

# federal register

TUESDAY, NOVEMBER 2, 1971

WASHINGTON, D.C.

Volume 36 ■ Number 211

Pages 20925-21016



## HIGHLIGHTS OF THIS ISSUE

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

**HORSE IMPORTS—USDA amendment shortening the vaccination waiting period** ..... 20932

### DRUG EVALUATION—

FDA amendment approving new labels for coumaphos; effective 11-2-71 ..... 20938

FDA amendment revoking certification of neomycin-nystatin ..... 20938

FDA proposal to revoke certification of neomycin sulphate and amphotericine combinations; comments within 30 days ..... 20985

FDA reevaluation notice on certain antipsychotic drugs ..... 20997

**ALIENS—State Dept. amendment redefining those entitled to immigrant classification; effective 11-2-71** ..... 20939

**INTERNATIONAL ARMS TRAFFIC—State Dept. miscellaneous amendments; effective 11-2-71** .. 20939

**FLOOD INSURANCE—HUD additions to hazard areas and insurance eligibility lists (2 documents)** ..... 20942, 20943

### INCOME TAX—

IRS amendments limiting deductions on certain kinds of dividends ..... 20944

IRS notice of hearing on 12-15-71 concerning multiple corporations; comments by 12-1-71 .. 20980

**VETERANS BENEFITS—VA amendment to permit less formal proofs of marriage and birth; effective 10-27-71** ..... 20945

**MARITIME RADIO SERVICES—FCC rules of operation for stations in Alaska; effective 12-1-71** .... 20949

(Continued Inside)

*5-year Compilation  
Presidential Documents*

## Code of Federal Regulations

TITLE 3, 1966-1970 COMPILATION

Contains the full text of Presidential Proclamations, Executive orders, reorganization plans, and other formal documents issued by the President and published in the Federal Register during the period January 1, 1966-December 31, 1970. Includes consolidated tabular finding aids and a consolidated index.

**Price: \$10.00**

Compiled by Office of the Federal Register, National Archives and Records Service,  
General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office  
Washington, D.C. 20402



Area Code 202

Phone 962-8626

(49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$2.50 per month or \$25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

HIGHLIGHTS—Continued

FRANKFURTERS—USDA proposal to allow the use of sodium acid as a curing agent; comments within 60 days.....	20984	FOOD ADDITIVES—HEW notices of petitions (3 documents) .....	20998
ORANGE JUICE PRODUCTS—HEW time extension to 12-8-71 for comments on proposed identity standards.....	20985	MOTOR VEHICLE POLLUTION—EPA notice of intention to waive the application of Federal standards in California.....	21001
HAZARDOUS SUBSTANCES— FDA proposal to require warning labels for certain metal-containing paints.....	20985	FARM CREDIT ADMINISTRATION—Statement of policy on public participation in rule making.....	21001
FDA proposal to ban lead based household paints; comments within 60 days.....	20986	OIL POLLUTION—Federal Maritime Commission notice announcing the deadline for its certificate of financial responsibility rule; effective 11-30-71 .....	21002
MOTOR VEHICLE SAFETY— DoT rule requiring manufacturer identification and description of items produced; effective 2-1-72 .....	20977	COTTON TEXTILES—Interagency Textile Admin. Comm. notice putting restraints on imports from Mauritius .....	21008
DoT proposal to include incomplete vehicle manufacturer in the identification rule; comments by 12-1-71.....	20987	WATER POLLUTION—International Joint Committee of the U.S. and Canada notice of inquiry into the status of the Niagara River area .....	21009
CABLE TV—FCC proposal for a station identification method; comments by 12-6-71.....	20988	ENVIRONMENTAL QUALITY—TVA statement of policy and procedure.....	21010
HISTORIC PLACES—National Park Service notice of additions to the National Register.....	20995	VOTING RIGHTS—CSC amendment adding a filing place in Mississippi.....	20949

Contents

AGRICULTURAL RESEARCH SERVICE

Rules and Regulations

Hog cholera and other communicable swine diseases; areas quarantined .....	20932
Horses; restrictions on importation .....	20932

AGRICULTURE DEPARTMENT

See Agricultural Research Service; Consumer and Marketing Service; Packers and Stockyards Administration.

CIVIL AERONAUTICS BOARD

Rules and Regulations

Uniform system of accounts and reports for certificated air carriers; transactions with affiliated groups.....	20933
--	-------

Notices

Hearings, etc.: Aerotransportes Entre Rios S.R.L.....	20999
---	-------

International Air Transport Association .....	20999
Supplemental renewal proceeding .....	20999

CIVIL SERVICE COMMISSION

Rules and Regulations

Excepted service; Environmental Protection Agency.....	20931
Voting rights program; Yazoo, Miss .....	20949

Notices

Grants of authority to make non-career executive assignments: Department of Defense.....	21000
Department of Health, Education, and Welfare.....	21001
Department of Housing and Urban Development.....	21001
Department of Justice (2 documents) .....	21001
National Foundation on the Arts and the Humanities.....	21001
Revocations of authority to make non-career executive assignments: Department of Commerce.....	21000

Department of Housing and Urban Development.....	21001
Title changes in non-career executive assignments: Civil Aeronautics Board.....	21000
Department of Agriculture.....	21000
Department of Commerce.....	21000

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Lemons grown in California and Arizona; handling limitation....	20932
---	-------

Proposed Rule Making

Milk in Chicago regional and Indiana marketing areas; hearing on proposed amendments to tentative marketing agreements and orders.....	20981
Papayas grown in Hawaii; handling .....	20980
Phosphates in frankfurters and similar products.....	20984
Raisins produced from grapes grown in California; expenses of Raisin Administrative Committee and rate of assessment.....	20981

(Continued on next page)

**DEFENSE DEPARTMENT****Rules and Regulations**

Precise time and time interval standards and calibration facilities for use by DoD components. 20944

**ENVIRONMENTAL PROTECTION AGENCY****Rules and Regulations**

Public contracts and property management; disputes clause. 20947

**Notices**

California State motor vehicle pollution control standards; waiver of Federal preemption and opportunity for public hearing. 21001

**FARM CREDIT ADMINISTRATION****Notices**

Public participation in rule making; statement of policy. 21001

**FEDERAL COMMUNICATIONS COMMISSION****Rules and Regulations**

Maritime radio services in Alaska; report and order. 20949

**Proposed Rule Making**

Cable television channel identification. 20988

**FEDERAL INSURANCE ADMINISTRATION****Rules and Regulations**

Flood insurance program:  
Areas eligible for sale of insurance. 20942  
Identification of special hazard areas. 20943

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

Agreements filed:  
Inter-American Freight Conference-Puerto Rico and U.S. Virgin Islands area agreement. 21002  
Pacific Westbound Conference and States Marine Lines. 21003  
Thal Mercantile Marine, Ltd., and P.T. Samudera Indonesia. 21003  
Financial responsibility for oil pollution cleanup; rescission of notice of substantial compliance. 21002  
Transportation of mail; rates and other matters; order of investigation and hearing. 21002

**FEDERAL POWER COMMISSION****Notices****Hearings, etc.:**

Arkansas Louisiana Gas Co. 21003  
El Paso Natural Gas Co. 21004  
Michigan Wisconsin Pipe Line Co. and Natural Gas Pipeline Company of America. 21004  
PetroDynamics, Inc., et al. 21005

**FEDERAL RESERVE SYSTEM****Notices**

Applications for approval of acquisition of shares of banks:  
Associated Bank Services, Inc. 21005  
Banks of Iowa, Inc. 21005  
Firstbrook Corp. 21006  
Mountain Banks, Ltd. 21007  
First Chicago Corp.; proposal to engage in real property leasing. 21006  
Nortrust Bank; order approving application for merger of banks. 21006  
Nortrust Corp.; order approving action to become bank holding company. 21007  
OTC margin stock; changes in list. 21008  
United Jersey Banks; order approving acquisition of bank stock by bank holding company. 21007

**FOOD AND DRUG ADMINISTRATION****Rules and Regulations**

Neomycin sulfate and nystatin for oral use; combination drug. 20938  
New animal drugs for use in animal feeds; coumaphos. 20938

**Proposed Rule Making**

Hazardous substances:  
Heavy metal-containing paints and other surface-coatings. 20985  
Paints containing more than minute traces of lead. 20986  
Neomycin sulfate and amphotericin for oral use; combination drug. 20985  
Orange juice products; extension of time for filing comments regarding stayed identity standards. 20985

**Notices**

Certain preparations containing chlorpromazine; perphenazine; prochlorperazine; promazine; thioridazine; trifluoperazine; or trifluorpromazine; drugs for human use; efficacy study implementation. 20997  
Filing of petitions for food additives:  
Air Products and Chemicals, Inc. 20998  
Celanese Fibers Marketing Co. 20998  
Mason Chemical Co. 20998

**GEOLOGICAL SURVEY****Notices**

Power site classifications:  
Green River, Utah. 20993  
Sevier Lake Basin, Utah. 20993  
Tazimina River and Lakes, Alaska. 20994

**HEALTH, EDUCATION, AND WELFARE DEPARTMENT**

See Food and Drug Administration.

**HOUSING AND URBAN DEVELOPMENT DEPARTMENT**

See Federal Insurance Administration.

**INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE****Notices**

Certain cotton textile products produced or manufactured in Mauritius; entry or withdrawal from warehouse for consumption. 21008

**INTERIOR DEPARTMENT**

See also Geological Survey; Land Management Bureau; National Park Service.

**Rules and Regulations**

Public contracts and property management; miscellaneous amendments. 20946

**Notices**

Colorado, Utah, and Wyoming; call for nominations of areas for oil shale leasing. 20996

**INTERNAL REVENUE SERVICE****Rules and Regulations**

Income tax; limitation on dividends received deduction for mutual savings banks, building and loan associations, and cooperative banks. 20944

**Proposed Rule Making**

Income tax; multiple corporations; hearing. 20980

**INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA****Notices**

Water pollution in Niagara River area; public meeting. 21009

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

Assignment of hearings. 21014  
Motor carrier transfer proceedings. 21015  
New York, Susquehanna and Western Railroad Co.; rerouting or diversion of traffic. 21014  
Star Forwarders, Inc.; authorization to operate through Halifax, N.S., and Montreal, Que., Canada, and other ports. 21015

**LAND MANAGEMENT BUREAU**

**Notices**

- Oregon; proposed withdrawal and reservation of land; correction 20993
- Outer Continental Shelf off Louisiana; oil and gas lease sale 20993

**NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION**

**Rules and Regulations**

- Manufacturer identification; motor vehicle safety 20977
- Proposed Rule Making**
- Manufacturer identification; motor vehicle safety 20987

**NATIONAL PARK SERVICE**

**Rules and Regulations**

- Blue Ridge Parkway, Virginia-North Carolina; commercial bus use 20945

**Notices**

- Chief, U.S. Park Police; delegation of authority 20995
- National Register of Historic Places; additions, deletions, and corrections 20995
- Notice of intention to issue concession permits:
  - Grand Teton National Park 20995
  - Shenandoah National Park 20995

**PACKERS AND STOCKYARDS ADMINISTRATION**

**Notices**

- Gordo Stock Yards et al.; depositing of stockyards 20997
- Westbrook Livestock Auction Sales et al.; changes in names of posted stockyards 20997

**SECURITIES AND EXCHANGE COMMISSION**

**Notices**

- Hearings, etc.:*
  - Kentucky Power Co 21009
  - Owens-Corning Fiberglas Corp 21010

**STATE DEPARTMENT**

**Rules and Regulations**

- International traffic in arms; miscellaneous amendments 20939
- Visas; documentation of immigrants; definitions 20939

**TENNESSEE VALLEY AUTHORITY**

**Notices**

- Environmental quality management; policy, delegations, reservations and procedures 21010

**TRANSPORTATION DEPARTMENT**

See National Highway Traffic Safety Administration.

**TREASURY DEPARTMENT**

See Internal Revenue Service.

**VETERANS ADMINISTRATION**

**Rules and Regulations**

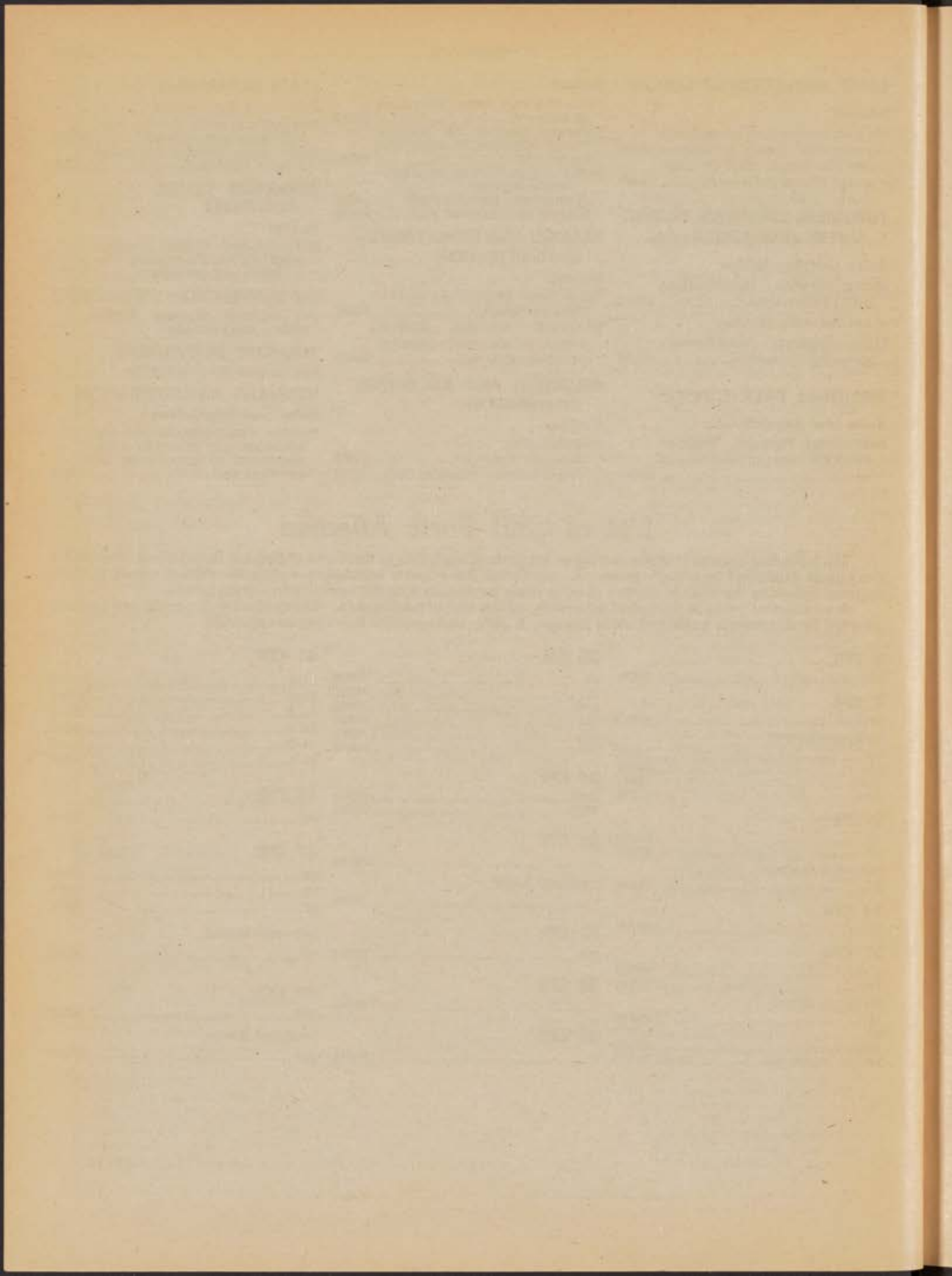
- Pension, compensation, and dependency and indemnity compensation; documentation of marriage and birth 20945

**List of CFR Parts Affected**

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

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

<b>5 CFR</b>	<b>22 CFR</b>	<b>41 CFR</b>
213 20931	42 20939	14-1 20946
<b>7 CFR</b>	121 20939	14-2 20947
910 20932	123 20940	14-3 20947
<b>PROPOSED RULES:</b>	124 20940	14-6 20947
928 20980	125 20941	14-7 20947
989 20981	126 20942	15-1 20947
1030 20981	<b>24 CFR</b>	<b>45 CFR</b>
1049 20981	1914 20942	801 20949
<b>9 CFR</b>	1915 20943	<b>47 CFR</b>
76 20932	<b>26 CFR</b>	81 20956
92 20932	1 20944	83 20970
<b>PROPOSED RULES:</b>	<b>PROPOSED RULES:</b>	85 20977
318 20984	1 20980	<b>PROPOSED RULES:</b>
<b>14 CFR</b>	<b>32 CFR</b>	74 20988
241 20933	275 20944	<b>49 CFR</b>
<b>21 CFR</b>	<b>36 CFR</b>	566 20977
135e 20938	7 20945	<b>PROPOSED RULES:</b>
1481 20938	<b>38 CFR</b>	566 20987
<b>PROPOSED RULES:</b>	3 20945	
27 20985		
31 20985		
1481 20985		
191 (2 documents) 20985, 20986		



# Rules and Regulations

## Title 1—GENERAL PROVISIONS

### Chapter I—Administrative Committee of the Federal Register

#### CFR CHECKLIST

This checklist, arranged in order of titles, shows the issuance date and price of current bound volumes of the Code of Federal Regulations. The rate for subscription service to all revised volumes issued as of January 1, 1971, is \$175 domestic, \$45 additional for foreign mailing. The subscription price for revised volumes to be issued as of January 1, 1972, will be \$195 domestic, \$50 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR unit (Rev. as of Jan. 1, 1971):

Title	Price
1	\$1.00
2-3	2.50
3	1936-1938 Compilation 6.00
	1938-1942 Compilation 9.00
	1943-1948 Compilation 7.00
	1949-1953 Compilation 7.00
	1954-1958 Compilation 4.00
	1959-1963 Compilation 6.00
	1964-1965 Compilation 3.75
	1936-1965 Consolidated Indexes 3.50
	1936-1965 Consolidated Tables 5.25
	1966-1970 Compilation 10.00
4	.50
5	1.75
6	[Reserved]
7	Parts:
	0-45 2.75
	46-51 1.75
	52 3.00
	53-209 3.00
	210-699 2.00
	700-749 2.00
	750-899 1.25
	900-944 1.75
	945-980 1.00
	981-999 1.00
	1000-1029 1.25
	1030-1059 1.00
	1060-1089 1.25
	1090-1119 1.25
	1120-1199 1.50
	1200-1499 2.00
	1500-end 2.50
8	1.00
9	2.00
10	1.75
11	[Reserved]
12	Parts:
	1-299 2.50
	300-end 2.50
13	1.25

Title	Price	Title	Price
14	Parts:	38	3.50
	1-59 3.00	39	3.25
	60-199 2.75	40	[Reserved]
	200-end 3.00	41	Chapters:
15	1.75		1-2 2.75
16	Parts:		3-5D 1.75
	0-149 3.00		6-17 3.50
	150-end 2.00		18 3.25
17	2.75		19-100 1.00
18	Parts:		101-end 2.00
	1-149 2.00	42	1.75
	150-end 2.00	43	Parts:
19	2.50		1-999 1.50
20	Parts:		1000-end 2.75
	01-399 1.25	44	.40
	400-end 3.00	45	Parts:
21	Parts:		1-999 2.00
	1-119 1.75		200-end 2.00
	120-129 1.75	46	Parts:
	130-146e 2.75		1-65 2.75
	147-end 1.50		66-145 2.75
22	1.75		146-149 3.75
23	.50		150-199 2.75
24	2.75		200-end 3.00
25	1.75	47	Parts:
26	Parts:		0-19 1.75
	1 (§§ 1.0-1-1.300) 3.00		20-59 2.50
	1 (§§ 1.301-1.400) 1.00		70-79 1.75
	1 (§§ 1.401-1.500) 1.50		80-end 2.75
	1 (§§ 1.501-1.640) 1.25	48	[Reserved]
	1 (§§ 1.641-1.850) 1.50	49	Parts:
	1 (§§ 1.851-1.1200) 2.00		1-199 4.00
	1 (§§ 1.1201-end) 3.25		200-999 1.75
	2-29 1.25		1000-1199 1.25
	30-39 1.25		1200-1299 3.00
	40-169 2.50		1300-end 1.00
	170-299 3.50	50	1.25
	300-499 1.50		General Index 1.50
	500-599 1.75		List of Sections Affected, 1949-1963 (Compilation) 6.75
	600-end .60		
27	.45		
28	.75		
29	Parts:		
	0-499 1.50		
	500-899 3.00		
	900-end 1.50		
30	2.00		
31	2.00		
32	Parts:		
	1-8 3.25		
	9-39 2.00		
	40-399 3.00		
	400-589 2.00		
	590-699 1.00		
	700-799 3.25		
	800-999 2.00		
	1000-1399 .75		
	1400-1599 1.50		
	1600-end 1.00		
32A	1.25		
33	Parts:		
	1-199 2.50		
	200-end 1.75		
34	[Reserved]		
35	1.75		
36	1.25		
37	.70		

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission PART 213—EXCEPTED SERVICE

#### Environmental Protection Agency

Section 213.3318 is amended to show that one position of Special Assistant to the Assistant Administrator for Planning and Management is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (11-2-71), paragraph (y) is added to § 213.3318 as set out below.

