the assets of Camelleta to be transferred to Applicant by the net asset value per share of Applicant, both to be determined as of the close of the New York Stock Exchange on the valuation date, which will be 1 business day prior to the closing date, the date the assets and shares are to be exchanged. If the valuation under the proposed agreement had taken place on June 30, 1971, Camelleta would have received 229,983 shares of Applicant's stock.

When received by Camelleta, the shares of Applicant are to be distributed to the Camelleta shareholders upon surrender of their certificates representing shares of capital stock of Camelleta as a step in the complete liquidation and dissolution of Camelleta. Applicant has been advised by the management of Camelleta that the stockholders of Camelleta have no present intention of redeeming any of Applicant's shares following the proposed transaction.

Applicant may sell a portion of the assets received from Camelleta but it represents that its present intention is to retain not less than 60 percent in dollar value of the securities acquired. Applicant represents that all securities to be acquired are appropriate portfolio investments in view of its investment policies.

Applicant represents that no affiliation exists between Camelleta or its officers, directors or shareholders and Applicant, its officers or directors, and that the proposed Agreement was negotiated at arm's length by the two companies. Applicant's board of directors approved the proposed Agreement as being beneficial to its shareholders because, among other things, Applicant will be able to acquire at one time substantial additions to its portfolio securities without affecting the market in the securities acquired and without incurring brokerage commissions.

Section 22(d) of the Act provides, in pertinent part, that a registered investment company may sell redeemable securities issued by it only at the current public offering price described in the prospectus. The current public offering price of the shares of Applicant as described in the prospectus is net asset value plus a sales charge. Thus, section 22(d) prohibits the proposed sale of Applicant's shares at net asset value without a sales charge.

Section 22(c) of the Act and Rule 22c-1 thereunder, taken together, provide, in pertinent part, that a registered investment company may not issue its redeemable securities except at a price based on the current net asset value of such security which is computed as of the close of trading on the New York Stock Exchange next following receipt of an order to purchase the security. Because the valuation date will precede the closing date by one business day in the proposed transaction, the provisions of section 22(c) and Rule 22c-1 may be deemed to be contravened.

Notice is further given that any interested person may, not later than November 5, 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.71-15569 Filed 10-26-71;8:51 am]

[70-5099]

PENNSYLVANIA ELECTRIC CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

OCTOBER 20, 1971.

Notice is hereby given that Pennsylvania Electric Co. (Penelec), 1001 Broad Street, Johnstown, PA 15907, an electric utility subsidiary company of General Public Utilities Corp. (GPU), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Penelec proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $30 million principal amount of first mortgage bonds, ------ percent series due December 1, 2001. The interest rate (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest (which shall be not less than 100 percent nor more than 102.75 percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under an Indenture dated January 1, 1942, between Penelec and Bankers Trust Co., trustee, as heretofore supplemented and as to be further supplemented by a supplemental indenture to be dated December 1, 1971, and which includes, subject to certain exceptions, a prohibition until December 1, 1976, against refunding the issue with the proceeds of funds borrowed at a lower interest cost.

The proceeds from the sale of the bonds will be used toward the payment at maturity of all Penelec's First Mortgage Bonds, 3⅜ percent Series, due January 1, 1972, which are outstanding in the amount of $32,500,000. Any premium realized from the sale of the bonds will be used for financing the business of Penelec, including the payment of expenses of this financing.

The fees and expenses relating to the proposed transaction are estimated at $108,000, including legal fees of $34,000 and accounting fees of $5,200. A statement of the fee of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

It is stated that the Pennsylvania Public Utility Commission has jurisdiction over the proposed issue and sale of bonds by Penelec. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 17, 1971, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.71-15570 Filed 10-26-71;8:51 am]

[811-1885]

SYSTEMATICS FUND, INC.

Notice of Filing of Application for Order Declaring that Company has Ceased To Be an Investment Company

OCTOBER 19, 1971.

Notice is hereby given that Systematics Fund, Inc. (applicant), 100 South Wacker Drive, Chicago, IL 60606, a management open-end diversified investment company registered 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 on August 15, 1969, and formal review of said registration statement was deferred by the staff until such time as a registration statement on Form S–5 would be filed, and until such time as applicant contemplated a sale of its securities to the public.