§ 213.3318 Environmental Protection Agency.

(y) One Special Assistant to the Assistant Administrator for Planning and Management.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc.71-15871 Filed 11-1-71;8:46 am]

## Title 7—AGRICULTURE

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

[Lemon Reg. 504, 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 P.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 § 910.804 (Lemon Regulation 504, 36 P.R. 20503) during the period October 24, 1971, through October 30, 1971, is hereby amended to read as follows:

#### § 910.804 Lemon Regulation 504.

(b) *Order.* (1) \* \* \* 185,000 cartons.

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

Dated: October 28, 1971.

ARTHUR E. BROWNE,  
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-15886 Filed 11-1-71;8:47 am]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

#### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-597]

### PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

#### Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, the references to the States of Hawaii and Nebraska in paragraph (f) are deleted, and paragraph (g) is amended by adding thereto the names of the States of Hawaii and Nebraska.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 P.R. 16210, as amended)

*Effective date.* The foregoing amendment shall become effective upon issuance.

The amendment deletes Hawaii and Nebraska from the list of hog cholera eradication States in § 76.2(f), and the special provisions pertaining to the interstate movement of swine and swine products from or to such eradication States are no longer applicable to Hawaii and Nebraska.

The amendment also adds Hawaii and Nebraska to the list of hog cholera free States in § 76.2(g), and the special provisions pertaining to the interstate movement of swine and swine products from or to such free States are applicable to Hawaii and Nebraska.

Insofar as the amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera, it must be made effective immediately to accomplish its purpose in the public interest. Insofar as it relieves restrictions, it should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to

the amendment are impracticable, unnecessary and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

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

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

[FR Doc.71-18947 Filed 11-1-71;8:50 am]

#### SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

### PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

#### Horses; Restrictions on Importation

Pursuant to section 2 of the Act of February 2, 1903, as amended, and sections 4, 5, and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 134c, 134d, and 134f) Part 92, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

Section 92.17 is amended by deleting the term "60 days" the third time it appears in the first sentence of said section and substituting therefor the term "14 days".

(Sec. 2, 32 Stat. 792, as amended; secs. 4, 5, and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 134c, 134d, 134f; 29 P.R. 16210, as amended)

*Effective date.* The foregoing amendment shall become effective upon issuance.

The purpose of this amendment is to reduce from 60 days to 14 days the waiting period presently imposed for entry of horses into the United States which have been vaccinated with a live or attenuated or inactivated vaccine preceding exportation from the country of origin. The effect of this amendment is to bring the requirements for importation into agreement with similar requirements in effect for interstate movement of horses which have been vaccinated.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of animal diseases, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.



Done at Washington, D.C., this 27th day of October 1971.

T. W. EDMINSTER,  
Administrator,  
Agricultural Research Service.

[FR Doc. 71-15890 Filed 11-1-71; 8:52 am]

## Title 14—AERONAUTICS AND SPACE

### Chapter II—Civil Aeronautics Board

#### SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER-707; Amdt. 36]

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

#### Transactions With Affiliated Groups

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of September 1971.

By circulation of EDR-187, dated September 9, 1970 (Docket 22546) and published at 35 F.R. 14464, the Board gave notice that it had under consideration an amendment to Part 241 which would prescribe more complete disclosure of transactions by air carriers within affiliated groups of companies than is presently required in a set forth standards in accounting for such transactions.

In the notice of proposed rule making, the Board observed that nontransport activities on the part of certificated route air carriers have increased markedly in recent years, and we took note of the need to avoid practices of activity intermingling which could impair the credibility of the regulated activities. Thus, this rule making proceeding was undertaken with a view toward prescribing additional accounting regulations which would enable the Board to better monitor transactions relating to such diversified activities. In brief, this would be accomplished by requiring (a) that the charges involved in transfer or purchase transactions between the carriers' air transport activities and their nontransport activities be disclosed; (b) that the revenues and expenses attributable to nontransport activities be separately reported; and (c) that income taxes be allocated among the transport activities and nontransport activities.

Comments were submitted by the Airline Finance and Accounting Conference (ATA) on behalf of 22 of its members, Universal Airlines, Inc., and a firm of independent public accountants, Arthur Andersen & Co. After full consideration of all comments, the Board has decided to adopt the rule with modifications hereinafter discussed. Except to the extent modified herein, the tentative findings set forth in the Explanatory Statement of EDR-187 are incorporated herein and made final.

Basically, the comments have taken the following classes of exceptions to the proposed rule. (1) The additional report-

ing requirements as proposed would impose a costly time-consuming burden on the carriers;<sup>1</sup> (2) the rule, if applied to rate proceedings, will not allow affiliated groups to recover all their costs and will impose other burdens on the affiliated nontransport organizations which will compel them to turn down future joint ventures with the air carrier; (3) the cost allocations specified to implement these reporting requirements are inflexible and could lead to erroneous results; (4) certain nontransport services are closely related to the performance of the air transport activity and should be considered as "incidental" regardless of their magnitude; and (5) the methods of recording transactions between an affiliated air carrier and other members of an affiliated group differ from the methods required where no affiliated relation exists, thus leading to inconsistencies.

It is the judgment of the Board that the first two arguments summarized above are unrealistic. As a matter of necessity, corporations transacting business within affiliated groups must maintain highly complex accounting systems capable of providing profit and loss data not only for decisionmaking on an affiliated-group basis but also to eliminate intercompany profits in the preparation of consolidated statements. Moreover, the procedures prescribed by this rule are not necessarily controlling for ratemaking purposes. Thus, the proposed rule only requires disclosure of information reasonably accessible to members of affiliated groups and does not impose an undue burden on either the air carrier or its affiliated companies.

Considering further the possible impact on nontransport organizations, the Board has determined that public interest considerations outweigh any inconvenience which this rule may impose on such organizations. The rule is intended to disclose what the assets and services exchanged other than stock-in-trade items actually did cost the affiliated group and what additional profit element on this cost is being realized through air carrier revenues. In regard to this profit element, the Board is not suggesting that it will necessarily disallow this portion of the total service cost, but only that it seeks more adequate disclosure for regulatory purposes.

As for the remaining three classes of exceptions received from the respondents—those concerning inflexible cost allocations, nontransport services closely related to air transport operations, and problems of inconsistency—it is the opinion of the Board that these exceptions have some merit and appropriate modifications should be made to the proposed rule.

<sup>1</sup> Universal takes the position, in sum, that whatever the regulatory need for apparent precision in the accounting of scheduled carriers, no such cumbersome and complex regulations should be imposed on the supplementals. It is to be noted that Universal is the only supplemental objecting to the proposals.

The proposed revision of section 1-6(b) would have the effect of leaving in Account 4600—Incidental Revenues—Net, only those revenues being derived at an aggregate annual revenue rate not exceeding \$1 million or an aggregate investment at cost not exceeding \$100,000. The effect of the proposal would be to require the carriers to treat each activity involving a higher investment or annual revenue rate as a separate nontransport venture, rather than an activity incidental to air transportation services, with an autonomous set of revenue, expense, and investment accounts. According to the ATA carriers, this definition does not provide proper classification to the many activities currently included in Account 4600 that are either directly or indirectly related to air transportation services and do not in any way constitute a nonoperating or diversification activity. They add that these activities reflect programs instituted for the purpose of improving passenger comfort and are aimed at stimulating the growth of all classes of traffic, among which are (1) optional inflight sales; (2) providing containers, pet kennels, and pickup and delivery services; (3) earning sales commissions through arranging interline and other services; and (4) providing attractive itineraries and travel opportunities through interchange agreements, youth cards, travel clubs, and financing plans. They recommend that the sale of services related to plant and capacity be continued in the operating revenue classification as heretofore. The carriers also state that the provision that an aggregate investment at cost of \$100,000 constitutes a nontransport venture is troublesome both as to the method of determining the amount of investment and as to the recordkeeping which may be required. They add that determining the size of the investment utilized in generating sales aloft will produce as many different answers as there are people assigned to the project.

The Board finds merit in the foregoing comments, and we are modifying section 1-6(b) accordingly. Thus, an investment standard for determining whether an activity constitutes a nontransport venture is being deleted from the final rule. Nevertheless, we are of the view that a test which turns solely upon the revenues produced by a particular activity could lead to artificial results. That is, a particular activity could, at least for a period of time, result in a substantial drain upon a carrier's resources while producing little or no revenue. In order to include such a situation within the purview of the rule, and to provide a substitute for the abandoned investment standard, we are adding an expense standard to section 1-6(b). Thus, under the final rule, an activity will be regarded as a nontransport venture, and subject to the detailed reporting requirements of this rule, if any one of the following circumstances is present:

1. The nature of the activity is such that it is not incidental to the carrier's transport activities;

2. The activity, even though otherwise incidental to the carrier's transport activities, produces an aggregate annual revenue rate during either of the past 2 years in excess of the greater of \$1 million or 1 percent of the carrier's annual transport revenues, or results in an aggregate annual expense rate during either of the past 2 years in excess of the greater of \$1 million or 1 percent of the carrier's annual operating expense.

3. The activity is conducted by a separate legal entity or a distinct organizational unit of the carrier.

The Board believes these new standards will in no way lessen the effectiveness of the rule with regard to disclosure of nontransport activities having a significant impact on the air carrier but will eliminate the requirements of making arbitrary cost allocations of facilities and equipment when applying the rule. Moreover, the modification to the proposed rule relating to the allocation of income items should not impose any burden on the air carriers which is not presently encountered; for this section of the rule merely provides a means of implementing the existing provisions of the accounting and reporting regulations in section 9 of the Uniform System of Accounts and Reports (USAR) which require nontransport activities beyond the magnitude and scope of incidental services to be reported in profit and loss classification 8100 Nonoperating Income and Expense—Net. In this regard, it also should be noted that standards of a similar type must be met in reports filed with the Securities and Exchange Commission for purposes of product line identification.

Based upon the same considerations, the Board has also decided to amend section 2-1 of the proposed rule by inserting a new paragraph (c) relating to the allocation of resources and facilities of the air carrier utilized by its separate nontransport ventures. To date the Board has not found it necessary to allocate balance sheet elements between separate operating entities of each air carrier but has followed a general rule of classifying between transport and nontransport on a basis of predominant use. The introduction of proration principles in the balance sheet area entails complex novel techniques and attendant developmental burdens which cannot be justified unless the presently prevailing practice is demonstrated to be ineffective in preserving the integrity of reported air transport activities. Consequently, this new paragraph will require that resources and facilities used predominantly by the air transportation activity but also employed in the operations of separate nontransport ventures be reflected in total in the property and other appropriate accounts of the air carrier activity and not be allocated. Resources and facilities used predominantly by the nontransport ventures but incidentally in air transport operations shall be reflected in total in account 1520 Advances

to Nontransport Divisions on the books of the air carrier.

Turning now to a consideration of nontransport services which are closely related to the performance of the air transport activity and primarily undertaken for that purpose, the Board recognizes that treatment as a separate nontransport venture would result, in certain instances, in a failure to reflect all components of the air transport operations in the Form 41 reports. Consequently, the Board has decided to exempt in-flight nontransportation services, i.e., liquor sales, movies, etc., interchange sales and mutual aid assistance, from the new revenue standard of section 1-6(b) which would require separate entity reporting. Thus, section 1-6(b) of the proposed rule is being further modified by the Board to provide that "nontransportation revenue services performed in flight, interchange sales and mutual aid assistance shall be considered as incidental to the air transportation activity and accounted for accordingly, regardless of the revenue or expense standard set forth" in that section.

In EDR-187 it was proposed to add a new section 2-18 concerning transactions between members of an affiliated group. Briefly, incoming transactions, from the carrier point of view, would be charged against operations at the lower of cost or market to the providing member of the affiliated group, whereas outgoing transactions, from the air carrier point of view, would be taken up at the higher of cost or market to the air carrier. Any differences between actual transaction prices and the above would be considered of a financing nature and would be recorded, accordingly, as nonoperating charges or credits.

The ATA carriers contend that the proposal would place an intolerable bookkeeping burden on the carriers as it relates to incoming transactions to the carrier since it requires the determination of "cost" to the originating activity for all incoming transactions. They assert that cost information, if determinable at all, is not readily available in most cases and would require extensive effort not only in its initial determination, but also in continuing to maintain its accuracy on a current basis. The ATA carriers are also concerned with the provisions that revenue from the sale of services and assets to other activities of an affiliated group be recorded at the higher of cost or fair market value. They argue that such accounting treatment, if blindly followed, could erroneously suggest that intercompany profits (or losses) have been realized when, in fact, the sale may have been for the best price possible even though below cost. A similar position is taken by Universal and Arthur Andersen & Co.

In view of this argument, the Board has modified paragraphs (d) and (c) of section 2-18 of the proposed rule. As now modified paragraph (b) will require an air carrier to record, as the cost of assets or services received from an affiliated supplier, their invoice price in those

circumstances where the invoice price can be determined from a prevailing price list of the affiliated supplier held out to the general public in the normal course of business. If no prevailing price list exists, the principle will remain that charges for services and assets received from other members of an affiliated group shall be recorded by the regulated air carrier activity at the lower of their cost to the originating activity, less all applicable valuation reserves, or their estimated fair market value. A similar change has been made to paragraph (c) of section 2-18 in regard to the revenue to be recorded by the regulated air carrier activity for services and assets sold to affiliated group members.

In regard to these modifications, it should be noted that, from an accounting standpoint, the Board is not mainly concerned with the recording of stock-in-trade items which the affiliated air carrier activity normally purchases and sells under terms held out to the public in general. Rather, the disclosure requirements contained in this rule are primarily directed at those transactions which are not included under an established price policy offered to organizations other than affiliated group members and whose terms, therefore, raise the question of possible impairment of air transportation resources. Thus, by adopting the modifications outlined herein, the Board has restricted the application of the rule to those circumstances in which affiliated relations may have a dominant influence as to the price determination. It is also contended by the ATA carriers that the method prescribed by section 2-18(d) for recording income taxes would grant to the air carrier for purposes of the Form 41 reports the entire tax savings derived from those tax credits generated by the air carrier but utilized on the tax returns of other affiliated companies. This is viewed by the carriers as improper and inequitable, for the tax savings from such tax credits represent a mutually earned benefit involving both the air carrier who could not utilize the tax credits and the efforts of an affiliated company necessary to convert them into a tax savings on its tax return. After considering this position the Board does not believe it justifies any change in the reporting requirements of section 2-18(d) of the proposed rule. Under the Federal tax laws, tax credits generated in a particular period which cannot be utilized in that period may be carried back for 3 years and carried forward for seven. It thus must be presumed that in the absence of consolidated tax reporting, the carrier will normally be able to realize the full benefits of tax credits over a period of time. Under these circumstances, the Board believes that the interests of full and fair disclosure require that tax credits generated by the carrier entity be allocated to the carrier entity on the Form 41 reports, notwithstanding the fact that in any particular period the tax credits can only be used because of offsetting revenues generated by noncarrier affiliates or activities.

Lastly, clarification is needed of the meaning of control as used in the definition of "Affiliated Group" to be inserted in section 03 of the USAR. The ATA carriers assumed that control of a route air carrier would involve ownership of a majority of its outstanding stock and that no reporting would be required on schedule B-44 for less than this amount. This assumption is not accurate, for a definition of control and its derivatives is already provided in section 03 of the USAR and is applicable to the definition of "Affiliated Group." A related assumption, by Universal, takes the position that companies controlled by the parent of an air carrier should not be considered as part of an affiliated group if they do not function as an economic unit in any meaningful sense. This narrow interpretation is without merit and cannot be accepted by the Board. The disclosure requirements of this rule are directed at all transactions between the air carrier and its affiliated companies and are not to be restricted by the amount or frequency of the transaction involved. To avoid any confusion on this point, the reference to "economic unit" will be deleted from the definition of "Affiliated Group."

Finally, with respect to reporting transactions between the parent of an air carrier and its other affiliates, the Board has decided to delete that provision which would require the parent to file a schedule B-44. This action is predicated upon the expectation that the information disclosed by the air carriers will be sufficient for the purposes of this rule.

Besides these exceptions and clarifications referred to and commented upon in this preamble, the parties have also suggested editorial and other minor changes which the Board has considered and adopted with modification, as appropriate.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 241 of the Economic Regulations (14 CFR Part 241), effective January 1, 1972, as follows:

1. Amend the Table of Contents of the Uniform System of Accounts and Reports to insert a new section 2-18 so that the table in pertinent part reads:

- Sec.
- 2-16 Notes to financial statements.
- 2-17 Revenue accounting practices.
- 2-18 Transactions between members of an affiliated group.

2. Amend Section 03—Definitions for Purposes of this System of Accounts and Reports by inserting the definition "Affiliated Group" to read:

**Section 03—Definitions for Purposes of this System of Accounts and Reports**

*Affiliated group*—A combination of companies comprised of the air carrier, any person controlling the air carrier or under common control with the air carrier, and organizational divisions (as de-

finied in sections 1-6) of and persons controlled by the air carrier.

3. Amend Section 1—Introduction to System of Accounts and Reports as follows:

By revising section 1-6 *Accounting entities* to read:

**Sec. 1-6 Accounting entities.**

(a) Separate accounting records shall be maintained for each air transport entity for which separate reports to the Civil Aeronautics Board are required to be made by sections 21(d) or 31(h), as applicable, and for each separate corporate or organizational division of the air carrier. For purposes of this Uniform System of Accounts and Reports each nontransport venture as delineated pursuant to paragraph (b) of this section undertaken by the air carrier whether or not formally organized within a distinct organizational unit shall be treated as a separately operated organizational division.

(b) As a general rule any activity or group of activities comprising a nontransport function provided for in incidental revenue accounts 10 through 18 shall be considered a separate nontransport venture under circumstances in which either: (1) A separate corporate or legal entity has been established to perform such services, (2) the aggregate annual revenue rate, as determined in section 2-1(d), during either of the past 2 years exceeds the greater of \$1 million per annum or 1 percent of the air carrier's total annual transport revenues, or (3) the aggregate annual expense rate, as determined in section 2-1(d), during either of the past 2 years exceeds the greater of \$1 million or 1 percent of the carrier's total annual operating expenses: *Provided*, That nontransportation revenue service performed in-flight, interchange sales and mutual aid assistance shall be considered as incidental to the air transportation activity and accounted for accordingly, regardless of the revenue or expense standard set forth above. Other nontransport revenue services which do not meet the foregoing standards shall be also considered as incidental to the air transportation and shall be accounted for accordingly.

(c) The records for each required accounting entity shall be maintained with sufficient particularity to permit a determination that the requirements of section 2-1 have been complied with.

4. Amend section 2—General Accounting Policies as follows:

A. By revising section 2-1 *Basis of allocation between entities* to read:

**Sec. 2-1 Basis of allocation between entities.**

(a) The provisions of this section shall apply to each person controlling an air carrier, each person controlled by the air carrier, as well as each transport entity and organizational division of the air carrier for which separate records must be maintained pursuant to section 1-6.

(b) Each transaction shall be recorded and placed initially under accounting controls of the particular air transport entity or organizational division of the air carrier or member of an affiliated group to which directly traceable. If applicable to two or more accounting entities, a proration shall be made from the entity of original recording to other participating entities on such basis that the statements of financial condition and operating results of each entity are comparable to those of distinct legal entities. The allocations involved shall embrace all debits and credits associated with each entity and shall comply with the provisions of section 2-18, as applicable.

(c) For the purposes of this section, investments by the air carrier in resources or facilities used in common by the regulated air carrier activity and those nontransportation revenue services defined as separate nontransport ventures under section 1-6(b) shall not be allocated between such entities but shall be reflected in total in the appropriate accounts of the entity which predominantly uses the facility or resource. Where the entity of predominate use is a nontransport venture, the air carrier shall reflect the investment in account 1520 Advances to Nontransport Divisions.

(d) For purposes of this Uniform System of Accounts and Reports, all revenues shall be assigned to or apportioned between accounting entities on bases which will fully recognize the services provided by each entity, and expenses, or costs, shall be apportioned between accounting entities on such bases as will result: (1) With respect to "incidental" services, in the assignment thereto of proportionate direct overheads, as well as direct labor and materials, of the applicable expense functions prescribed by this system of accounts and reports, and (2) with respect to separate ventures, in the assignment thereto of proportional general and administrative overheads as well as the direct overheads, labor, and materials.

(e) In accordance with the provisions of sections 22(d) or 32(d), as applicable, each air carrier shall file a statement with the Civil Aeronautics Board which details the practices and techniques used in directly assigning and prorating revenues and expenses, or costs, in compliance with the provisions of this section.

B. By adding a new section 2-18 to read:

**Sec. 2-18 Transactions between members of an affiliated group.**

(a) Unless otherwise approved by the Board's Director, Bureau of Accounts and Statistics, transactions between the regulated activity of an air carrier and activities conducted by nontransport divisions or other corporate members of an affiliated group shall be recorded by the air carrier as provided in paragraphs (b) through (e) of this section 2-18.

(b) Charges for services and assets purchased by or transferred to a regulated activity of an air carrier from other

activities of an affiliated group shall be recorded initially in the accounts of the regulated air carrier activity at their invoice price, if determinative from a prevailing price list held out to the general public in the normal course of business. Where the services and assets received by the regulated activity of the air carrier are not marketed by the affiliated supplier to the general public under a prevailing price list, the charges recorded by the air carrier activity for such services and assets shall be the lower of their cost to the originating activity of the affiliated group, less all applicable valuation reserves, or their estimated fair market value. In the case of charges against income for services received, as distinguished from charges for property and equipment or other assets acquired, any difference in the amount recorded and the consideration given by the air carrier shall be entered in subaccount 88.1 Intercompany Transaction Adjustment—Credit or in subaccount 89.1 Intercompany Transaction Adjustment—Debit. In the case of property and other assets acquired, any difference between the amount recorded and the consideration given by the air carrier shall be entered in appropriate subaccounts of account 1870 Property Acquisition Adjustment, paralleling subaccount 88.1 Intercompany Transaction Adjustment—Credit and subaccount 89.1 Intercompany Transaction Adjustment—Debit, and shall be cleared to such income accounts through periodic amortization at rates coinciding with those applied to other associated assets.

(c) The cost, less all associated valuation reserve accumulations, of services and assets sold by or transferred from the regulated activity of an air carrier to other activities of an affiliated group shall be charged by the air carrier to either applicable incidental services or capital gain income accounts, as appropriate. Where such services and assets are reflected in tariffs filed with the Board or in price lists held out to the general public, the associated revenues

shall be recorded at the rates, fares or charges contained therein in the appropriate incidental services, capital gains or air transport income accounts. Where no tariff or prevailing price list is applicable, the associated revenue shall be recorded at the higher of cost or estimated fair market value of the asset or service involved. Any difference between the revenue so recorded and the agreed consideration to the air carrier shall be recorded in subaccount 88.1 Intercompany Transaction Adjustment—Credit or subaccount 89.1 Intercompany Transaction Adjustment—Debit.

(d) Income taxes shall be allocated among the transport entities of the air carrier, its nontransport divisions, and members of an affiliated group. Under circumstances in which income taxes are determined on a consolidated basis by an air carrier and other members of an affiliated group, the income tax expense to be recorded by the air carrier shall be the same as would result if determined for the air carrier separately for all time periods, except that the tax effect of carryback and carry-forward operating losses, investment tax credits, or other tax credits generated by operations of the air carrier shall be recorded by the air carrier during the period in which applied in settlement of the taxes otherwise attributable to any member, or combination of members, of the affiliated group. Any difference between the income tax so recorded and the amount at which settlement is to be made shall be recorded in subaccount 88.1 Intercompany Transaction Adjustment—Credit or in subaccount 89.1 Intercompany Transaction Adjustment—Debit, as is appropriate.

(e) The principles set forth in this section 2-18 shall apply equally to corporations, proprietorships, partnerships, or other forms of business organizations.

5. Amend Section 7—Chart of Profit and Loss Accounts to subdivide Account 88—Miscellaneous Nonoperating Credits and Account 89—Miscellaneous Nonoperating Debits so that the chart in pertinent part reads:

#### Section 7—Chart of Profit and Loss Accounts

88 Miscellaneous nonoperating credits.....	81	81	81
88.1 Intercompany transaction adjustment-credit.....	81	81	81
88.9 Other.....	81	81	81
89 Miscellaneous nonoperating debits.....	81	81	81
89.1 Intercompany transaction adjustment-debit.....	81	81	81
89.9 Other.....	81	81	81

#### 6. Amend Section 9—Functional Classification—Operating Revenues as follows:

By revising paragraph (b) of subclassification 4600 Incidental Revenues—Net under classification 4900 Nontransport Revenues to read:

4600 Incidental Revenues—Net.

(b) This subclassification shall include revenues, less related expenses, from only those services which are performed as an incidental adjunct to air transportation services and which provide improved utilization of plant and organization required for the performance of air transportation services. Revenues and expenses related to services of a magnitude or scope beyond an incidental adjunct to air transportation

services shall not be included in this subclassification (see section 1-6(b)). Revenues and expenses applicable to such services shall be included in profit and loss classification 8100 Nonoperating Income and Expense—Net, and the accounting modified to conform with that of a nontransport division whether or not the service is organized as a nontransport division.

#### 7. Amend Section 14—Objective Classification—Nonoperating Income and Expense as follows:

A. By revising account 88 Miscellaneous Nonoperating Credits to read:

#### 88 Miscellaneous Nonoperating Credits.

(a) Record here all credits of a nonoperating character not provided for

otherwise, such as royalties from patents, gains from the reacquisition and retirement or resale of debt securities issued by the air carrier, and intercompany credit adjustments.

(b) This account shall be subdivided as follows by all air carrier groups:

88.1 Intercompany Transaction Adjustment—Credit. Record here all intercompany credits for any differences between amounts at which transactions between the air carrier and its nontransport divisions or associated companies are initially recorded and are to be settled as provided under section 2-18.

88.9 Other. Record here all other miscellaneous nonoperating credits not included in subaccount 88.1 Intercompany Transaction Adjustment—Credit.

B. By revising account 89 Miscellaneous Nonoperating Debits to read:

#### 89 Miscellaneous Nonoperating Debits.

(a) Record here all debits of a nonoperating character not provided for otherwise, such as fines or penalties imposed by governmental authorities; costs related to property held for future use; donations for charitable, social or community welfare purposes; losses on reacquired and retired or resold debt securities of the air carrier; losses on uncollectible nonoperating receivables or accruals to reserve for uncollectible nonoperating receivables; and intercompany debt adjustments. This account shall be charged with amortization of amounts carried in balance sheet account 1870 Property Acquisition Adjustment, unless otherwise approved or directed by the Civil Aeronautics Board.

(b) This account shall be subdivided as follows by all air carrier groups:

89.1 Intercompany Transaction Adjustment—Debit. Record here all intercompany debits for any differences between amounts at which transactions between the air carrier and its nontransport divisions or associated companies are initially recorded and are to be settled as provided under section 2-18.

89.9 Other. Record here all other miscellaneous nonoperating debits not included in subaccount 89.1 Intercompany Transaction Adjustment—Debit.

8. Amend Section 15—Objective Classification—Income Taxes for Current Period as follows:

By revising paragraph (a) of account 91 Provision for Income Taxes to read:

#### 91 Provision for income taxes.

(a) Record here quarterly provisions for accruals of Federal, State, local, and foreign taxes based upon net income, computed at the normal tax and surtax rates in effect during the current accounting year. In general, this account shall reflect provisions within each period for currently accruing tax liabilities as actually or constructively computed on tax returns, and any subsequent adjustments. This account shall include credits for refund claims arising from the carryback of losses in the year in which the loss occurs, credits for the carry-forward of losses in the year to which the loss is carried, and investment tax credits in the year in which each credit is utilized to reduce the liability

for income taxes. (See section 2-6.) Income taxes shall be apportioned between members of a consolidated tax group in accordance with the provisions of section 2-18.

9. Amend the title of Schedule B-44 in the list of schedules in paragraph (a) of Section 22—General Reporting Instructions so that the list in pertinent part reads:

B-43... Inventory of Airframes and Aircraft Engines.....	do.....	90
B-44... Summary of Resources Exchanged with Affiliated Group Members and Other Associated Companies.....	do.....	90
B-46... Long-Term and Short-Term Non-Trade Debt.....	do.....	90

10. Amend Section 23—Certification and Balance Sheet Elements as follows: By revising the instruction for Schedule B-44 to read:

*Schedule B-44—Summary of Resources Exchanged with Affiliated Group Members and Other Associated Companies*

(a) This schedule shall be filed by all route air carriers.

(b) Single but separate sets of this schedule shall be filed for the overall corporate or other legal entity comprising the air carrier.

(c) One set each shall be filed, and checked in the appropriate box, for resources acquired by the air carrier or its regulated activity, and one set each shall be filed and checked in the appropriate box for resources disposed of by the air carrier or its regulated activity. For these purposes, the amount at which any resources of other persons are hypothecated for the benefit of the air carrier will be considered a resource acquired and the amount at which any resources of the air carrier are hypothecated for the benefit of others will be considered a disposition of resources. Land, buildings, and equipment acquired from or provided other members of an affiliated group under a lease arrangement will be reported in the same manner but separately from resources hypothecated.

(d) The data reported on this schedule shall be grouped within each indicated classification for resources exchanged with separate but associated legal entities and for resources exchanged between the air carrier's regulated activities and separately organized non-transport divisions.

(e) Column 1 shall reflect under each indicated classification the name of each company or other organization with which resources of any type were exchanged during the calendar year. For this purpose income taxes determined on a consolidated basis within an affiliated group shall be classified as an operational service performed by the controlling person which constitutes resource acquisition (or resource purchased) when the tax allocation results in a charge and resource disposition (or a resource sold) when the tax allocation results in a credit for any tax year.

(f) Column 2 shall reflect for all resources exchanged during the calendar year with each company or other organization reflected in column 1 the aggregate of the invoice price and/or the cost to the provider, less any associated valuation reserve accumulations, as applicable under section 2-18 of this Part 241.

(g) Column 3 shall reflect the estimated market value counterparts of the resource amounts reflected in column 2.

(h) Column 4 shall reflect the aggregate of those transactions with each company or other organization reflected in column 1 which have been recorded at invoice price or cost to the provider, as applicable. For this purpose, transactions concerning resource acquisitions shall not be offset against transactions concerning resource dispositions.

(i) Column 5 shall reflect the aggregate of those transactions with each company or other organization reflected in column 1 which have been recorded at estimated market value. For this purpose, transactions concerning resource acquisitions shall not be offset against transactions concerning resource dispositions.

(j) Column 6 shall reflect the debit adjustments to the aggregates shown in columns 4 and 5 combined, for each company or other organization reflected in column 1, which is necessary to reconcile with the amounts at which settlement has been established. For this purpose, transactions for which credit adjustments are entailed shall not be aggregated with transactions for which debit adjustments are entailed.

(k) Column 7 shall reflect the credit adjustments to the aggregates shown in columns 4 and 5 combined, for each company or other organization reflected in column 1, which is necessary to reconcile

with the amounts at which settlement has been established. For this purpose, transactions for which debit adjustments are entailed shall not be aggregated with transactions for which credit adjustments are entailed.

(l) Column 8 shall reflect the net of any current year adjustments with each company listed in column 1 which pertain to settlements of prior years and which are recorded in asset accounts 1250, 1510, or 1520 or liability accounts 2050, 2240, and/or 2245.

(m) Column 9 shall reflect, for each company or other organization, reflected in column 1, the aggregate of the settlements established which should equal the sum of amounts shown in columns 4 and 5 adjusted by the net of amounts shown in columns 6, 7, and 8. The amounts in this column shall conform with the balance of accruals for the year, before liquidation, to accounts 2050, 2240, and/or 2245 with respect to resource acquisitions and accounts 1250, 1510, or 1520 with respect to resource dispositions, for each company or other organization, reflected in column 1, and as reflected at year-end in Schedule B-4—Accounts With Subsidiaries, Other Associated Companies and Nontransport Divisions.

(n) Column 10 shall reflect the effective interest rate(s), if any, charged on any unliquidated balance of amounts at which resource acquisitions are to be settled and the effective interest rate(s), if any, received on any unliquidated balance of amounts at which resource dispositions are to be settled. Explanatory footnotes shall be used for reporting multiple interest rates or other conditions pertinent to an understanding of effective finance charges.

11. Amend the list of schedules in paragraph (a) of section 32—General Reporting Instructions to insert a new Schedule B-44 so that the list in pertinent part reads:

B-43... Inventory of Airframes and Aircraft Engines.....	do.....	90
B-44... Summary of Resources Exchanged with Affiliated Group Members and Other Associated Companies.....	do.....	90
B-46... Long-Term and Short-Term Non-Trade Debt.....	do.....	90

12. Amend Section 33—Certification and Balance Sheet Elements as follows: By inserting the instruction for new Schedule B-44 to read:

*Schedule B-44—Summary of Resources Exchanged with Affiliated Group Members and Other Associated Companies*

(a) This schedule<sup>1</sup> shall be filed by all supplemental air carriers.

(b) Single but separate sets of this schedule shall be filed for the overall corporate or other legal entity comprising the air carrier.

(c) One set each shall be filed, and checked in the appropriate box, for resources acquired by the air carrier, or its regulated activity, and one set each shall be filed and checked in the appropriate box for resources disposed of by the air

carrier or its regulated activity. For these purposes, the amount at which any resources of other persons are hypothecated for the benefit of the air carrier will be considered a resource acquired and the amount at which any resources of the air carrier are hypothecated for the benefit of others will be considered a disposition of resources. Land, buildings, and equipment acquired from or provided other members of an affiliated group under a lease arrangement will be reported in the same manner but separately from resources hypothecated.

(d) The data reported on this schedule shall be grouped within each indicated classification for resources exchanged with separate but associated legal entities and for resources exchanged between the air carrier's regulated activities and separately organized nontransport divisions.

(e) Column 1 shall reflect under each indicated classification the name of each

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

company or other organization with which resources of any type were exchanged during the calendar year. For this purpose income taxes determined on a consolidated basis within an affiliated group shall be classified as an operational service performed by the controlling person which constitutes resource acquisition (or resource purchased) when the tax allocation results in a charge and a resource disposition (or a resource sold) when the tax allocation results in a credit for any tax year.

(f) Column 2 shall reflect for all resources exchanged during the calendar year with each company or other organization reflected in column 1 the aggregate of the invoice price and/or the cost to the provider, less any associated valuation reserve accumulations, as applicable under section 2-18 of this Part 241.

(g) Column 3 shall reflect the estimated market value counterparts of the resource amounts reflected in column 2.

(h) Column 4 shall reflect the aggregate of those transactions with each company or other organization reflected in column 1 which have been recorded at invoice price or cost to the provider, as applicable. For this purpose, transactions concerning resource acquisitions shall not be offset against transactions concerning resource dispositions.

(i) Column 5 shall reflect the aggregate of those transactions with each company or other organization reflected in column 1 which have been recorded at estimated market value. For this purpose, transactions concerning resource acquisitions shall not be offset against transactions concerning resource dispositions.

(j) Column 6 shall reflect the debit adjustments to the aggregates shown in columns 4 and 5 combined, for each company or other organization reflected in column 1, which is necessary to reconcile with the amounts at which settlement has been established. For this purpose, transactions for which credit adjustments are entailed shall not be aggregated with transactions for which debit adjustments are entailed.

(k) Column 7 shall reflect the credit adjustments to the aggregates shown in columns 4 and 5 combined, for each company or other organization reflected in column 1, which is necessary to reconcile with the amounts at which settlement has been established. For this purpose, transactions for which debit adjustments are entailed shall not be aggregated with transactions for which credit adjustments are entailed.

(l) Column 8 shall reflect the net of any current year adjustments with each company listed in column 1 which pertain to settlements of prior years and which are recorded in asset accounts 1250, 1510, or 1520 or liability accounts 2050, 2240, and/or 2245.

(m) Column 9 shall reflect, for each company or other organization, reflected in column 1, the aggregate of the settlements established which should equal the sum of amounts shown in columns 4 and 5 adjusted by the net of amounts shown in columns 6, 7, and 8. The amounts in this column shall conform with the balance of accruals for the year,

before liquidation, to accounts 2050, 2240, and/or 2245 with respect to resource acquisitions and accounts 1250, 1510, or 1520 with respect to resource dispositions, for each company or other organization, reflected in column 1, and as reflected at year-end in Schedule B-4—Accounts With Subsidiaries, Other Associated Companies and Nontransport Divisions.

(n) Column 10 shall reflect the effective interest rate(s), if any, charged on any unliquidated balance of amounts at which resource acquisitions are to be settled and the effective interest rate(s), if any, received on any unliquidated balance of amounts at which resource dispositions are to be settled. Explanatory footnotes shall be used for reporting multiple interest rates or other conditions pertinent to an understanding of effective finance charges.

13. Amend CAB Form 41 by deleting old Schedule B-44—Transactions with Associated Companies and by adding new Schedule B-44—Summary of Resources Exchanged with Affiliated Group Members and Other Associated Companies as shown in Exhibit A<sup>1</sup> and incorporated herein by reference.

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

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

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,  
Secretary.

[FR Doc.71-15938 Filed 11-1-71;8:50 am]

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

Amount	Limitations	Indications for use
***	***	***
3. Coumaphos.....	For chickens in complete feed; administer continuously for from 10 to 14 days; do not feed to chickens under 8 weeks of age nor within 10 days of vaccination or other conditions of stress; when reinfection occurs, treatment should be repeated 3 weeks after end of previous treatment; as sole medication; not for use in pelleted feeds; treatment of colored breeds of commercial layers should be avoided while in production since these breeds appear to be more sensitive to coumaphos than white breeds.	***

**Effective date.** This order shall be effective upon publication in the FEDERAL REGISTER (11-2-71).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: September 22, 1971.