Applicant represents that at no time have there been more than 21 direct holders of its stock, that registration pursuant to the Act was made only because Market Facts, Inc., a Delaware corporation, which is publicly owned, was the owner of 30.30 percent of applicant's common stock, and that pursuant to section 3(c)(1) of the Act, the stockholders of Market Facts, Inc., were deemed to be the stockholders of the registrant.

Applicant further represents that its directors have determined that the shares of applicant will never be offered for sale to the public and that it is inadvisable to continue the operation of the business of applicant. Accordingly the directors of applicant adopted a plan of liquidation and dissolution pursuant to Delaware law, and said plan was unanimously ratified and approved by the stockholders of applicant on June 30, 1971. A certificate of dissolution was filed with the secretary of State of the State of Delaware on September 13, 1971.

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 November 19, 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, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should

order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant 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 matter herein may be issued by the Commission upon the basis of the information stated in the 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.71–15571 Filed 10–26–71;8:51 am]

[811–2140]

UNITED BANK FUND

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

OCTOBER 19, 1971.

Notice is hereby given that United Bank Fund, 1740 Broadway, Denver, CO 80217, the proposed commingled investment account of United Bank of Denver National Association (Applicant), and a diversified open-end management investment company which is registered 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 contained therein which are summarized below.

Applicant registered under the Act on November 6, 1970, by filing both a notification of registration on Form N–8A and a registration statement on Form N–8B–1. On the same date registration statement on Form S–5 was filed with the Commission under the Securities Act of 1933.

Applicant represents that it has never offered or sold any of its securities, and that it has never had, and does not presently, have any assets or shareholders. Applicant also represents that it has abandoned its plans to make a public offering of its securities, and has requested withdrawal of its registration statement pursuant to Rule 477 under the Securities Act of 1933.

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 November 19, 1971, at 5:30 p.m., submit to the Commission in writing a request on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant 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 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.71–15572 Filed 10–26–71;8:51 am]

[70–5095]

WISCONSIN GAS CO.

Notice of Proposed Issue and Sale of Short-Term Notes to Banks

OCTOBER 20, 1971.

Notice is hereby given that Wisconsin Gas Co. (Wisconsin), 626 East Wisconsin Avenue, Milwaukee, WI 53201, a gas utility subsidiary company of American Natural Gas Co., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Wisconsin proposes to issue and sell, from time to time commencing December 1, 1971, its unsecured promissory notes to banks maturing on or before November 30, 1972, in varying amounts as funds are required, in an aggregate principal amount not to exceed $20 million at any one time outstanding. The notes will be dated when issued, and will bear interest at the prime rate in effect at First National City Bank, New York, N.Y., on the date of issue. The interest rate will be adjusted to the prime rate in effect at such bank at the beginning of each 90-day period subsequent to the date of the first borrowing. There is no commitment fee or closing or other charges, and the proposed notes may be prepaid at any time without penalty. Wisconsin is required to maintain compensating balances with the banks, which results in an increase in the effective interest cost by approximately 1¼ percent above the present prime rate of 6 percent.

The banks and their commitments are as follows:

First Wisconsin National Bank of Milwaukee, Wis.	$6,000,000
Marshall & Ilsley Bank, Milwaukee, Wis.	5,000,000
First National City Bank, New York, N.Y.	4,000,000
Manufacturers Hanover Trust Co., New York, N.Y.	3,000,000
Marine National Exchange Bank, Milwaukee, Wis.	2,000,000
Total	20,000,000

Wisconsin intends to use the amounts borrowed on the notes to retire outstanding notes estimated to aggregate $7 million at December 1, 1971, issued for financing construction, and to finance partially its 1971–72 construction program, which for the year 1971 is estimated at $16,244,000. Wisconsin presently contemplates that funds required to retire the proposed notes will be otbained from the sale of long-term debt securities and that any additional funds required will be generated internally, including retained earnings.

The fees and expenses in connection with the proposed issue and sale of notes are estimated at $1,750, including $750 for counsel fees. The filing states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 11, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served

personally or by mail (airmail if the person being served is located more than 100 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.71-15573 Filed 10-26-71;8:51 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

OCTOBER 20, 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 86913 Sub 33, Eastern Motor Lines, Inc., assigned January 10, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 117574 Sub 203, Daily Express, Inc., assigned December 9, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 128273 Sub 96, Midwestern Express, Inc., assigned December 13, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 135581, T & M Trucking Corp., assigned December 9, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 60157 Sub 14 et al., C. A. White Trucking Co., now assigned November 22, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 9644 Sub 1, B. T. L., Inc., now assigned November 8, 1971, at Jefferson City, Mo., canceled and reassigned to Room 514, Muehlebach Hotel, 12th and Baltimore, Kansas City, MO, same day and time.

MC 107227 Sub 118, Insured Transporters, Inc., assigned November 29, 1971, at Phoenix, Ariz., canceled and reassigned to November 29, 1971, in the New Mexico State Corporation Commission, Santa Fe, N. Mex.

MC 75651 Sub 69, R. C. Motor Lines, Inc., assigned November 29, 1971, Room 1035, Federal Building, 400 North Eighth Street, Richmond, VA.

MC-F-11262, Consolidated Freightways Corporation of Delaware—Purchase (Portion)—Lewisburg Transfer Co., Inc., now assigned December 6, 1971, at Washington, D.C., postponed to December 7, 1971, same time and place.

MC 110264 Sub 43, Albuquerque Phoenix Express, Inc., now assigned hearing December 13, 1971, in Room 1010, Federal Building, 230 North First Avenue, Phoenix, AZ.

MC-C-7567, Lawrence E. Troutman—Investigation of Operations, now assigned hearing December 6, 1971, in Room 147B, New Federal Building, 601 East 12th Street, Kansas City, MO.

MC-F-11170, Hyman Freightways, Inc.—Control—Tri-D Truck Line, now assigned hearing December 7, 1971, in Room 829, U.S. Courthouse, 811 Grand Avenue, Kansas City, MO.

MC 113267 Sub 259, Central & Southern Truck Lines, Inc., now assigned hearing December 9, 1971, in Room 829, U.S. Courthouse, 811 Grand Avenue, Kansas City, MO.

Finance Docket No. 26592, Chicago, Rock Island and Pacific Railroad Co.—Trackage Rights—Burlington Northern, Inc., Nettleton and St. Joseph, Mo., FD 26593, Chicago Rock Island and Pacific Railroad Co., Abandonment, Jamesport and St. Joseph in Davies, De Kalb, and Buchanan Counties, Mo., FD 26594, Chicago, Rock Island and Pacific Railroad Co., Construction, Nettleton and St. Joseph in Davies, De Kalb, and Buchanan Counties, Mo., now assigned hearing December 1, 1971, in Room 301 City Hall, 11th Frederick Street, St. Joseph, MO.

MC 124211 Sub 181, Hilt Truck Line, Inc., assigned December 2, 1971, at Denver, Colo., postponed indefinitely.

MC 121060 Sub 8, Arrow Truck Lines, Inc., now assigned November 1, 1971, at Montgomery, Ala., postponed to November 29, 1971, at Birmingham, Ala.

MC 52709 Sub 313, Ringsby Truck Lines, Inc., hearing not called (e), application dismissed.

MC 115841 Sub 404, Colonial Refrigerated Transportation, Inc., assigned December 1, 1971, at Dallas, Tex., postponed indefinitely.

No. 35401, Greyhound Lines, Inc., Continental Trailways, Inc., Chrysler Corp., and David E. Willis—investigation of operations practices.

No. 35085, Edward S. Watts, et al. v. Missouri-Kansas-Texas Railroad Co., hearing room now assigned in Room 5A15, New Federal Building, 1100 Commerce Street, Dallas, TX, on December 1, 1971.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-15595 Filed 10-26-71;8:53 am]

ASSIGNMENT OF HEARINGS

OCTOBER 21, 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 61592 Sub 206, Jenkins Truck Line, Inc., assigned December 6, 1971, in Room 1614, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago IL.