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

[FR Doc.71-15906 Filed 11-1-71;8:45 am]

#### PART 148i—NEOMYCIN

##### Combination Drug Containing Neomycin Sulfate and Nystatin for Oral Use

In the FEDERAL REGISTER of July 2, 1970 (35 P.R. 10793), the Commissioner of

## Title 21—FOOD AND DRUGS

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

#### SUBCHAPTER C—DRUGS

#### PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

##### Coumaphos

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (40-001V) filed by Chemagro Corp., Hawthorn Road, Post Office Box 4913, Kansas City, MO 64120, proposing that labeling for coumaphos be revised to indicate among other things, that treatment of colored breeds of commercial layers should be avoided while in production since these breeds appear to be more sensitive to coumaphos than white breeds. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135e.39(f) is amended by revising the text in the "Limitations for use" column for item 3 to read, as follows:

§ 135e.39 Coumaphos.

(f) Conditions of use. It is used as follows:

Food and Drugs announced (DESI 11212) the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, regarding the following preparation: Mycifradin N Tablets, containing neomycin sulfate and nystatin; formerly marketed by The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49001 (NDA 11-212).

The Food and Drug Administration concluded there is a lack of substantial evidence, as defined in the Federal Food, Drug, and Cosmetic Act, that this drug is effective as a fixed combination for its claimed clinical effect, and that each component of the drug contributes to the total effects claimed for such drug. The Commissioner gave notice of his intention to initiate proceedings to revoke

the antibiotic drug regulation providing for certification of such drug.

Interested persons who might be adversely affected by removal of the drug from the market were invited to submit within 30 days after publication of the announcement in the FEDERAL REGISTER, any pertinent data bearing on the proposal to revoke the antibiotic drug regulation. No data were received in response to the announcement.

Accordingly, the Commissioner concludes that the regulation should be revoked and that all outstanding certificates heretofore issued thereunder should also be revoked.

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), Part 148i is amended by revoking § 148i.29 Neomycin sulfate-nystatin tablets. All certificates issued under this section are also revoked.

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 amended, 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 here 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 on these data, making 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) (21 U.S.C. 371 (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 objec-

tions are filed, the effective date will be extended for such period of time as necessary to rule thereon. In so ruling, the Commissioner will specify another effective date and how the outstanding stocks of the affected drugs are to be handled.

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

Dated: October 19, 1971.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.71-15907 Filed 11-1-71;8:45 am]

## Title 22—FOREIGN RELATIONS

### Chapter I—Department of State

#### SUBCHAPTER B—VISAS

[Departmental Reg. 108.647]

### PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

#### Definitions

Part 42, Chapter I, Title 22 of the Code of Federal Regulations is being amended to delete from the definition of "Entitled to immigrant classification" in § 42.1 the reference to the Department of Labor's Schedule C which has been abolished by that Department.

1. Section 42.1 is amended in part to read as follows:

#### § 42.1 Definitions.

In addition to the pertinent definitions contained in the Immigration and Nationality Act, the following definitions shall be applicable to this part:

"Entitled to immigrant classification" means that the alien (1) is the beneficiary of an approved petition to accord him immediate relative or preference status, or (2) has obtained an individual labor certification, or (3) has satisfied the consular officer that he (i) is entitled to special immigrant status under section 101(a)(27) (B) through (E) of the Act, or (ii) is within one of the professional or occupational groups listed in Schedule A of the Department of Labor regulations (29 CFR Part 60), or (iii) has a relationship to a U.S. citizen or resident alien which statutorily exempts him from the provisions of section 212(a)(14) of the Act, or (iv) is within one of the classes described in § 42.91(a)(14) (ii) and is therefore not within the purview of section 212(a)(14) of the Act.

**Effective date.** The amendment to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER (11-2-71).

The provisions of the Administrative Procedure Act (30 Stat. 383; 5 U.S.C. 553) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein

involve foreign affairs functions of the United States.

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

Dated: October 18, 1971.

For the Secretary of State.

[SEAL] WILLIAM N. DALE,  
Acting Administrator, Bureau of  
Security and Consular Affairs,  
Department of State.

[FR Doc.71-15925 Filed 11-1-71;8:52 am]

### SUBCHAPTER M—INTERNATIONAL TRAFFIC IN ARMS

[Departmental Reg. 108.646]

### MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Parts 121, 123, 124, 125, and 126 of Title 22 of the Code of Federal Regulations are amended and revised as set forth below.

### PART 121—ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

1. In § 121.01, Categories IV, V, XI, XIII, XIV, are revised to read in part as follows:

#### § 121.01 The U.S. munitions list.

#### CATEGORY IV—LAUNCH VEHICLES, GUIDED MISSILES, BALLISTIC MISSILES, ROCKETS, TORPEDOES, BOMBS, AND MINES

(a) Rockets (except meteorological sounding rockets), torpedoes, depth charges, land and naval mines, and demolition blocks and blasting caps (see § 121.05).

(b) Launch vehicles, guided missiles, and ballistic missiles, tactical and strategic.

(c) Apparatus, devices, and materials for the handling, control, activation, detection, protection, discharge, or detonation of the articles in paragraphs (a) and (b) of this category (see § 121.06).

(d) Missile and space vehicle powerplants.

(e) Military explosive excavating devices.

(f) Ablative materials fabricated or semi-fabricated from advanced composites (e.g., silica, graphite, carbon, and boron filaments) for the articles in this category when clearly identifiable as arms, ammunition, and implements of war, including the tape wrapping and other techniques for their production.

(g) All specifically designed components, parts, accessories, attachments, and associated equipment for the articles in this category.

#### CATEGORY V—PROPELLANTS, EXPLOSIVES, AND INCENDIARY AGENTS

(a) Propellants for the articles in Categories III and IV of this section (see § 121.09).

(b) Military explosives (see § 121.10).

(c) Military fuel thickeners (see § 121.11).

(d) Military pyrotechnics except (i) non-irritant smoke and (ii) other pyrotechnic materials having dual military and commercial use.

#### CATEGORY XI—MILITARY AND SPACE ELECTRONICS

(c) Electronic systems or equipment designed, configured, used, or intended for use in search, reconnaissance, collection, monitoring, direction-finding, display, analysis,

and production of information from the electromagnetic spectrum for intelligence or security purposes.

(d) Components, parts, accessories, attachments, and associated equipment specifically designed for use or currently used with the equipment in paragraphs (a) through (c) of this category, except such items as are in normal commercial use.

\* \* \* \* \*

CATEGORY XIII—AUXILIARY MILITARY  
EQUIPMENT

\* \* \* \* \*

(b) Speech scramblers, privacy devices, cryptographic devices (encoding and decoding), and specifically designed components therefor, ancillary equipment, and especially devised protective apparatus for such devices, components, and equipment.

\* \* \* \* \*

CATEGORY XIV—TOXICOLOGICAL AGENTS AND  
EQUIPMENT; RADIOLOGICAL EQUIPMENT

\* \* \* \* \*

(b) Biological agents adapted for use in war to produce death or disablement in human beings or animals, or to damage crops and plants.

\* \* \* \* \*

§ 121.08 [Amended]

5. In § 121.08(a), items 6(b) and (b) are revoked to correct an error in printing.

§ 121.20 [Amended]

6. In § 121.20, paragraph (d) is revoked.

\* \* \* \* \*

**PART 123—LICENSES FOR UNCLASSIFIED ARMS, AMMUNITION, AND IMPLEMENTS OF WAR**

7. Section 123.01 is amended to read as follows:

§ 123.01 Export license.

Equipment (see § 121.02 of this subchapter for definition) on the U.S. Munitions List shall not be exported from the United States until a license has been obtained from the Department of State, or it is otherwise exempt under other provisions of this subchapter. As a condition precedent for the issuance of an export license for equipment the Department of State may require all pertinent documentary information regarding the proposed transaction, and may also require the execution of an appropriate bond. (Applications for export license where the value is \$50,000 or more shall be accompanied by a copy of the relevant DD form 1513 in cases involving the U.S. Foreign Military Sales program, and by a copy of a firm order or letter of intent in other cases.)

8. In § 123.10, paragraph (d) is revised to read as follows:

§ 123.10 Country of ultimate destination.

(d) Applications for export (form DSP-5) of unclassified significant combat equipment' submitted to the Office of Munitions Control shall be accompanied by a "Consignee-Purchaser Transaction Statement" (Form DSP-83)

which must be submitted by the foreign importer to the U.S. applicant for export license. (Exports of classified significant combat equipment shall also require form DSP-83 submissions. See § 125.21 of this subchapter.) The Transaction Statement shall provide that, except as specifically authorized by prior written approval of the Department of State, the ultimate consignee (and purchaser if not the same as the ultimate consignee) will not reexport, resell or otherwise dispose of the equipment enumerated in the application outside the country named as the location of the ultimate consignee. The Office of Munitions Control reserves the right to require a Consignee-Purchaser Transaction Statement with respect to the export of any U.S. Munitions List article.

9. In § 123.12, paragraph (g) is amended to read as follows:

§ 123.12 Canadian shipments.

(g) Submersible and oceanographic vessels and related articles as defined in Category XX (a) through (d).

NOTE: The exemption from obtaining export licenses for certain equipment on the U.S. Munitions List destined for Canada shall not exempt shippers from filing Shipper's Export Declarations as required by § 123.53.

10. In § 123.53, paragraph (a) is amended to read as follows:

§ 123.53 Filing of export and intransit licenses, and shipper's export declarations, with district directors of customs.

(a) Prior to the actual shipment of any arms, ammunition and implements of war on the U.S. Munitions List, the license issued therefor shall be filed with the district director of customs at the port where the shipment is made, except for exports by mail (see § 123.54). A person holding a valid license may file it at one port and if necessary make shipment at another port provided the procedural requirements of the Bureau of Customs are followed. A Shipper's Export Declaration (U.S. Department of Commerce Form 7525-V) shall also be filed with, and be authenticated by, the district director of customs before the arms, ammunition, and implements of war are actually shipped for export. The district director of customs shall endorse each license to show the shipments made. Licenses shall be returned by the district director of customs to the Office of Munitions Control, Department of State, upon expiration of the dates stated thereon, or upon the completion of the shipments, whichever first occurs. (If in particular circumstances an export license is not required—e.g., certain equipment destined for Canada—a Shipper's Export Declaration is nevertheless required to be filed with a U.S. customs officer. Such declaration shall certify that the proposed export is covered by a relevant section of these regulations. Certification shall be made by annotating the declaration "22 CFR Part 123 \* \* \* applicable", identifying the section under which an

exemption is claimed. A copy of each such declaration shall be mailed immediately by the shipper to the Office of Munitions Control, Department of State, Washington, D.C. 20520.)

\* \* \* \* \*

**PART 124—MANUFACTURING LICENSE AND TECHNICAL ASSISTANCE AGREEMENTS**

11. In § 124.10, paragraphs (d) through (m) are amended and a new paragraph (n) is added to read as follows:

§ 124.10 Required information in agreements.

(d) A statement that reads as follows: "This agreement shall not become effective without the prior approval of the Department of State of the U.S. Government."

(e) A statement that reads as follows: "This agreement is subject to all the laws and regulations, and other administrative acts, now or hereafter in effect, of the U.S. Government and its departments and agencies."

(f) A statement that reads as follows: "The parties to this agreement declare that the obligations contained in this agreement shall not affect the performance of any obligations created by prior contracts or subcontracts which the parties may have individually or collectively with the U.S. Government or its departments and agencies."

(g) A statement that reads as follows: "Any use of tooling and facilities which the U.S. Government owns or to which it has the right to acquire title must be authorized by the U.S. Government contracting officer."

(h) A statement that reads as follows: "No liability shall be incurred by or attributed to the U.S. Government in connection with any possible infringements of privately owned patent or proprietary rights, either domestic or foreign, by reason of the U.S. Government's approval of this agreement."

(i) A statement that reads as follows: "The article to be produced under license, including technical data pertaining thereto" (or in the case of a technical assistance agreement only: "The technical data pertaining to the article(s) to be produced") "are not authorized to be directly or indirectly sold, leased, released, assigned, transferred, conveyed, or in any manner disposed of in or to Albania, Bulgaria, Communist China, Cuba, Czechoslovakia, East Germany, Estonia, Hungary, Latvia, Lithuania, North Korea, Outer Mongolia, Poland, Romania, Union of Soviet Socialist Republics, any of the area of Vietnam which is under de facto Communist control, and any other area which is determined by the Department of State to be under Communist control."

(j) [Reserved]

(k) Specific identification of the countries or areas in which manufacturing, production, processing, sale, or other form of transfer is to be licensed.



(i) [Reserved]

(m) (1) With respect to all manufacturing license agreements, a statement that reads as follows: "No export, sale, transfer, or other disposition of the licensed article is authorized to any country outside the territory wherein manufacture or sale is herein licensed without the prior written approval of the U.S. Government."

(2) With respect to manufacturing license agreements for significant combat equipment, the Department may require that the prospective foreign licensee furnish an "Nth Country Control Statement" (Form DSP-83a) to the Office of Munitions Control. The Nth Country Control Statement shall provide that the licensee agrees to ensure that any contract or other transfer arrangement with a recipient of the licensed article in any country within the licensed sales territory will include the following provision:

The recipient shall obtain the approval of the U.S. Government prior to entering into a commitment for the transfer of the licensed article by sale or otherwise to another recipient in the same or any other country in the world.

[At the option of the parties, the obligation of the licensee as provided in the Nth Country Control Statement (Form DSP-83a) may be included in the manufacturing license agreement.]

[The Office of Munitions Control reserves the right to require an Nth Country Control Statement (Form DSP-83a) or a similar undertaking in the license agreement, at the option of the parties, in connection with the foreign manufacture of any U.S. Munitions List article.]

(n) A statement that reads as follows:

(1) It is agreed that sales under contracts made with funds derived through the Military Assistance Program or otherwise through the U.S. Government will not include either (i) charges for patent rights in which the U.S. Government holds a royalty-free license, or (ii) charges for data which the U.S. Government has a right to use and disclose to others, which are in the public domain, or which the U.S. Government has acquired or is entitled to acquire without restrictions upon their use and disclosure to others.

(2) If the U.S. Government is obligated or becomes obligated to pay licensor royalties, fees, or other charges for the use of technical data or patents which are involved in the manufacture, use or sale of any licensed item, any royalties, fees, or other charges in connection with purchases of such licensed item from licensee or its sub-licensees with funds derived through the Military Assistance Program or otherwise through the U.S. Government shall in the aggregate be no greater than said obligation.

(3) If the U.S. Government has made financial or other contributions to the design and development of any licensed item, any charges for technical assistance or know-how relating to the item in connection with purchases of such items with funds derived through the Military Assistance Program or otherwise through the U.S. Government shall be proportionately reduced to reflect the U.S. Government contributions and, subject to the provisions of paragraph (2) above, no other royalties, fees or other charges will be assessed against U.S. Government funded purchases of such item. However, charges may be made for reasonable reproduction, handling, mailing, or similar

administrative costs incident to the furnishing of such data.

Note: Manufacturing license agreements shall contain all of the information and statements in § 124.10 (a) through (n)(3); technical assistance agreements shall contain all of the information and statements in § 124.10 (a) through (l). See § 124.01 to distinguish between types of agreements.

12. In § 124.11, paragraphs (a) and (b) are amended as follows:

§ 124.11 Required information in letters of transmittal.

(a) A statement giving the applicant's Munitions Control registration number.

(b) A statement identifying any U.S. Government contract under which the equipment or technical data was generated, improved, or developed and supplied to the U.S. Government, and whether the equipment or technical data was derived from any bid or other proposal to the U.S. Government.

13. Section 124.20 is revised to read as follows:

§ 124.20 Offshore procurement.

Notwithstanding the other provisions in this Part 124, a person in the United States may conclude manufacturing arrangements for U.S. Munitions List equipment in a foreign country without prior Department of State approval provided:

(a) The arrangement calls for delivery of equipment only for use of the person in the United States or an agency of the U.S. Department of Defense;

(b) The technical data of U.S. origin to be used in the foreign manufacture is unclassified, and has been licensed for export by the Department of State or is subject to one of the exemptions in §§ 125.10, 125.11, or 125.12 of this subchapter;

(c) The foreign manufacture is pursuant to a contract or purchase order between a person in the United States and a foreign person for delivery of equipment only to the person in the United States or to an agency of the U.S. Government anywhere in the world;

(d) The contract or purchase order between a person in the United States and a foreign person:

(1) Limits the use of the technical data to that required by the contract or purchase order;

(2) Prohibits the disclosure of the data to any other person except duly qualified subcontractors for the equipment within the same country;

(3) Prohibits the acquisition of any rights in the data by any foreign person without the approval of the Department of State; and

(4) Provides that any subcontracts between foreign persons in the approved country for manufacture of equipment for delivery pursuant to the contract or purchase order contain all the limitations of this paragraph (d); and

(e) The person in the United States provides the Office of Munitions Control, Department of State, with a copy of

each subcontract (or Purchase Order) for offshore procurement at the time it is accepted by both persons. Each such subcontract or purchase order must clearly identify the article to be produced.

PART 125—UNCLASSIFIED TECHNICAL DATA AND CLASSIFIED INFORMATION (DATA AND EQUIPMENT)

14. In § 125.11, paragraph (b) is amended to read as follows:

§ 125.11 General exemptions.

(b) Plant visits. Except as restricted by the provisions of § 126.01 of this subchapter:

(1) No license shall be required for the oral and visual disclosure of unclassified technical data during the course of a plant visit by foreign nationals provided the data is disclosed in connection with a classified plant visit or the visit has the approval of a U.S. Government agency having authority for the classification of information or material under Executive Order 10501, as amended, and the requirements of section V, paragraph 40(d) of the Industrial Security Manual are met.

(2) No license shall be required for the documentary disclosure of unclassified technical data during the course of a plant visit by foreign nationals provided the document does not contain technical data as defined in § 125.01 in excess of that released orally or visually during the visit, is within the terms of the approved visit request, and the person in the United States assures that the technical data will not be used, adapted for use, or disclosed to others for the purpose of manufacture or production without the prior approval of the Department of State in accordance with Part 124 of this subchapter.

(3) No Department of State approval is required for the disclosure of oral and visual classified information during the course of a plant visit by foreign nationals provided the visit has been approved by the cognizant U.S. Defense agency and the requirements of section V, paragraph 40(d) of the Defense Industrial Security Manual are met.

15. In § 125.12, paragraph (e) is amended to read as follows:

§ 125.12 Canadian shipments.

(e) Submersible and oceanographic vessels and related articles as defined in Category XX (a) through (d).

16. In § 125.20, paragraph (a) is amended to read:

§ 125.20 Export of unclassified technical data.

(a) General and visits. Unless exempted in § 125.10 or § 125.11 of this subchapter, applications for the export or the disclosure of nonexempt unclassified technical data to foreign persons shall be made (by persons in the United States

only) to the Department of State on Form DSP-5, accompanied by five copies of the data. In the case of visits, sufficient details of the proposed discussions shall be transmitted in quintuplicate for an adequate appraisal of the data in question.

17. Section 125.21 is amended to read as follows:

**§ 125.21 Export of classified information (data and equipment).**

Unless exempted in § 125.10 or § 125.11, applications (from U.S. citizens only) for approval to export or disclose classified information (data or equipment) to foreign persons shall be submitted to the Department of State on form DSP-85. When the application is for export of classified technical data only it shall be accompanied by five copies of the data to permit an evaluation of whether an export license may be issued. When the application is for export of classified equipment it shall be accompanied by five copies of suitable descriptive information to permit an evaluation of whether an export license may be issued, and form DSP-83 in the case of significant combat equipment (see footnote 3 to § 123.10 (d) of this subchapter). All classified materials accompanying an application shall be treated as required by the Defense Industrial Security Manual, section I, paragraph 5.

**PART 126—PROHIBITED SHIPMENTS, TEMPORARY SUSPENSION OR MODIFICATION OF REGULATIONS, EXEMPTIONS, AND RELATION TO OTHER PROVISIONS OF LAW**

18. Section 126.04 is amended to read as follows:

**§ 126.04 Shipments by U.S. Government agencies.**

(a) The export of articles on the U.S. Munitions List by any department or agency of the U.S. Government is not subject to the provisions of section 414 of the Mutual Security Act of 1954, as amended. A license to export such articles, therefore, is not required when (1) all aspects of a transaction (export, carriage, and delivery abroad) are effected by a U.S. Government agency, or (2) actual transfer of possession of U.S. Government-owned articles is effected in the United States by an agency of the U.S. Government to a foreign government or its carrier and no private person or forwarding agent is involved in the export transaction.

(b) A license shall be required when a private person or forwarding agent is involved in any aspect of an export transaction unless the regulations in this subchapter contain a specific exemption from the need for a license under the

particular circumstances of the transaction, or the consignor, consignee, and intermediate consignee (if any) are agencies of the U.S. Government and the export is covered by a U.S. Government Bill of Lading.

(c) This section does not authorize any Government department or agency to export any items listed in § 121.01 of this subchapter which are subject to restrictions by virtue of other statutory provisions.

*Effective date.* These amendments and revisions are effective upon publication in the FEDERAL REGISTER (11-2-71), except meteorological sounding rockets, filament winding machines, and non-irritant smoke and other pyrotechnic materials having dual military and commercial use shall not be removed from the export controls of the Department of State until November 1, 1971.

(Sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934; secs. 101, 105, E.O. 10973, 26 F.R. 10469; sec. 6, Departmental Delegation of Authority No. 104, 26 F.R. 10608, as amended, 27 F.R. 9925; Redelegation of Authority No. 104-3-A, 28 F.R. 7231; Redelegation of Authority No. 104-7, 35 F.R. 3243; Redelegation of Authority No. 104-7-A, 35 F.R. 5423, 5424)

Dated: October 18, 1971.

[SEAL] WILLIAM P. ROGERS,  
Secretary of State.

[FR Doc.71-15924 Filed 11-1-71;8:52 am]

## Title 24—HOUSING AND HOUSING CREDIT

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

#### SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

#### PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

##### List of Eligible Communities

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

**§ 1914.4 List of eligible communities.**

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Florida	Brevard	Indianapolis				Oct. 29, 1971.
Do.	Palm Beach	Jupiter				Do.
Do.	Broward	Wilton Manors				Do.
Georgia	Fulton	Unincorporated areas.	I 13 121 0000 15 through I 13 121 0000 48	Bureau of State Planning and Community Affairs, 270 Washington St. SW., Atlanta, GA 30334. Georgia Insurance Department, State Capitol, Atlanta, GA 30334.	Fulton County Planning Department, Room 305, 165 Central Ave. SW., Atlanta, GA 30303.	Do.
Indiana	Marion	Indianapolis				Do.
Kentucky	Harlan	Harlan				Do.
Missouri	Clay	North Kansas City.				Do.
Do.	Mercer	Princeton				Do.
Do.	Greene	Springfield				Do.
New York	Rockland	Town of Ramapo (unincorporated areas) and Village of Spring Valley.				Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
North Dakota	Ward	Unincorporated areas	I 38 101 0000 01 through I 38 101 0000 30	State Water Commission, Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N.D. 58501.	Office of the County Building Inspector, Ward County Courthouse, Minot, N. Dak. 58701.	Oct. 29, 1971
Pennsylvania	Bucks	Reading				Do.
Do.	Bucks	Solebury Township				Do.
Do.	Dauphin	Susquehanna Township				Do.
Do.	Perry	Wheatfield Township				Do.
Texas	Cameron	Port Isabel				Do.

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

Issued: October 27, 1971.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc.71-15866 Filed 11-1-71;8:45 am]

**PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS**

**List of Communities With Special Hazard Areas**

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

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Florida	Brevard	Indianapolis				Oct. 29, 1971.
Do.	Palm Beach	Jupiter				Do.
Do.	Broward	Wilton Manors				Do.
Georgia	Fulton	Unincorporated areas	H 13 121 0000 15 through H 13 121 0000 48	Bureau of State Planning and Community Affairs, 270 Washington St. SW., Atlanta, GA 30334. Georgia Insurance Department, State Capitol, Atlanta, GA 30334.	Fulton County Planning Department, Room 305, 166 Central Ave. SW., Atlanta, GA 30303.	Nov. 23, 1970.
Indiana	Marion	Indianapolis				Oct. 29, 1971.
Kentucky	Hartan	Hartan				Do.
Missouri	Clay	North Kansas City				Do.
Do.	Mercer	Princeton				Do.
Do.	Greene	Springfield				Do.
New York	Rockland	Town of Ramapo (unincorporated areas) and Village of Spring Valley				Do.
North Dakota	Ward	Unincorporated areas	H 38 101 0000 01 through H 38 101 0000 30	State Water Commission, Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	Office of the County Building Inspector, Ward County Courthouse, Minot, N. Dak. 58701.	Mar. 11, 1970 and Apr. 8, 1971.
Pennsylvania	Bucks	Reading				Oct. 29, 1971.
Do.	Bucks	Solebury Township				Do.
Do.	Dauphin	Susquehanna Township				Do.
Do.	Perry	Wheatfield Township				Do.
Texas	Cameron	Port Isabel				Do.

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

Issued: October 27, 1971.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc.71-15867 Filed 11-1-71;8:45 am]

## Title 26—INTERNAL REVENUE

### Chapter I—Internal Revenue Service, Department of the Treasury

#### SUBCHAPTER A—INCOME TAX

[T.D. 7149]

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

##### Limitation on Dividends Received Deduction for Mutual Savings Banks, Building and Loan Associations, and Cooperative Banks

On August 20, 1970, notice of proposed rule making with respect to the limitation on the dividends received deduction for mutual savings banks, building and loan associations, and cooperative banks was published in the FEDERAL REGISTER (35 F.R. 13289). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following amendment is adopted.

In order to prescribe regulations under section 596 of the Internal Revenue Code of 1954, as added by section 434(a) of the Tax Reform Act of 1969 (Public Law 91-172, 83 Stat. 624), the Income Tax Regulations (26 CFR Part 1) are amended as follows:

The following sections are added immediately after § 1.595-1:

##### § 1.596 Statutory provisions; limitation on dividends received deduction.

Sec. 596. *Limitation on dividends received deduction.* In the case of an organization to which section 593 applies and which computes additions to the reserve for losses on loans for the taxable year under section 593(b)(2), the total amount allowed under sections 243, 244, and 245 (determined without regard to this section) for the taxable year as a deduction with respect to dividends received shall be reduced by an amount equal to the applicable percentage for such year (determined under subparagraphs (A) and (B) of section 593(b)(2)) of such total amount.

(Sec. 596 as added by sec. 434(a), Tax Reform Act 1969 (83 Stat. 624))

##### § 1.596-1 Limitation on dividends received deduction.

(a) *In general.* For taxable years beginning after July 11, 1969, in the case of mutual savings banks, domestic building and loan associations, and cooperative banks, if the addition to the reserve for losses on qualifying real property loans for the taxable year is determined under section 593(b)(2) (relating to the percentage of taxable income method), the total amount allowed as a deduction with respect to dividends received under part VIII, subchapter B, chapter 1, subtitle A of the Code (section 241 et seq.) (determined without regard to section 596 and this section) for such taxable year is reduced as provided by this section. In such case, the dividends received deduction otherwise determined under part VIII, subchapter B, chapter 1, subtitle A of the Code, is reduced by an

amount equal to the applicable percentage for such year (determined solely under subparagraphs (A) and (B) of section 593(b)(2) and the regulations thereunder) of such total amount. For the rule under which a mutual savings bank, domestic building and loan association, or cooperative bank is deemed to have determined the addition to its reserve for losses on qualifying real property loans for the taxable year under section 593(b)(2), see § 1.593-6A(a)(2).

(b) *Example.* The provisions of this section may be illustrated by the following example:

*Example.* X Corporation, a domestic building and loan association, determines the addition to its reserve for losses on qualifying real property loans under section 593(b)(2) for its taxable year beginning in 1971. During that taxable year, X Corporation received a total of \$100,000 as dividends from domestic corporations subject to tax under chapter 1 of the Code. X Corporation received no other dividends during the taxable year. Under part VIII, subchapter B, chapter 1, subtitle A of the Code, a deduction, determined without regard to section 596 and this section, of \$85,000 would be allowed with respect to the dividends. For the taxable year, the applicable percentage, determined under subparagraphs (A) and (B) of section 593(b)(2), is 54 percent. Under section 596 and this section, the amount allowed as a deduction under section 243 and the regulations thereunder is reduced by \$45,900 (54 percent of \$85,000) to \$39,100 (\$85,000 less \$45,900).

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805; sec. 434(a), Tax Reform Act of 1969, Public Law 91-172, 83 Stat. 624)

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

Approved: October 27, 1971.

EDWIN S. COHEN,  
Assistant Secretary  
of the Treasury.

[FR Doc. 71-15868 Filed 11-1-71; 8:46 am]

## Title 32—NATIONAL DEFENSE

### Chapter I—Office of the Secretary of Defense

#### SUBCHAPTER M—MISCELLANEOUS

#### PART 275—PRECISE TIME AND TIME INTERVAL (PTTI) STANDARDS AND CALIBRATION FACILITIES FOR USE BY DEPARTMENT OF DEFENSE COMPONENTS

The Deputy Secretary of Defense approved the following revision to Part 275:

- Sec.  
275.1 Purpose and applicability.  
275.2 Definitions.  
275.3 Policy.  
275.4 Responsibilities.  
275.5 Delineation of functions.

AUTHORITY: The provisions of this Part 275 issued under 5 U.S.C. 301, 552.

##### § 275.1 Purpose and applicability.

This part establishes policy and assigns responsibility to a single Department of

Defense Component for establishing, coordinating, and maintaining capabilities for time and time interval (astronomical and atomic) for use by all DOD Components, DOD contractors, and related scientific laboratories.

##### § 275.2 Definitions.

For purposes of this part, the following definitions will apply.

(a) "Time" signifies epoch, that is, the designation of an instant on a selected time scale, astronomical or atomic. It is used in the sense of time of day.

(b) "Time Interval" indicates the duration of a segment of time without reference to when the time interval begins and ends. Time interval may be given in seconds of time.

(c) "Standards" signifies the reference values of time and time interval. These standards are determined by astronomical observation and by the operation of atomic clocks. They are disseminated by transport of clocks, radio transmissions, and by other means.

(d) "Precise frequency" signifies a frequency requirement to within one part in 10<sup>6</sup> of an established time scale.

(e) "Precise time" signifies a time requirement within 10 milliseconds.

##### § 275.3 Policy.

(a) Resources for uniform and standard time and time interval operations and research shall be the responsibility of a single DOD Component.

(b) The maximum practicable interchange of time and time interval information shall be effected throughout the DOD.

(c) Maximum practical utilization of interservice support will be achieved as prescribed in Department of Defense Directive 4000.19, "Basic Principles for Interservice and Interdepartmental Logistic Support," August 5, 1967.<sup>1</sup>

##### § 275.4 Responsibilities.

(a) The U.S. Naval Observatory (hereafter referred to as the "Observatory") is assigned the responsibility for insuring:

(1) Uniformity in precise time and time interval operations including measurements.

(2) The establishment of overall DOD requirements for time and time interval.

(3) The accomplishment of objectives requiring precise time and time interval with minimum cost.

(b) In carrying out the above responsibilities, the Observatory shall:

(1) Derive and maintain standards of time and time interval, both astronomical and atomic.

(2) Provide coordination of such standards with recognized national and international standards to insure worldwide continuity of precision.

(3) Monitor conferences concerning time and time interval standards.

<sup>1</sup> Filed as part of original. Copies available from U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120, Attention: Code 300.

(4) Advise and provide guidance to DOD Components, contractors and scientific laboratories on matters concerning time and time interval, and their measurement.

(c) All DOD Components which require, utilize, or distribute time and time interval information or have a need for a specific time scale shall:

(1) Refer time and time interval to the standards established by the Observatory.

(2) Maintain specific time scales such that relationship to the standard established by the Observatory is known.

(3) Prescribe technical requirements for the coordination of techniques, procedures and periodic calibrations of systems.

(4) Promote economy by prescribing requirements for precise time that are consistent with operational and research needs for accuracy.

§ 775.5 Delineation of functions.

(a) The Observatory is the single DOD Component responsible for PTTI management control functions. This responsibility encompasses overall activities requiring time to within ten milliseconds and frequency to within one part in 10<sup>6</sup> of an established time scale. In carrying out these PTTI functions on a common-servicing basis, the Observatory will:

(1) Issue detailed information concerning reference values for PTTI and distribute them by means of controlled radio transmissions and portable atomic clocks.

(2) Promote (i) operational uniformity of PTTI functions, including measurements; (ii) establishment of overall DOD PTTI requirements; and (iii) accomplishment of objectives requiring PTTI at minimum cost.

(3) Monitor DOD research programs concerning PTTI (frequency), in coordination with the Office of the Director of Defense Research and Engineering.

(4) Review (i) existing and future PTTI (frequency) requirements of the DOD user components in order to establish overall DOD requirements and to provide adequate supporting services; and (ii) existing PTTI operations conducted by DOD user components to provide guidance and recommendations to the Assistant to the Secretary of Defense (Telecommunications).

(5) Establish relationships between the DOD and other Federal Government agencies on PTTI matters.

(6) Provide advice and guidance concerning requests for unilateral PTTI (frequency) programs at the direction of Assistant to the Secretary of Defense (Telecommunications).

(7) Participate in PTTI policy negotiations between the DOD and other Federal Government agencies and international organizations.

(8) Maintain records of PTTI (frequency) arrangements between the DOD and its contractors and other Federal Government agencies, with the exception of radio frequency assignments.

(b) DOD user components:

(1) DOD Components presently conducting Precise Time and Time Interval

operations and research may continue these activities unless otherwise instructed by the Assistant to the Secretary of Defense (Telecommunications).

(2) The Military Departments will assist the Observatory by (i) providing technical information on current and prospective programs involving PTTI applications; and (ii) distributing, monitoring and controlling PTTI services on request, subject to the provisions of this Part and the availability of funds.

(c) DOD User Components and contractors will:

(1) Consult the Observatory on any technical and logistic problems arising from obtaining a particular accuracy through radio transmissions and portable atomic clocks.

(2) Use DOD-controlled transmissions to the maximum extent practicable. Other transmissions of time and frequency which have been coordinated with the Observatory may be used when DOD transmissions do not provide adequate coverage.

(3) Refer measurements and contract specifications to DOD standards determined by the Observatory.

(4) Use techniques and procedures described in information documents issued by the Observatory in all cases where such documents satisfy the need.

(5) Notify the Observatory of:

(i) Existing and planned PTTI requirements, including information as to accuracy and stability of needs, measurement techniques planned or in operation, and continuity of service required of the applicable distribution transmission.

(ii) PTTI (frequency) arrangements between DOD user components and contractors and other Federal Government agencies (see (a) (8) of this section); and

(iii) Scheduled scientific and technical meetings on PTTI (frequency).

(6) Consult the Observatory prior to entering into contracts for equipment, research, studies, or services involving PTTI (frequency) in order that maximum use of existing facilities may be assured.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives Division OASD  
(Administration).

[FR Doc.71-15891 Filed 11-1-71;8:52 am]

**Title 36—PARKS, FORESTS,  
AND MEMORIALS**

Chapter I—National Park Service,  
Department of the Interior

PART 7—SPECIAL REGULATIONS,  
AREAS OF THE NATIONAL PARK  
SYSTEM

Blue Ridge Parkway, Virginia-North  
Carolina; Commercial Bus Use

A proposal was published at page 7859 of the FEDERAL REGISTER of April 27, 1971, to delete paragraphs (g) (3), (4), and (5) and amend paragraphs (g) (1) and (2) of § 7.34 of Title 36 of the Code of Federal

Regulations. The effect of the amendment is to delete and amend provisions of the present regulations covering bus travel on Blue Ridge Parkway so as to permit broader use of the Parkway by commercial buses.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. Consideration having been given to all relevant matters presented, it has been determined that the amendment should be and is hereby adopted without change and is set forth below. These amendments shall take effect 30 days following the date of publication in the FEDERAL REGISTER.

Paragraphs (g) (3), (4), and (5) of § 7.34 are deleted in their entirety.

Paragraphs (g) (1) and (2) of § 7.34 are amended to read as follows:

§ 7.34 Blue Ridge Parkway.

\* \* \* \* \*

(g) *Commercial automobiles and buses.*  
(1) Commercial passenger carrying buses shall be admitted to the Blue Ridge Parkway by special written permit from the Superintendent or his representative.

(2) The Superintendent shall issue special commercial bus permits upon satisfactory showing that the following standards have been met:

(i) The maximum loaded weight of the bus must not exceed 35,000 lbs. and must meet other restrictions as to weight and road conditions as detailed in paragraphs (f) (2) and (3) of this section.

(ii) The bus must comply with all applicable Federal and State standards as to safety and common carrier regulations.

(iii) The vehicle is subject to inspection by the Superintendent or his duly authorized representative at entrance points to the Parkway or at any location en route for compliance with the above stated regulations.

(iv) Permits may be obtained by written application to the Superintendent, or by applying in person to his authorized representatives in the field areas.

(3) [Revoked]

(4) [Revoked]

(5) [Revoked]

\* \* \* \* \*  
(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3)

DAVID D. THOMPSON,  
Director, Southeast Region.

[FR Doc.71-15919 Filed 11-1-71;8:49 am]

**Title 38—PENSIONS, BONUSES,  
AND VETERANS' RELIEF**

Chapter I—Veterans' Administration  
PART 3—ADJUDICATION

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

DOCUMENTATION OF MARRIAGE AND BIRTH

These amendments provide for a less formal type of proof of marriage and

birth in certain compensation, pension, dependency and indemnity compensation, and education benefits cases.

1. In § 3.205, the introductory portion of paragraph (a) preceding subparagraph (1) is amended to read as follows:

**§ 3.205 Marriage.**

(a) *Proof of marriage.* The certified statement of a veteran as to the material facts of his marriage, solemnized in accordance with the laws of the jurisdiction, each party not having been previously married, will be accepted for this purpose in the absence of information to the contrary. The certified statement of a person claiming as widow, as to the material facts of her marriage to the veteran, solemnized in accordance with the laws of the jurisdiction, each party not having been previously married, will be accepted for this purpose if corroborated in a material part by a statement made by the veteran in connection with a claim for benefits and if uncontradicted by other information. In all other instances the marriage should be established by one of the following types of evidence:

2. In § 3.209, the introductory portion preceding paragraph (a) is amended to read as follows:

**§ 3.209 Birth.**

The certified statement of a veteran as to the material facts of birth of a child of his marriage will be accepted as proof of age and relationship in the absence of information to the contrary. The certified statement of the other parent as to the material facts of birth of a child of a deceased veteran will be accepted as proof of age and relationship if uncontradicted by other information and if corroboration as to the child's identity or existence is supplied by a statement or assertion made by the veteran in connection with a claim for benefits. In all other cases the issues will be resolved by one of the types of evidence listed in paragraphs (a) through (g) of this section. Where the evidence submitted in proof of age or relationship indicates a difference in the name of the person as shown by other records, the discrepancy will be reconciled by an affidavit or certified statement identifying the person having the changed name as the person whose name appears in the evidence of age and relationship:

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

These VA regulations are effective the date of approval.

Approved: October 27, 1971.

By direction of the Administrator.

[SEAL]

FRED B. RHODES,  
Deputy Administrator.

[FR Doc. 71-15929 Filed 11-1-71; 8:52 am]

## Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

### Chapter 14—Department of the Interior

#### MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to the authority of the Secretary of the Interior, contained in 5 U.S.C. 301, Parts 14-1, 14-2, 14-3, 14-6, and 14-7 of Chapter 14, Title 41 of the Code of Federal Regulations are hereby amended as set forth below.