MC 82492 Sub 50, Michigan & Nebraska Transit Co., Inc., and MC 100449 Sub 22, Mallinger Truck Line, Inc., assigned December 7, 1971, in Room 1614, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 103993 Sub 609, Morgan Drive-Away, Inc., assigned December 8, 1971, in Room 1614, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 103993 Sub 619, Morgan Drive-Away, Inc., assigned December 9, 1971, in Room 1614, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 113434 Sub 45, Gra-Bell Truck Line, Inc., and MC 114457 Sub 106, Dart Transit Co., assigned December 10, 1971, in Room 1614, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 133777 Sub 5, Metal Carriers, Inc., now being assigned hearing December 2, 1971, in Room 3A19 Federal Building, 1100 Commerce Street, Dallas, TX.

MC 135435 Dale Smart, doing business as Dale Smart Trucking, now being assigned hearing December 2, 1971, in Room 3A19, Federal Building, 1100 Commerce Street, Dallas, TX.

MC 22254 Sub 54, Trans-American Van Service, Inc., assigned December 13, 1971, in Room 1614, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 115840 Sub 58, Colonial Fast Freight Lines, Inc., postponed continued hearing to December 8, 1971, in the Roosevelt Hotel, 123 Baronne, New Orleans, LA.

MC 117589 Subs 15 and 17, Provisioners Frozen Express, Inc., now assigned November 15, 1971, at Seattle, Wash., postponed to December 6, 1971, in Room 1155, Federal Building, 909 First Avenue, Seattle, WA.

MC-F-11176, Kroblin Refrigerated Xpress, Inc.—Purchase (Portion)—Eazor Express, Inc., now assigned hearing January 10, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11174, George Transfer and Rigging Co., Inc.—Control and Merge—Mack Brothers, Inc., now being assigned hearing January 12, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11206, Distributors Service Co.—Purchase (Portion)—Cambeis Trucking Co., Inc., now assigned hearing January 19, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 93944 Sub 9, Danella Bros., Inc., and MC 123502 Sub 34, Free State Truck Service, Inc., now assigned November 8, 1971, canceled and transferred to modified procedure.

MC-F-11193, Midwest Emery Freight System, Inc.—Control—Laskas Motor Lines, Inc., now assigned hearing January 17, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11146, Champion Investments, Inc.—Control—Paceway, Inc., now being assigned hearing January 19, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11209, H. C. Gabler, Inc.—Purchase—John E. Foley, District Director, Internal Revenue Service, now being assigned hearing January 19, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 61592 Sub 210, Jenkins Truck Line, Inc., assigned November 29, 1971, in Room 314, Federal Annex Building, 135 South State Street, Salt Lake City, UT.

MC 135597 Sub 2, Doing business as Straight Arrow Trucking Co., assigned December 1, 1971, in Room 314, Federal Annex Building, 135 South State Street, Salt Lake City, UT.

MC 133496 Sub 3, Diehl Lumber Transportation Co., assigned November 30, 1971, in Room 314, Federal Annex Building, 135 South State Street, Salt Lake City, UT.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-15596 Filed 10-26-71;8:53 am]