It is the general policy of the Department of the Interior to allow time for interested parties to take part in the rule making process. However, the amendments and revisions contained herein are minor and entirely administrative in nature. Therefore, the public rule making process is waived and these changes will become effective upon publication in the FEDERAL REGISTER (11-2-71).

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

OCTOBER 26, 1971.

#### PART 14-1—GENERAL

##### Subpart 14-1.3—General Policies

1. The title of § 14-1.305-51 as set forth below is substituted for the heading "Index to Federal Specifications and Standards."

##### § 14-1.305 Specifications.

##### § 14-1.305-51 Index of Federal Specifications and Standards.

2. Subpart 14-1.3 is amended by the addition of § 14-1.318 and § 14-1.318-1.

##### § 14-1.318 Disputes clause.

##### § 14-1.318-1 Contracting officer's decision under a Disputes clause.

(a) It is the policy of the Department of the Interior for all contracting officers to consult with the Office of the Solicitor, either at its headquarters, regional or field office, to the maximum extent practicable, whenever a disagreement which may be within the Disputes clause of a contract has arisen, or appears to the contracting officer likely to arise.

(b) When a dispute cannot be settled by agreement, the contracting officer shall review the available facts pertinent to the dispute before making his final decision. When there is any doubt whether the disputes procedure is applicable, a final decision will be made pursuant to the Disputes clause. The disputes procedure shall not be invoked in cases when a dispute is clearly not subject to the procedure. The contracting officer shall obtain all necessary advice and assistance, but the final decision must be his own.

(c) The final decision should include a statement of facts sufficient to enable the contractor to understand both the decision and the basis therefor. Normally, the decision should be in the form of a statement of the claim or other description of the nature of the dispute, with necessary references to pertinent contract provisions; a statement of the facts relevant to the dispute to which the parties agree upon and, as clearly as possible, the area of disagreement; and the contracting officer's statement of his decision and the basis therefor.

(d) The contracting officer shall decide all questions subject to the disputes procedures as to which he has the authority to act.

(e) Each final decision of the contracting officer pursuant to the procedure of a Disputes clause shall include a paragraph substantially as follows:

This decision is made in accordance with the Disputes clause and shall be final and conclusive as provided therein, unless, within 30 days from the date of receipt of this decision, a written notice of appeal (in triplicate) addressed to the Secretary of the Interior is mailed or otherwise furnished to the Contracting Officer. The notice of appeal, which is to be signed by you as the Contractor or by an attorney acting on your behalf, and which may be in letter form, should indicate that an appeal is intended, should refer to this decision, and should identify the contract by number. The notice of appeal may include a statement of the reasons why the decision is considered to be erroneous. The Interior Board of Contract Appeals is the authorized representative of the Secretary of the Interior for hearing and determining such disputes. The Rules of the Interior Board of Contract Appeals may be found in 43 CFR, Subtitle A, Part 4.

(f) After an appeal has been filed, contracting agencies are not precluded from further seeking agreement as to disposition of the controversy. However, such efforts to dispose of a controversy shall not be conducted pursuant to formal board actions or hearings, and shall not result in suspension of processing of an appeal, except as ordered or authorized by the Interior Board of Contract Appeals.

(g) In the event of an appeal, the amount determined to be payable in the decision of the contracting officer, less any portion previously paid, normally should be paid in advance of any decision by the Board without prejudice to the rights of either party on the appeal.

(h) Decisions of the Interior Board of Contract Appeals constitute decisions of the Secretary of the Interior. It is expected that decisions favorable to the appellant in whole or in part will be promptly implemented by payment at the contracting officer level. In cases where the question of entitlement only has been decided by the Board and the matter of amount has been remanded to the parties for negotiation, if agreement is not reached, appellant will be afforded a prompt decision and opportunity to appeal on the matter of amount.

(1) Any written communication from a contractor indicating a desire to have a review of a final decision of the contracting officer shall be considered as an appeal and shall be processed as an appeal in accordance with the rules of the Interior Board of Contract Appeals. Copies of the written communication from the contractor and the transmittal to the Board of Contract Appeals shall be forwarded to the Associate Solicitor, Procurement and Patents.

3. The title of § 14-1.706 as set forth below is substituted for the heading "Procurement set-aside for small business."

§ 14-1.706 Procurement set-asides for small business.

**PART 14-2—PROCUREMENT BY FORMAL ADVERTISING**

**Subpart 14-2.2—Solicitation of Bids**

1. The title of § 14-2.201 as set forth below is substituted for the heading "Preparation of invitation for bids."

§ 14-2.201 Preparation of invitations for bids.

2. The title of § 14-2.207 as set forth below is substituted for the heading "Amendments of invitations for bids."

§ 14-2.207 Amendment of invitations for bids.

3. The § 14-2.405 as set forth below is inserted immediately preceding § 14-2.405-50 *Other irregularities in bids.*

§ 14-2.405 Minor informalities or irregularities in bids.

4. The title of § 14-2.406-4 as set forth below is substituted for the heading "Disclosure of mistake after award."

§ 14-2.406-4 Disclosures of mistakes after award.

5. Section 14-2.407-1 is revised to read as follows:

§ 14-2.407-1 General.

At least 72 hours (48 hours for contracts between \$10,000 and \$1 million) prior to any other announcement regarding the proposed date of award of any contract of \$1 million or more, the following information shall be furnished simultaneously to the Assistant Secretary having jurisdiction over the bureau or office making the award and the Director of Congressional Liaison:

- (a) Name and street address of contractor.
- (b) Complete description in laymen terms of items or services involved and exact location of contract performance.
- (c) Small business or distressed labor area preference given to successful bidder, if applicable.
- (d) Proposed date of award.
- (e) Contract value.

Contract amendments exceeding \$10,000 and providing for a fundamental alteration in the project are subject to the above requirements.

**PART 14-3—PROCUREMENT BY NEGOTIATION**

1. The above appearing title of Part 14-3 is substituted for the heading "Circumstances Permitting Negotiation."

**Subpart 14-3.1—Use of Negotiation**

2. Section 14-3.103 is amended by addition of the following:

§ 14-3.103 Dissemination of procurement information.

\* \* \* The requirements of § 14-2.407-1 relative to advance notices required prior to making contract award shall apply to negotiated contracts.

**Subpart 14-3.2—Circumstances Permitting Negotiation**

3. The title of § 14-3.212 as set forth below is substituted for the heading "Purchase not to be publicly disclosed."

§ 14-3.212 Purchases not to be publicly disclosed.

4. The title of § 14-3.214 as set forth below is substituted for the heading "Negotiations after advertising."

§ 14-3.214 Negotiation after advertising.

**Subpart 14-3.6—Small Purchases**

5. The title of § 14-3.603 as set forth below is inserted immediately preceding § 14-3.603-1 *Solicitation.*

§ 14-3.603 Competition.

**PART 14-6—FOREIGN PURCHASES**

**Subpart 14-6.1—Buy American Act—Supply and Service Contracts**

1. The title of § 14-6.104 as set forth below is inserted immediately preceding § 14-6.104-3 *Certificate.*

§ 14-6.104 Procedures.

**PART 14-7—CONTRACT CLAUSES**

**Subpart 14-7.6—Fixed-Price Construction Contracts**

1. The title of § 14-7.602 as set forth below is inserted immediately preceding § 14-7.602-50 *Additional contract clauses.*

§ 14-7.602 Additional standardized clauses.

2. The title of § 14-7.602-50(2) as set forth below is substituted for the heading "Bonding of subcontractor."

§ 14-7.602-50(2) Bonding of subcontractors.

[FR Doc.71-15937 Filed 11-1-71;8:53 am]

**Chapter 15—Environmental Protection Agency**

**PART 15-1—GENERAL**

**Subpart 15-1.3—General Policies**

Subpart 15-1.3 is hereby added to Chapter 15, Title 41, of the Code of Federal Regulations.

*Effective date.* This regulation will become effective on the date of publication in the FEDERAL REGISTER (11-2-71).

Dated: October 28, 1971.

WILLIAM D. RUCKELSHAUS,  
Administrator.

**Subpart 15-1.3—General Policies**

Sec.  
15-1.318 Disputes clause.  
15-1.318-1 Contracting officer's decision under a disputes clause.

*AUTHORITY:* The provisions of this Subpart 15-1.318 issued under 40 U.S.C. 486(c), sec. 205(c), 63 Stat. 377, as amended.

§ 15-1.318 Disputes clause.

§ 15-1.318-1 Contracting officer's decision under a disputes clause.

(a) *Action prior to issuance of a final decision.* (1) In resolving a dispute, the contracting officer must understand that the Environmental Protection Agency (EPA) does not seek litigation as an end in itself. The contracting officer should consider the advisability of attempting to mediate the dispute or hear out the contractor through discussion meetings or other means. The contracting officer is required to effect the prompt determination of disputes arising out of the performance of contracts. He is required to give his personal and independent consideration to the making of each determination or decision with the aid of such technical and legal advice as may be necessary. He must not base his decision on summary advice from members of his legal, technical, and administrative team, since the decision must be the result of the independent judgment and discretion of the contracting officer. He must obtain and study all the facts which bear upon the issue before him. He must insist that his advisors in technical areas give him concrete advice on how to decide and present him with a detailed, understandable statement of the reasoning process by which they arrive at their conclusions.

(2) When a dispute cannot be resolved by agreement, the contracting officer should prepare a final decision on the matter in dispute. The decision should include the allegations made by the contractor, the specific findings of fact which form the basis for the decision, and a terminal paragraph substantially as prescribed in FPR 1-1.318-1. The contracting officer should insure

that the contract file includes the following information:

(i) The complete contract including all amendments, supplemental agreements and change orders, pertinent plans, specifications and drawings, and all pertinent preaward papers;

(ii) All correspondence and memoranda, and minutes of meetings or telephone conversations pertinent to the dispute;

(iii) The names and addresses of all persons, including contractor personnel, if known, having information concerning the facts in dispute;

(3) Any additional information or advice which the contracting officer considered in forming his decision, including such items as interoffice memoranda, sample photographs, and inspection, audit and financial reports.

(b) *Issuance of final decision.* (1) The finality of a final decision under FPR 1-1.318-1 depends upon the contracting officer's compliance with the regulations. If a TWX is used, it should be a complete final decision containing the terminal paragraph substantially as prescribed by FPR 1-1.318-1. The final decision should be promptly mailed to the contractor by certified mail, return receipt requested.

(2) Since the Board's jurisdiction of an appeal depends upon contractor's mailing or otherwise furnishing a notice of appeal within 30 days following receipt by the contractor of the final decision, the contracting officer shall preserve proof of the date of contractor's receipt of the final decision and of the date of mailing, furnishing or filing of the notice of appeal. Thus, the contracting officer should preserve the return receipt covering the final decision, and the post-marked envelope in which the notice of appeal was received, and if the notice was furnished in some way other than mailing, the contracting officer should endorse on the document the date of receipt.

(c) *Prohibition of preliminary final decisions.* Contracting officers and their duly authorized representatives are cautioned against the practice of using "preliminary final decisions," when the proper course is a final decision by the contracting officer. "Preliminary final decisions" generally act in favor of the contractor and give him valuable time in which to study the Government position and to develop rebuttals. A final decision by the contracting officer obligates the contractor to decide within 30 days whether he will appeal. This is the prudent and prompt method of disposal of claims and potential disputes. Final decisions may be made only by authorized contracting officers; other personnel, unless expressly authorized, may not increase or decrease the contractual obligations of the contractor or of the Government.

(d) *Use of Interior Board of Contract Appeals.* Pursuant to an interagency

agreement (EPA-IAG-0002(R)) between the EPA and the Department of the Interior Board of Contract Appeals (IBCA), the IBCA will hear appeals from final decisions of EPA contracting officers issued pursuant to the disputes clause in EPA contracts. The rules and regulations of the IBCA appear in 43 CFR Part 4.

(e) *Action upon receipt of notice of appeal.* (1) When a notice of appeal in any form has been received by the contracting officer, he shall endorse thereon the date of mailing (or the date of receipt if the notice was otherwise conveyed) and within 5 days shall forward said notice of appeal to the IBCA by certified mail. The notice will be accompanied by a letter of transmittal stating the financial codes to be used by the Department of the Interior in billing EPA for services of the IBCA. At the same time, he shall telephonically notify the Assistant General Counsel, Grants and Procurement, that the appeal has been received so that Government counsel may be appointed.

(2) Notice of appeal, whether filed within the time prescribed by the "Disputes" clause or not, will be submitted to the IBCA. The contracting officer will forward promptly every notice of appeal to IBCA even if the intention to appeal is only vaguely or indirectly expressed, and regardless of the form of the notice, or of the method by which the notice was furnished to the contracting officer.

(3) Copies of the notice of appeal will be sent simultaneously to the Contracts Policy and Review Branch, Contracts Management Division and to the Assistant General Counsel, Grants and Procurement.

(f) *Duties of the contracting officer—appeal file.* (1) Following receipt of a notice of appeal, or advice that an appeal has been filed, the contracting officer shall promptly compile the appeal file (copies of all documents pertinent to the appeal), and three duplicate appeal files. The file shall include the following:

(i) The findings of fact and the decision from which the appeal is taken, and the letter or letters or other documents of claim in response to which the decision was issued;

(ii) The contract, and pertinent plans, specifications, amendments, and change orders;

(iii) Correspondence between the parties and other data pertinent to the appeal;

(iv) Transcripts of any testimony taken during the course of proceedings and affidavits, or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board;

(v) Such additional information as may be considered material.

(2) In addition to the above, the contracting officer will prepare an index listing each document included in the file submitted to the IBCA, and place copies of such index in the submission and duplicate files.

(3) Contracting Officers, in making the submission, may not submit original documents which are a part of the official contract file. Copies of the pertinent documents will be submitted.

(4) Within 15 days of receipt or advice of a notice of appeal the official and two duplicate files will be forwarded through the Contracts Management Division to the Assistant General Counsel, Grants and Procurement, who will review the file and will forward the official appeal file to the IBCA within the 35-day time limitation set forth in 43 CFR 4.103(b). One duplicate file will be retained by the contracting officer, one by the Contracts Management Division, and one by the Assistant General Counsel.

(5) If for any reason the contracting officer anticipates that he cannot make a timely submission, he will immediately advise the Assistant General Counsel, Grants and Procurement by telephone of the extent of the anticipated delay and the reasons therefor. However, every effort will be exerted to make timely submissions.

(6) At the time of transmittal of the appeal file to the Board, the Assistant General Counsel, Grants and Procurement, shall notify the appellant of the transmittal, provide him with a listing of its contents, and afford him an opportunity to examine the file at the office of the contracting officer, at the office of the IBCA, or at some other suitable EPA office, for the purpose of satisfying himself as to the contents, and furnishing or suggesting any additional documentation deemed pertinent to the appeal. With his transmittal to the IBCA, the Assistant General Counsel, Grants and Procurement, shall certify that the appellant has been provided with the above-described listing.

(g) *Relations with Government counsel.* Contracting officers are reminded that they must cooperate fully with the Government Counsel assigned to handle the case before the Board. The Government Counsel is the contracting officer's lawyer. It is especially important to advise Counsel of all pertinent evidence regardless of the effect it may have on the Government's case. No trial lawyer can be very effective if he learns of an embarrassing fact from his adversary during the hearing before the Board.

(h) *Implementation—Adverse board decisions.* Pursuant to Comptroller General Decision B-125096, September 9, 1963 (43 Comp. Gen. 231), contract modifications or releases given by the Government resulting from contract appeal board decisions adverse to the Government's position shall include the following provision:

"Provided, however, That this instrument is not binding if the decision of the Interior Board of Contract Appeals, on which it is based, is later found to be in violation of the standards set forth in the Wunderlich Act (41 U.S.C. 321)."

[FR Doc. 71-15953 Filed 11-1-71; 8:53 am]



## Title 45—PUBLIC WELFARE

### Chapter VIII—Civil Service Commission

#### PART 801—VOTING RIGHTS PROGRAM

##### Appendix A; Mississippi

Appendix A to Part 801 is amended as set out below to show, under the heading "Dates, Times, and Places for Filing," one additional place for filing in Mississippi:

##### MISSISSIPPI

County; Place for filing; Beginning date

Yazoo; Yazoo City, 100 South Main Street; November 2, 1971.

(Secs. 7 and 9 of the Voting Rights Act of 1965; Public Law 89-110)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc. 71-16039 Filed 11-1-71; 9:53 am]

## Title 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Docket No. 18632; FCC 71-1044]

#### STATIONS OF THE MARITIME SERVICES IN ALASKA

##### Report and Order

In the matter of amendment of Parts 81 and 83 and the deletion of Part 85 to establish for the State of Alaska a schedule of dates, technical standards, frequencies and other requirements for the use of radiotelephony, radiotelegraphy and single sideband emissions on frequencies below 4,000 kHz, for the maritime services in Alaska, and below 12,000 kHz for Alaska-public fixed stations, and to make other incidental rule changes.

1. A notice of proposed rule making in the above-captioned matter was released on August 25, 1969, and was published in the FEDERAL REGISTER on August 30, 1969 (34 F.R. 13929). By its Order released September 26, 1969, and published in the FEDERAL REGISTER on October 2, 1969 (34 F.R. 15366), the Commission granted an extension of time in which to file comments. By its Order released October 30, 1969, and published in the FEDERAL REGISTER on November 5, 1969 (34 F.R. 17916), the Commission granted a further extension of time in which to file comments. The dates for filing comments and replies have passed.

2. Comments were filed by: Alaska State Federation of Fishermen's Associations (AFFA), American Institute of Merchant Shipping (AIMS), Association of Pacific Fisheries, Inc. (APF), Central Committee on Communication

Facilities of the American Petroleum Institute (API), Collins Radio Co. (Collins), Foss Launch & Tug Co. (Foss), National Marine Electronics Association, Inc. (NMEA), New England Fish Co. (NEFC), Northern Radio Co. (NRC), Northern Pacific Marine Radio Council, Inc. (NPMRC), Northwest Instrument Co. (NIC), Peter Pan Seafoods, Inc. (PPS), Raytheon Co. (Raytheon), RCA Alaska Communications, Inc. (RCA), Service Electric Co., Inc. (SECO), Tug Communications, Inc. (TUG), and United States Power Squadrons (USPS).

3. The Commission initiated three dockets (Nos. 18307, 18632, and 18633) regarding schedule of dates, technical standards, frequencies and other requirements for the use of single sideband (SSB) radiotelephony on frequencies below 4000 kHz in the Maritime Services. The reason for three separate dockets was merely recognition of possible regional differences in maritime operational requirements. Docket No. 18307 pertained to the 48 contiguous States plus Hawaii, Puerto Rico, and the island territories. Docket No. 18633 pertained to the Great Lakes and Docket No. 18632, the instant proceeding, pertained to the Alaska area. The first report and order in Docket No. 18307, released June 16, 1969, and in Docket No. 18633, released June 28, 1971, 36 F.R. 12502, finalized for those areas all aspects of the transition to SSB on frequencies below 4000 kHz, except that the matter of specific frequency allotments within those areas was left to a further report and order. Thus, except for specific frequency allotments as mentioned above, there remains only the matter of finalization of the instant proceeding for the Alaska area, which includes as set forth in the notice of proposed rule making, incorporation of Part 85 into Parts 81 and 83.

4. With regard to rules for the Alaska area, the Commission, in its notice of proposed rule making, expressed its intent and desire to bring the rules applicable to Alaska into accord with rules for the other 49 States. The Commission also stated:

Inclusion of Alaska in rules applicable to the other 49 States will facilitate Commission administrative functions. Further, as a practical matter, this action will remove divergencies between the rules applicable to Alaska and those applicable to the other 49 States. It is not envisaged that this action will impose unique hardship upon Commission licensees in Alaska; or, that Alaska will be exempt from programs applicable to the other 49 States.

Further in that regard, it will be noted that the Commission, in considering the comments filed for the Great Lakes area (Docket No. 18632), found no compelling basis for treating the Great Lakes in a manner different from that of the 49 States, Puerto Rico and the island territories (first report and order, Docket No. 18307). Specifically, in its first report and order, Docket No. 18633, the Commission concluded that the decisions set forth in the first report and order, Docket No. 18307, should be and are applicable to the Great Lakes area.

5. In accordance with its expressed intent and desire to bring the rules applicable to the maritime services in Alaska into accord with rules for the other 49 States, the Commission has given particular attention to the comments filed in this docket to determine if there is a compelling basis for treatment of the State of Alaska in a manner different from the other 49 States. This will not include the Alaska-public fixed service, which is available only in Alaska, since that service falls under the fixed service and not the maritime services.

6. In their comments AIMS, API, and Collins support the Commission's proposal to merge Part 85 into Parts 81 and 83. The remaining commenters offer no response to this proposal. The Commission is, therefore, adopting this proposal and, in the attached appendix, has made Parts 81 and 83 applicable to Alaska, has transferred, where appropriate, various provisions from Part 85 to Parts 81 and 83, and has deleted Part 85. The Alaska-public fixed service has been included in the revised rules as a separate subpart in Part 81 to facilitate Commission administration and in order to continue the long-standing association of that service with the maritime services in Alaska. The title of Part 81 has been amended to permit inclusion of the Alaska-public fixed service in that part.

##### REQUIRED FITTING OF VHF

7. With regard to ship stations, the Commission proposed that vessels be fitted with VHF as follows:

- After January 1, 1971, new installations aboard ship stations will be authorized use of SSB only when such ship stations are equipped also with VHF; and
- After January 1, 1977, use of radiotelephony on frequencies below 4,000 kHz would be limited to SSB and will be available only to vessels which are equipped also with VHF.

In lieu of the date of January 1, 1971, appearing in (a), above, the Commission has adopted the date of January 1, 1972. This is the same date as that adopted for the other 49 States, as set forth in the first report and order in Docket No. 18307. The date of January 1, 1977, appearing (b) above, is adopted without change.

8. AFFA opposes the Commission's program as it applies to small boat equipment. AFFA points out that VHF is of short range capability and may not be satisfactory where there is intervening terrain between transmitting and receiving stations; that most of these small boats do not usually travel more than 20 miles offshore; and that the requirement to obtain a third class radiotelephone operator license would create a hardship for elderly fishermen and others in a lower educational echelon. The points which AFFA raises are not unique to Alaska. They are applicable also to most if not all of the coastal States, as well as to many of the noncoastal States. Further, the situation described for small boats in Alaska appears to be the same as that for the vastly greater number of

small boats operated in the 48 conterminous States. The operator license requirements for noncompulsory ship stations are set forth in Part 83, section 83.159, and are not affected by this proceeding. A third class radiotelephone license would not be applicable to personnel aboard small boats where the transmitter power employed is 400 watts (peak envelope power) or less. For transmitters of 400 watts (PEP) or less, the restricted radiotelephone operator permit is adequate.

9. NEFC and APF express the view that the fitting of VHF should be voluntary and not mandatory. SECO and NPMRC request that VHF be waived for vessels operating solely in the Alaska area until adequate shore based VHF stations are available. As summarized for AFFA, above, the comments of NEFC, APF, SECO, and NPMRC all point to the short range capabilities of VHF, the adverse effects upon VHF from intervening terrain and, additionally, to the rugged coastal topography and the difficulties associated with providing coverage along all of the Alaska coastline by use of VHF.

10. The basic thrust of the argument advanced by AFFA, NEFC, APF, SECO, and NPMRC is that ship stations should not be required to fit for VHF until adequate shore based VHF stations are available. This argument is as applicable to Maine, Washington, Florida, et al., as it is to Alaska and, therefore, does not serve to point up or warrant treatment of Alaska in a manner different from the other 49 States. It is not responsive to a major objective of the Commission's VHF program. Further, this argument and the comments are silent with regard to a substantial element of the Commission's proposals.

As set forth in the notice of proposed rule making, a major objective of the Commission's program is to effect needed improvements in the maritime radio safety system. Towards that objective, we proposed to decrease congestion on frequencies in the band 2000-2850 kHz by shifting short distance communications to VHF. Removal of short distance communications will reduce congestion in the 2000-2850 kHz band and make the band more useful for vessels communicating over distances beyond the range of VHF. As a part of that program, each coast station authorized to operate in the 2000-2850 kHz band, effective January 1, 1977 is required to provide VHF service where it is not already provided. To be effective, the ship station must be fitted with VHF. If it is not fitted with VHF, the ship station will, as now, use the 2 MHz frequencies for both short and longer distance communication, thus defeating needed improvement of the maritime radio safety system.

11. In their comments the primary concern of AFFA, NEFC, APF, SECO, and NPMRC, is directed to vessels which are currently fitted with radio transmitters employing double sideband emission. Under the Commission's proposal, these vessels will not be required to shift to single sideband or to fit for use of VHF until January 1, 1977. In the view of the Com-

mission, the period prior to January 1, 1977, provides AFFA, NEFC, APF, SECO, NPMRC, and others affected an adequate interval in which to complete preparatory arrangements to fit their vessels for use of VHF. Further, the comments filed in this proceeding set forth no persuasive basis for treatment of Alaska in a manner different from the other 49 States.

12. It is the conclusion of the Commission that the needed improvements to the maritime radio safety system can be realized only if vessels operating in the 2000-2850 kHz band are also fitted for the use of VHF, and that its rules regarding the fitting of VHF should be uniform for all 50 States. The Commission is, therefore, adopting this proposal essentially as proposed,<sup>1</sup> except in regard to the initial date, which is discussed below.

#### CONVERSION TO SSB—MARINE

13. With regard to ship stations, the Commission proposed conversion from double sideband (DSB) to single sideband (SSB) in the bands below 4,000 kHz, on the following schedule:

(a) Transmitters employing DSB will continue to be authorized in new or replacement installations until January 1, 1971;

(b) DSB transmitters authorized prior to January 1, 1971, may continue to be employed until January 1, 1977;

(c) New installations aboard ship stations after January 1, 1971, will be authorized use of SSB only; and

(d) The use of DSB emission will not be authorized for use aboard ship stations after January 1, 1977.

In lieu of the date of January 1, 1971, appearing in (a), (b), and (c), above, the Commission has adopted the date of January 1, 1972, which is the same date as that adopted for the other 49 States.

14. NMEA, NIC, and TUG suggest that the same initial dates be used in Dockets Nos. 18271, 18307, 18633, and in the instant proceeding. NMEA and NIC also suggest that the date by which new ship stations are required to install SSB and the proposed date by which coast stations are required to have capability to employ single sideband emissions A3A, A3H, and A3J be moved from January 1, 1971 to January 1, 1972. The Commission agrees with these suggestions and in Dockets Nos. 18271, 18307, and 18633 the same initial dates have been applied as follows: Coast stations are required to have capability to employ A3A, A3H, and A3J emissions on January 1, 1972;<sup>2</sup> and ship stations installed on or after January 1, 1972, must be capable of op-

<sup>1</sup> The subject of use and required fitting of VHF has been treated in depth by the Commission in a series of rule making proceedings, the first of which was released March 20, 1967. Interested persons are referred to the proceedings in Dockets Nos. 17295, 18240, 18307, and 18633; and to *Lake Carriers Association, et al., v. U.S. and Federal Communications Commission* (414 F.2d 567 (1969)).

<sup>2</sup> Upon proper request, the Commission may grant authority to use DSB equipment until Jan. 1, 1977 (paragraph 10, Report and Order, Doc. No. 18633).

erating SSB. Turning now to the instant proceeding, it appears that in regard to the date after which new installations of ship stations must conform to the SSB requirement, no penalty would be imposed upon users by application of the common initial date of January 1, 1972, and that date is hereby adopted. A similar situation does not exist in regard to the date after which coast stations are required to have the capability to transmit in the A3A, A3H, and A3J modes, and this matter is further discussed below.

15. NMEA and NIC express the view that it is imperative that A3A and A3J channels in the band 2065-2107 kHz be made available and further suggest that the recommendations of RTCM on that subject be followed. NPMRC also expresses the view that these frequencies should be made available and, in addition, suggests (a) they be assigned on a joint coordination basis by both the United States and Canada, and (b) that at least two are needed for intership use. The Commission concurs with these suggestions and, with one exception, has included appropriate provisions in the attached appendix. The exception is with regard to NPMRC's suggestion that these frequencies be assigned on a joint coordination basis by both the United States and Canada. In discussing this matter with Canada, it was agreed that certain of these frequencies would be available for joint use, while others would be reserved for use by the respective governments. The final decision regarding availability of these frequencies is discussed in the Commission's First Report and Order, Docket No. 18307, released June 16, 1970.

16. SECO and NPMRC suggest that for public coast stations which do not assess a tariff (nontariff), which do not handle switched telephone calls (non-switched) and which transmit and receive on the same frequency (simplex), the date for conversion to SSB should be made the same as the date for conversion of ship stations to SSB, that is, January 1, 1977. NPMRC indicates there are approximately 700 radiotelephone stations in Alaska which are included in this classification, and that these stations sorely need relief from the nearly immediate conversion to SSB. NPMRC indicates there is no parallel to this classification of station in the 48 conterminous States.

17. This SECO and NPMRC suggestion has been evaluated in the light of its impact upon the Commission's program for conversion to SSB. Sections 85.205 and 85.264 of Part 85 provide simplex frequencies which, with a few exceptions, are available for use by both public coast and by Alaska-public fixed stations. In transfer from Part 85 to Parts 81 and 83, no substantive changes were made to §§ 85.205 and 85.264 (see §§ 81.710 and 83.372 of the attached appendix). It is apparent, of course, that if the date for conversion to SSB of the nontariff, nonswitched, simplex public coast stations is shifted to January 1, 1977, it will be necessary, also, to shift the date for conversion to SSB of these

Alaska-public fixed stations to January 1, 1977.

18. Although NPMRC mentions that approximately 700 public coast stations fall in the nontariff, nonswitched, simplex classification, accurate information is not available in the Commission records to confirm that figure. The simplified licensing procedure applicable in Alaska permits an applicant to apply for a public coast station, an Alaska-public fixed station, or a combined public coast and Alaska-public fixed station authorization. The Commission's Rules permit the licensee of the combined station to operate in either or both services, however, the rules do not require the licensee to operate in both services. As set forth above, when the operation is under §§ 85.205 or 85.264, the frequencies employed, with a few exceptions, are the same for a public coast station as for an Alaska-public fixed station. In view of this, while our sampling of available records indicates there are approximately 1,000 combined public coast and Alaska-public fixed station authorizations outstanding, we cannot provide a useful statistic as to the number of these stations which operate solely as public coast stations, or solely as Alaska-public fixed stations.

19. Before proceeding further in consideration of the SECO and NPMRC suggestion, it is appropriate to review the procedure applied by the Commission in conversion of the maritime mobile service from DSB to SSB. This procedure was evolved in conjunction with Commission licensees and is highly practical. Briefly, we have fixed a date for coast stations to convert to SSB, which is the same as the date after which all new ship station installations must be SSB, followed by a period during which ship stations may convert to SSB, and terminated by a date on which all equipment must be SSB and after which DSB will not be authorized, thus completing the transition. Since the procedure was developed specifically to meet the particular needs of the service, there are valid reasons for each of the steps. For example, the considerations associated with converting the coast station to SSB are substantially less than with the ship station; the number of coast stations are fewer than the number of ship stations; the coast station is continuously available for conversion and all can be scheduled to convert on a common date. The ship station is not so available and, thus, a period of time must be provided for conversion. As between coast and ship station, the coast station generally has the superior technical capability to communicate, so that by equipping the coast station first, the benefits of SSB can be realized by the ship station immediately upon its conversion to SSB.

20. Returning now to the SECO and NPMRC suggestion, it is apparent that if this suggestion were followed we would lose one of the major benefits which the above procedure provides. Specifically, those ship stations which convert to SSB prior to availability of SSB at the coast stations would be unable to realize the

benefits of improved communications until the coast station had been fitted with SSB. In the case of new ship stations, this would extend over a period of several years. Other ship stations which converted prior to the terminating date would encounter the same situation, but for a lesser period of time.

21. In its essence, the SECO and NPMRC suggestion seeks postponement of the date on which nontariff, non-switched, simplex public coast stations would be required to convert to SSB. SECO and NPMRC do not suggest that these stations should not be required to convert to SSB, but merely that the date by which they be required to convert to SSB be postponed. In considering the objective of the SECO and NPMRC suggestion, versus the loss in improved communications, as discussed above, the Commission is not persuaded that postponement for the period proposed should be adopted. At the same time, the Commission is of the view that the request of SECO and NPMRC for relief from the requirement to immediately convert to SSB is reasonable and should be provided. Accordingly, as set forth in the attached appendix, the date by which public coast stations in Alaska must be fitted for SSB is changed from Janu-

ary 1, 1971, as proposed in the notice of proposed rule making, to January 1, 1974.

22. NEFC calls attention to the dates set forth in the international treaty (Final Acts, World Administrative Radio Conference on marine matters, International Telecommunication Union, Geneva, 1967) and urges that the date for conversion to SSB be set ahead considerably. The discussion and action in the foregoing paragraphs responds to and, in part, complies with the request of NEFC. In other respects, the Commission has clearly set forth the reasons why implementation of SSB in accordance with the latest dates permitted under the international treaty is not in the public interest. Further, the Commission points to the fact that the schedule of dates for conversion to SSB set forth in this and other proceedings is in full accord with the international treaty. In the view of the Commission, the setting ahead of dates for conversion to SSB as requested by NEFC, except as provided herein, would not be in the public interest and, therefore, the request is denied.

23. The key aspects of the program for conversion of ship and coast stations from DSB to SSB are summarized as follows:

SHIP STATIONS OPERATING ON FREQUENCIES BELOW 4 MHz

Description of event	Date
No new authorizations for use of DSB after.....	Jan. 1, 1972
Vessels must be fitted with VHF to be eligible for a new SSB installation after...	Jan. 1, 1972
Lower half SSB channel will be available.....	Jan. 1, 1977
Use of DSB will not be permitted after.....	Jan. 1, 1977

COAST STATIONS OPERATING ON FREQUENCIES BELOW 4 MHz

Description of event	Date
Must be capable of operation with emissions 2.8A3H, 2.8A3A, and 2.8A3J.....	Jan. 1, 1974
No new authorization for use of DSB after.....	Jan. 1, 1972
Lower half SSB channel will be available.....	Jan. 1, 1977
Use of DSB will not be permitted after.....	Jan. 1, 1974
2 MHz will be available only to public coast stations where service is also provided on VHF after.....	Jan. 1, 1977
Except for safety, 2 MHz shall not be used by a public coast station for communication with a vessel which is within VHF service range of that public coast station after.....	Jan. 1, 1977
Regarding 2182 kHz must be capable of:	
Transmitting 6A3 or 2.8A3H until.....	Jan. 1, 1974
Transmitting 2.8A3H after.....	Jan. 1, 1974
Receiving 6A3 or 2.8A3H until.....	Jan. 1, 1977
Receiving 2.8A3H after.....	Jan. 1, 1977

24. API and AIMS recommend alternative wording for proposed § 81.304 (f) (2) (ii), relating to limitations in use of 2 MHz, when vessels are within communication range of VHF, in order to make those limitations less rigid. These limitations were the subject of substantial comment in the proceeding in Docket No. 18307 and, in consequence, changes were made to that proposal which we believe fulfill the intent of the API and AIMS recommendation. The provisions adopted in the final report and order in Docket No. 18307 are set forth in § 81.304(c) (3). In view thereof, no further action on this recommendation is necessary.

25. Collins calls attention to proposed § 81.304(f) (1) (iv) and to the apparent omission of provision for the use of 2182 kHz after January 1, 1971. The text for this proposal as adopted in the first re-

port and order in Docket No. 18307, § 81.304(c) (1) (iv) and (v), provides for the use of 2182 kHz beyond January 1, 1971, and for the indefinite future. In view thereof, no further action on this matter is required.

26. In regard to § 81.104(c) (1), amended by the first report and order in Docket No. 18307, our licensees have informally called attention to an inadvertent ambiguity in that section which implies that coast stations are required to provide DSB (6A3) capability after January 1, 1977. A similar ambiguity may be construed in regard to § 83.106(a). It was our clear intent and we so proposed that DSB capability not be required after January 1, 1977. Appropriate amendments to these sections are included in the attached appendix to remove this ambiguity.

## TECHNICAL STANDARDS—MARINE SSB

27. The matter of technical standards for single sideband in the maritime services has been treated in depth in the proceedings in Dockets Nos. 18271, 18307, and 18633. The comments filed in this proceeding by Collins, NMEA, NIC, and TUG in regard to these standards have been carefully examined to determine if the technical standards adopted in the above mentioned proceedings should be amended. Collins' proposals with regard to power, authorized bandwidth and frequency tolerance are essentially the same as were submitted and treated in Dockets Nos. 18307 and/or 18633. NMEA, NIC, and TUG endorsed the technical standards which were filed by RTCM. The technical standards recommended by RTCM were treated in Docket No. 18307.

28. RCA states that the transmitters which they took over from ACS and which are installed at maritime and Alaska-public fixed stations employ a power of 1 kw. and suggests, as set forth in the notice of proposed rule making, that this power be continued in the rules. This has been done. RCA suggests that conversion to SSB of existing transmitters be delayed until January 1, 1973. This suggestion is in accord with the mandatory shift of public coast stations to SSB on January 1, 1974, as discussed above, and that date is also applicable to transmitters employed at ACS stations. RCA suggests that the transfer to new carrier frequencies, as proposed in section 81.306, be delayed until January 1, 1972. Since the transfer to new carrier frequencies at ACS public coast stations should coincide with the date those stations convert to SSB, the proposed date in proposed section 81.306 has been changed to January 1, 1974. RCA suggests, also, that after January 1, 1971, transmitters have the capability to employ A3H plus A3A or A3J, but should not be required to have both A3A and A3J. This suggestion was considered and rejected in the earlier proceedings, mentioned above. Since no new arguments are submitted to warrant a change in the earlier decision, this suggestion is not adopted.

29. Collins suggests that provision be included in proposed §§ 81.708(a), 83.132, and 83.370 to permit the use of emissions F1, A7J, and A9J. The emission designator A7J describes a signal which is amplitude modulated, suppressed carrier, multichannel voice-frequency telegraphy. Emission designator A9J describes a signal which is amplitude modulated, suppressed carrier, where the type of modulation of the main carrier is not defined. While provision for the use of F1 has been included in § 83.132, use of that emission is limited to the frequencies of § 83.320. Emission F1 is also provided for use on five of the frequencies of proposed § 81.709.

30. As concerns emissions A7J and A9J, it will be noted that Part 85 provides for the use of both radiotelegraphy and radiotelephony on the frequencies of these two sections, although the only form of radiotelegraphy which was used

in past years was manual radiotelegraphy. (ACS-USAF personnel, as well as Collins, have indicated that the use of manual radiotelegraphy has been discontinued.) Manual radiotelegraphy and voice radiotelephony are compatible to the extent that they both require monitoring of the actual transmission by operators, who can suspend operation to avoid interference. Such is not true of the types of transmission typical of emissions A7J and A9J, for example radioteletypewriter, where occupancy of the radio frequency is not routinely determined by the operator before and during transmission. Further, the use of the frequencies of §§ 81.708(a) and 83.370 have, heretofore, been limited to simple systems, generally radiotelephony. Systems employing emissions A7J and A9J are generally sophisticated systems. While there have been no licensee requests to add such systems to the frequencies of these two sections, the Commission is unwilling to specify, on the basis of available information, that these frequencies should not be used for sophisticated systems. On the other hand, the Commission feels it would be premature at this time to open the door for the use of such systems on these frequencies in advance of a demonstrated need for such systems. Accordingly, the suggestion of Collins to add emissions A7J and A9J to §§ 81.708(a) and 83.370 is not adopted.