[Notice 383]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 20, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 51146 (Sub-No. 235 TA), filed October 12, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 2661 South Broadway, 54304, Post Office Box 2298, Green Bay, WI 54306. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum cans*, from Edison, N.J., to South Bend, Ind., and Evansville, Ind., for 180 days. Supporting shipper: Kaiser Aluminum & Chemical Corp., 300 Lakeside Drive, Oakland, CA 94604 (Michael Goldsmith, Manager—Rate Negotiations). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 104678 (Sub-No. 5 TA), filed October 12, 1971. Applicant: BROWNIE'S SERVICE, INC., 529 Jones Avenue, Oak Hill, WV 25901. Applicant's representative: Patrick R. Hamilton, Hamilton Arcade Building, Oak Hill, W. Va. 25901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mining machinery, and equipment and parts thereof, and materials, supplies, machinery, and equipment used in the installation and operation of mining facilities*, except commodities the transportation of which because of size or weight require the use of special equipment, between the Long-Airdox Co. (a division of the Marmon Group, Inc.), plant at Wurno, Pulaski County, Va., on the one hand, and, on the other, mine sites and other Long-Airdox Co. plants in Alabama, Illinois, Indiana, Kentucky, Maryland, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: Long-Airdox Co. (a division of the Marmon Group, Inc.), Oak Hill, W. Va. 25901, Attention: Mr. W. E. Meador, Vice President and General Manager. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 111401 (Sub-No. 350 TA), filed October 12, 1971. Applicant: GROENDYKE TRANSPORT, INC., Post Office Box 632, 2510 Rock Island Boulevard, Enid, OK 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Methyl methylacrylate monomer*, in bulk, in tank vehicles, from Woodstock, Tenn., to ports of entry on the international boundary line between the United States and Mexico, located in Texas, for 180 days. Supporting shipper: Du Pont, G. W. Fillingame, Manager, Common Carrier Trucking Section, Wilmington, Del. 19898. 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 111868 (Sub-No. 2 TA), filed October 12, 1971. Applicant: JOHN HENNES TRUCKING COMPANY, 320 South 19th Street, Post Office Drawer 10-H, Milwaukee, WI 53201. Applicant's representative: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by Stanley Home Products, Inc., from the plantsite of said shipper at Dubuque, Iowa, to dealers of Stanley Home Products, Inc., located at points in Jo Daviess, Stephenson, Winnebago, Boone, Carroll, Ogle, De Kalb, Whiteside, Lee, Henry, Bureau, La Salle, Knox, Stark, Marshall, Livingston, Peoria, Woodford, Tazewell, McLean, and Putnam Counties, Ill., for the account of Stanley Home Products, Inc., of Westfield, Mass., for 150 days. Supporting shipper: Stanley Home Products, Inc., Westfield, Mass. 01085 (Paul J. Ries). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 112617 (Sub-No. 294 TA), filed October 12, 1971. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 21395, 1292 Fern Valley Road, 40219, Louisville, KY 40221. Applicant's representative: Charles R. Dunford (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Jet fuel*, in bulk, in tank vehicles, from Ashland Oil, Inc., Covington, Ky., to Boeing Air Craft Corp., Wichita, Kans., for 180 days. Supporting shipper: Curtis L. Wagner, Jr., Chief, Regulatory Law Office, Department of the Army, Office of the Judge Advocate General, Washington, D.C. 20310. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 114604 (Sub-No. 9 TA), filed October 13, 1971. Applicant: CAUDELL TRANSPORT, INC., State Farmers Market, Building 33, Forest Park, GA 30050. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Macon, Ga., to Pabst Brewery at Pabst, Ga. (at or near Perry, Ga.) restricted to traffic having a prior interstate rail movement, for 180 days. Supporting shipper: Owens-Illinois Glass Co., Post Office Box 1035, Toledo, OH 43601. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 115496 (Sub-No. 14 TA), filed October 13, 1971. Applicant: LUMBER TRANSPORT, INC., Box 111, Whipple Street, Cochran, GA 31014. Applicant's representative: James L. Flemister, 1300 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Lumber, from Union City, Ga., to points in North Carolina, for 180 days. Supporting shipper: Richmond Lumber, Inc., Post Office Box 691, Union City, Ga. 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 118831 (Sub-No. 86 TA), filed October 12, 1971. Applicant: CENTRAL TRANSPORT INCORPORATED, Post Office Box 5044, Uwharrie Road, 27263, High Point, NC 27261. Applicant's representative: Richard Shaw (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic plastic granules*, in bulk, from points in Greenville County, S.C., to points in Cleveland County, N.C., for 180

days. Supporting shipper: Fiber Industries, Inc., Post Office Box 10038, Charlotte, NC 28201. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 26896, Raleigh, NC 27611.

No. MC 123476 (Sub-No. 12 TA) (Amendment), filed September 29, 1971, published FEDERAL REGISTER October 16, 1971, amended and republished as amended this issue. Applicant: CURTIS TRANSPORT, INC., 1334 Lonedell Road, Arnold, MO 63010. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from The Phillips Pipe Line Terminal at or near Jefferson City, Mo., to Mammouth Springs, Melbourne, Hardy, and Horse Shoe Bend, Ark., and Quincy, Rushville, and Marblehead, Ill., for 180 days. Supporting shipper: Empire Gas Corp., Post Office Box 303, Lebanon, MO 65536. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101. NOTE: The purpose of this republication is to redescribe the authority sought and to broaden the territorial scope.

No. MC 125010 (Sub-No. 10 TA), filed October 12, 1971. Applicant: GIBCO MOTOR EXPRESS, INC., 3405 North 33d Street, Post Office Box 312, Terre Haute, IN 47808. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ferroalloys*, in dump vehicles, and in containers, from Calvert City, Ky., to Saginaw, Mich., for 180 days. Supporting shipper: Airco Alloys & Carbide, Post Office Box 368, Niagara Falls, NY 14302. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 802, Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 128235 (Sub-No. 8 TA), filed October 12, 1971. Applicant: ALVIN JOHNSON, 137 13th Avenue NE., Minneapolis, MN 55413. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *empty containers on return*, from Minneapolis, Minn., to Marshfield, Wis., for 180 days. Supporting shipper: Hub City Beverage, Inc., Marshfield, Wis. Send protests to: District Supervisor A. N. Spath, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 54401.

No. MC 129475 (Sub-No. 8 TA), filed October 13, 1971. Applicant: CARRELL TRUCKING CO., INC., Post Office Box 186, Monroe, GA 30655. 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: *Such merchandise* as is sold by chain department stores, between the warehouses of Sears, Roebuck & Co., at Atlanta, Ga., on the one hand, and, on the other Ridgeland, S.C., for 180 days. Supporting shipper: Sears, Roebuck & Co., 675 Ponce de Leon Avenue NE., Atlanta, GA 30308. 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 134286 (Sub-No. 14 TA) (Correction), filed September 17, 1971, published FEDERAL REGISTER, September 30, 1971, corrected and republished in part as corrected this issue. Applicant: ARCTIC TRANSPORT, INC., 1005 West South Omaha Bridge Road, Council Bluffs, IA 51501. Applicant's representative: Patrick E. Quinn, 300 NSEA Building, Lincoln, Nebr. NOTE: The purpose of this partial republication is to set forth the correct Sub-No. 14 *TA*, in lieu of Sub-No. 14, which was inadvertently omitted in previous publication. The rest of the notice remains the same.

No. MC 135684 (Sub-No. 2 TA), filed October 12, 1971. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Star Route A, Post Office Box 391, Flemington, NJ 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, 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, restricted against the transportation of commodities in bulk, in tank vehicles, from the plant and warehouse facilities of Needham Packing Co., Inc., located at West Fargo, and Fargo, N. Dak., Sioux City, Iowa, and Omaha, Nebr., to points in Georgia, North Carolina, South Carolina, and Tennessee, for 180 days. Supporting shipper: Needham Packing Co., Inc., Sioux City, Iowa 51101. 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 135957 TA (Correction), filed September 7, 1971, published FEDERAL REGISTER, September 18, 1971, corrected and republished in part as corrected this issue. Applicant: POC, INC., doing business as DREXEL MOVING AND STORAGE CO., 747 West Rialto Avenue, San Bernardino, CA 92410. Applicant's representative: John Paul Fischer, 140 Montgomery Street, San Francisco, CA. NOTE: The purpose of this partial republication is to include the territority description between points in Riverside, Ventura, Santa Barbara, Imperial, and Kern Counties, Calif., which were inadvertently omitted from previous publication, and to reflect *San* Luis Obispo County, Calif., in lieu of Luis Obispo County, Calif. The rest of the application remains the same.

No. MC 136046 (Sub-No. 2 TA), filed October 13, 1971. Applicant: AIR LAND TRANSPORT, INC., Route 2, Box 341, Newnan, GA 30263. Applicant's representative: Archie B. Culbreth, Suite 417, 1252 West Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pajamas*, and (2) *materials and supplies* used in the manufacture of pajamas, between McKenzie, Tenn., and Miami, Fla., for 180 days. Supporting shipper: Damas Pajama Corp., 350 Fifth Avenue, Empire State Building, Room 1000, New York, NY 10001. 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 136073 TA, filed October 12, 1971. Applicant: PARTCO TRUCKING CO., INC., Box 322, Brainerd, MN 56401. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood pallet parts, box and crate material, and wood furniture parts*, from points in Cass and Crow Wing Counties, Minn., to points in Illinois, Indiana, Iowa, Michigan, and Wisconsin, and ports of entry on the United States-Canada boundary line in Minnesota and North Dakota, for 180 days. Supporting shipper: Park Region Timber Co., Inc., Brainerd, Minn. 56401. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 71-15594 Filed 10-26-71;8:53 am]

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