31. API suggests that the power of public coast telephone stations in Alaska be increased to the value set forth in existing § 81.134(c)(1) and, thus, would be the same as in the 48 conterminous States. In support, API points out that present usage in Alaska is intended to provide a short distance communication system. But, as the resources of Alaska are developed and particularly the petroleum resources, API foresees the need for communication between coast and ship stations over much longer distances, one or two days prior to arrival of large cargo vessels, including both dry cargo and tank vessels. Also, in the absence of reliable and continuous interior communications within Alaska, it becomes necessary to communicate directly with the terminal for which the vessel is bound.

32. In their comments, API discusses the differences between power available at a coast station with double sideband emission and that available with single sideband emission. API expresses the view that during the interval between the time Alaska coast stations shift to single sideband and the time ship stations implement single sideband, the power available at the ship station from single sideband coast stations will be less than that presently available from double sideband coast stations, particularly in the case where the ship station is using a double sideband receiver. Based on this difference, which API estimates to be as much as 10 db, API suggests that the coast stations in Alaska should be permitted to employ levels of power as set forth in existing § 81.134(c)(1).

33. The Commission agrees with the API observation that the communication system which has evolved under former

Part 85 of the rules (herein merged into Parts 81 and 83) is essentially a short range communication system. The frequencies available to the system have been able to accommodate an increasing number of cochannel and adjacent channel assignments solely through the application of restrictions on power. Despite these restrictions and the growth within the system, no stated requirement for longer range (700-1,000 miles) communication has been brought to our attention. While the situation which API anticipates may develop, if and when it does, we would expect prospective applicants to petition for such coast station facilities as are required. The Commission does not see adoption of the proposed rules as a deterrent to grant, at some future date, of Alaska public coast station facilities to meet the needs which API foresees. We are of the view, however, that it is preferable to await the development of this requirement, rather than to attempt to guess the specific nature of that requirement at this time.

34. With regard to the relative power available at a ship station from a coast station employing double sideband versus single sideband emission, this is basically the same argument advanced by Collins and Raytheon in Docket No. 18633, which was considered by the Commission and discussed in paragraph 14 through 16 of the first report and order in that proceeding, released June 28, 1971. Since the substance of this matter was considered in the earlier proceeding, it is not necessary that it be reconsidered here. It is appropriate to note, however, that by fitting the ship station with single sideband receiving equipment, there would be more power at the ship's receiver from a coast station employing single sideband (A3A, A3H, or A3J) than there would be from a coast station employing double sideband emission. Since the vessel operator has the option of fitting his vessel with single sideband, or of installing a single sideband receiver, the Commission is not persuaded that the power available at Alaska public coast stations should be increased to the values set forth in existing § 81.134(c)(1) and that suggestion is, therefore, rejected.

35. API suggests that proposed § 81.134(g), which limits to 265 watts the power of public coast stations, other than ACS public stations, operating in the band 400-525 kHz with emissions A1 and A2, not be adopted. It should be noted that ACS public coast telegraph stations will continue to be authorized use of a maximum power of 1,000 watts; and, also, that the only public coast telegraph stations currently authorized to operate in Alaska are those formerly operated by the ACS. API is concerned that the anticipated upsurge in development of Alaska resources will be accompanied by a significant increase in the number of high seas vessels requiring communication with stations in that State and it sees the proposed rules as inadequate to meet this expanded need for service. While the Commission agrees that requirements not adequately met will have

to be accommodated, it does not agree that the suggested need for extended range service should be met by patching up the Alaskan short-range system. As stated above, the Commission believes it is preferable to await the development of the need, since at that time we would be able to determine what is needed and where it should be located. Accordingly, we reject API's suggestion that § 81.134 (g) not be adopted.

Convert from DSB to SSB.....	Jan. 1, 1971
No new authorizations for the use of DSB after.....	Jan. 1, 1971
Use of DSB will not be permitted after.....	Jan. 1, 1971
Lower half SSB channel will be available:	
For common carrier (ACS) APF service.....	Jan. 1, 1971
For other APF stations, including frequencies shared with maritime mobile.....	Jan. 1, 1977

37. Alaska-public fixed stations operate in the fixed service to provide point-to-point communication and, as with other fixed stations, will from time to time handle messages involving the safety of life or property. This does not mean, however, that the fixed service is a safety service and must be accorded the same considerations as a safety service. While the fixed service is an essential service, particularly where adequate land line facilities are not available, there is no compelling public interest reason why in that service conversion to SSB cannot be effected in a substantially shorter period of time than in a safety service.

38. Turning now to the comments filed in the instant proceeding, SECO and NPMRC express the view that the conversion to SSB by Alaska-public fixed stations should be optional or permissive and not mandatory. NMEA, whose comments are endorsed by NIC, questions the necessity for Alaska-public fixed stations to convert to SSB at this time and suggests that this matter be studied. RCA suggests that Alaska-public fixed stations be permitted to use emissions A3 or A3H until January 1, 1975.

39. In regard to conversion of the Alaska-public fixed stations from DSB to SSB, the international radio regulations, adopted by the Administrative Radio Conference, Geneva, 1959, state:

465 sec. 15. (1) Administrations are urged to discontinue, in the fixed service, the use of double sideband radiotelephone transmissions in the bands below 30 MHz, if possible as from January 1, 1970.

As concerns the Commission's rules, Alaska is the last remaining area where there is substantial use of double sideband radiotelephony on fixed service frequencies. It is necessary, therefore, that the Commission establish schedules for conversion of Alaska-public fixed stations from DSB to SSB at an early date in order to fulfill this treaty obligation.

40. As discussed in paragraphs 17 and 18, above, the frequencies set forth in §§ 85.205 and 85.264, with a few exceptions, are shared by the maritime mobile and Alaska-public fixed stations. Conversion to SSB, as set forth in §§ 81.710 and 83.372, increase the number of frequencies available to both services. On these frequencies, it would be pointless and discriminatory to require the maritime

CONVERSION TO SSB—ALASKA-PUBLIC FIXED

36. The Commission's proposals with regard to conversion of Alaska-public fixed (APF) stations on frequencies in the band 1605-4000 kHz from DSB to SSB is set forth in the notice of proposed rule making in proposed § 81.708, which is paraphrased as follows:

mobile service to convert to SSB and to permit Alaska-public fixed stations to continue to employ DSB on those same frequencies. We believe that a shift from DSB to SSB cannot be effected where the licensee chooses his own time to convert to SSB, which would be the situation if the program was on an optional, permissive, or nonmandatory basis. Termination dates must be imposed for the critical steps if the program is to provide additional frequencies on a scheduled basis. Accordingly, the Commission is adopting a mandatory program for conversion to SSB of Alaska-public fixed stations, as set for in the attached appendix.

41. With regard to the schedule for conversion of Alaska-public fixed stations from DSB to SSB, we have discussed in paragraphs 19 through 21, above, the basis for requiring that public coast and Alaska-public fixed stations, which share common frequencies, cease transmission on DSB on a common date. Since the date of January 1, 1974, is being applied in the case of public coast stations, that date is also being applied to Alaska-public fixed stations which share frequencies with stations in the maritime mobile service, whether on frequencies above or below 4 MHz.

42. With regard to Alaska-public fixed stations providing common carrier services, we know of no compelling reason, and the comments in this proceeding provide none, why, in the public interest these stations should not convert to SSB by the same date which is applicable to public coast stations. It is apparent from inspection of §§ 81.711 and 81.712 that conversion to SSB will substantially increase the number of frequencies which are available for common carrier service. This increase in number of frequencies will, consequently, substantially increase the potential for expansion of service to the public. It is the view of the Commission, therefore, that stations providing common carrier service in Alaska should convert to SSB as soon as practicable, and not later than the earliest date applicable to other Alaska-public fixed stations, that is, by January 1, 1974. Accordingly, as set forth in the attached appendix, the Commission is adopting the date of January 1, 1974, as the date after which use of DSB will not be permitted at Alaska-public fixed stations which share frequencies with

the maritime mobile service, both above and below 4 MHz, as well as those which operate on common carrier frequencies.

43. This leaves only the matter of dates to be applied to Alaska-public fixed stations operating on frequencies which are not contained in the above categories, that is, Alaska-public fixed stations which operate on frequencies which are not shared with the maritime mobile service and which are not available for common carrier service. The frequencies are 3201, 5167.5, and 8070 kHz and, when SSB is implemented, the lower half SSB channel frequencies of 3198, 5164.5, and 8067 kHz. These frequencies are available, under § 87.709, for use in all of the Alaska zones.

44. In connection with the date on which this category of station must convert to SSB, it is necessary to take into account the views expressed by several of the commentators in this proceeding, namely, NPMRC, NMEA, NIC, and SECO, regarding an estimated 200 to 400 stations which, it appears, employ Alaska-public fixed frequencies in a manner different from other users. This category of user is described by the comments of NPMRC, as follows:

There are at least 200, perhaps 400, pure public fixed stations in Alaska, excluding those public fixed stations which also are public coast stations. These pure public fixed stations do not use Maritime Service frequencies. Some communicate with ACS stations and others only among themselves. Primarily, perhaps exclusively, they exist only to provide the only available telecommunications to remote locations. Some are portable. Typically, they are to be found at such places as village schools or stores, logging camps, mines, and occasionally in company business offices in towns or cities to communicate with remote properties.

The Commission said, in paragraph 12 of the docket, that converting the Alaska-public fixed service was based on the understanding that much of the equipment used for public coast communications is also used for Alaska-public fixed communications. Much of it is; but we commend the idea that 200-400 is too large a number of unrelated stations to be enfolded on these grounds. It appears to us, therefore, that conversion to single sideband operation in the public fixed service in Alaska should be made permissive and not mandatory as now proposed. This would permit the public coast stations which also are in the public fixed service to choose at the appropriate time, whether to use the A3H mode for communications with public fixed stations not yet voluntarily converted to DSB, or to retain their DSB transmitters for this purpose. This also would permit such a choice for communicating in the Aviation Service, because much of the public coast equipment also is used in that service.

45. The Commission is not persuaded that these estimated 200-400 stations should be permitted to convert from DSB

\* While 1660 kHz (lower half SSB channel is 1657 kHz) also falls in this category, it is available only in Zone 6 and does not aid in solution to the situation hereinafter described. As set forth in § 81.708, 1660 kHz is scheduled for conversion to SSB on January 1, 1974, with 1657 kHz to become available on January 1, 1977.

to SSB on a permissive (nonmandatory) basis, or that these users should be totally exempt from converting to SSB. At the same time, the Commission is sympathetic to the general problem which this category of private or individual user could face in shifting from DSB to SSB, as well as to the impact which cessation of use (for example, on January 1, 1974) of radio would have upon that user. We are, therefore, disposed to the view that a relaxation of the principles set forth herein, in the case of these minority users, would not substantially retard the overall national program. Further, the Commission feels this category of user could be given the maximum practicable length of time in which to convert to SSB, if that relaxation is limited to a few frequencies.

46. As indicated in the proceedings in Dockets 18307, 18633, and in the instant proceeding, the various Commission programs for conversion will be terminated on January 1, 1977, with discontinuance of use of DSB by all stations subject to Parts 81, 83, and 85 of the rules. Thus, it is apparent that the maximum practical relaxation in conversion to SSB which could be accorded these 200-400 stations is January 1, 1977. Based on the foregoing, the Commission is delaying, in regard to the frequencies 3201, 5167.5, and 8070 kHz, the date for conversion to SSB until January 1, 1977. This action will permit these estimated 200-400 users to continue use of DSB until January 1, 1977. On that date these frequencies will cease to be available for use with DSB emission, will convert to SSB, and the lower half SSB channels (3198, 5164.5, and 8067 kHz) will become available for use. As set forth in § 81.709, the frequencies 3201, 5167.5, and 8070 kHz are available to licensees in all Alaska zones and those licensees may employ either DSB or SSB prior to January 1, 1977.

47. For convenient reference, in the following table, we have brought together and have summarized the schedule for conversion to SSB for all categories of users of Alaska-public fixed frequencies. The program complies in part with the suggestion of RCA, but makes no provision for study, as suggested by NMEA and NIC.

Description of event	Date
(1) Alaska-public fixed stations operating on frequencies: Designated for common carrier use; above 4 MHz, not shared with marine, except as set forth in (3) below: Convert from DSB to SSB on or before.....	Jan 1, 1974
No new authorizations for the use of DSB after.....	Jan. 1, 1972
Lower half SSB channel will be available.....	Jan. 1, 1974
Use of DSB will not be permitted after.....	Jan. 1, 1974
(2) Alaska-public fixed stations operating on frequencies below 4 MHz, shared with maritime: Convert from DSB to SSB on or before.....	Jan. 1, 1974
No new authorizations for the use of DSB after.....	Jan. 1, 1972

Description of event	Date
Lower half SSB channel will be available.....	Jan. 1, 1977
Use of DSB will not be permitted after.....	Jan. 1, 1974
(3) Alaska-public fixed stations operating on frequencies 3201, 5167.5, and 8070 kHz: Convert from DSB to SSB on or before.....	Jan. 1, 1977
No new authorizations for the use of DSB after.....	Jan. 1, 1972
Lower half SSB channel will be available.....	Jan. 1, 1977
Use of DSB will not be permitted after.....	Jan. 1, 1977

#### TECHNICAL REQUIREMENTS— ALASKA-PUBLIC FIXED

48. Collins suggestions to include provision for the use of F1, A7J, and A9J in proposed §§ 81.708(a), 83.132, and 83.370, to establish the authorized bandwidth for SSB at 3.2 kHz, to increase the power to 1 kw., and to apply a frequency tolerance of 20 c.p.s. are directed to both the maritime mobile and Alaska-public fixed services. These suggested changes have been treated under the foregoing heading "Technical Standards—Marine SSB." It is believed that further discussion in connection with Alaska-public fixed stations is not required, since many of the transmitters affected will operate in both the maritime mobile and Alaska-public fixed services. Collins suggests, additionally, that proposed § 81.132(a) (1) be amended to include provision for the use of emission A2H. As suggested, emission A2H has been added to § 81.132(a) (1) for the frequency band 160-525 kHz.

49. API suggests, and AIMS concurs, that the use of radiotelephony should be retained on frequencies above 1605 kHz available for public coast and Alaska-public fixed stations, in order to permit the use of radioteletypewriter and record communications. In referring to Part 85, §§ 85.204, 85.205, 85.206, 85.259, and 85.264, it will be noted that some or all of the frequencies listed therein are available for radiotelephony and/or radiotelegraphy. Based on information available at the time of preparation of the notice of proposed rule making, only manual radiotelegraphy had been used in the distant past and that had long since been discontinued. Accordingly, the Commission proposed to retain radiotelephony and to delete radiotelegraphy from Alaska-public fixed frequencies, as set forth in the proposed sections referenced above.

50. The above suggestion of API/AIMS and that of Collins to provide for the use of F1, A7J, and A9J emissions, discussed above under the section heading "Technical Standards—Marine SSB", are similar in that both call for use of radiotelephony and radiotelegraphy on Alaska-public fixed frequencies. In the view of the Commission, the radiotelegraphy usage which API suggests is, as explained in paragraph 30 of this document, not compatible with the radiotelephony usage. The objective of API/AIMS is, of course, to include provision in the rules which will permit future expanded needs to be satisfied; needs which

they foresee will evolve in the course of development of Alaska's resources. The Commission agrees that such requirement(s) will have to be satisfied, however, we are reluctant to attempt to forecast the nature, extent, and location of those requirements. The Commission knows of no current requirement which has not been satisfied. Also, it believes it would be premature and technically unsound to superimpose a record system on top of the existing radiotelephone system. At the time it is appropriate to provide a record communication system, means must be evolved which will avoid disruption of one system by the other system. For these reasons the Commission is not adopting API's suggestion that radiotelegraphy be retained on the Alaska-public fixed frequencies referred to above. However, as stated above, the rules have been amended to include provision for the use of F1 emission on the five frequencies currently in use between the North Slope and the Anchorage/Valdez area.

51. API suggests that proposed § 81.132(a) (1) be amended to permit coast radiotelegraph stations to use radiotelegraphy on frequencies between 2065 and 27,500 kHz. This has been done.

52. API refers to proposed § 81.307(a) (7) and suggests that the definition and applicability of the term "daytime" be reviewed, as it applies to northern Alaska, since in this area continuous daytime or continuous darkness exists for extended periods. Under these conditions the definition of "day" set forth in § 81.2(j) would not provide useful guidance in regard to the hours during which a frequency could be used, since it relates usage to time, either after or before sunrise. This difficulty is avoided by the procedure specified in proposed § 81.307(a) (7), where the frequency availability is specified on the basis of hours, in local standard time. Since Alaska is in four of the world time zones, "local standard time" for each zone is, moving from east to west, relative to the time at 120° W., 135° W., 150° W., and 165° W. The use of "local standard time" serves also to provide distinction between that time and "daylight saving time." We have reviewed the proposed sections of the notice of proposed rule making and are unable to locate any instance where the term "day" or "daytime" has been employed. Also, in preparing the attached appendix, an effort has been made to avoid use of either of these two terms relative to frequency usage in Alaska.

53. API suggests that the maximum power permitted on the frequencies 5167.5 and 8070 kHz be raised from 150 watts PEP to 1 kw. PEP, so that the permitted power would be the same as for frequencies between 4 and 12 MHz set forth in proposed § 81.709. In proposed § 81.709 the only frequencies on which a power of 1 kw. PEP may be employed are those bearing footnote (1), which may be used with emission F1. The remainder of the frequencies are limited to 150 watts PEP. As discussed above, the Commission is not in this proceeding raising

the level of power which may be used on Alaska-public fixed frequencies. Accordingly, this suggestion of API is not being adopted.

54. RCA suggests that footnotes 1 and 2 of proposed § 81.131(b) be amended to make the given frequency tolerance effective from the date of installation, rather than from the date of authorization as proposed. From an administrative point of view, it is necessary that the Commission and the licensee have a common reference date. The date of authorization is known to both the Commission and to the licensee. On the other hand, the date of installation is known only to the licensee. While the effective date of the station authorization could be made contingent upon receipt of notification from the licensee that the transmitter had been installed, this procedure would be unnecessarily complicated and unwieldy and, therefore, is not being adopted.

55. In regard to proposed § 81.137, which requires that transmitters be type accepted, RCA points out that in taking over the public coast and Alaska-public fixed facilities from the ACS-USAF, the SSB transmitters in use prior to their takeover were of a type which were not type accepted by the Commission. RCA suggests that since it is necessary for them to continue to use these SSB transmitters, that appropriate exception be included as concerns type acceptance. In that regard, it is appropriate to refer to the Commission's memorandum opinion and order in regarding applications of RCA Alaska Communications, Inc. (FCC Mimeo 43905), released March 24, 1970, in particular to paragraphs 21 and 22, from which the following is excerpted:

21. RCAA has requested in connection with a number of its radio applications waiver of various Commission rules relating to frequency usage, type of equipment, and other operational requirements. Most of these waiver requests are necessitated by equipment which was originally installed by ACS to operate in the Government portion of the radio spectrum. In general, we think such requests do not raise any major policy questions and can be resolved at the bureau level. However, we believe it is desirable to comment on several of the requested waivers at this time.

22. In connection with its applications for public coast and Alaska-public fixed stations RCAA has requested waivers of certain rules which will enable them to use the equipment which is to be acquired from ACS. First, measurement data has not been submitted showing the performance of the single-sideband radiotelephone transmitters. Accordingly, the transmitters are not type accepted as required by §§ 81.137<sup>12</sup> and 85.156 of the rules. The second waiver request is for use of power in excess of that specified in § 85.153 of the rules. We are convinced that the orderly change to non-Government operation requires use of the ACS equipment. Accordingly, §§ 81.137 and 85.153 and 85.156 will be waived in regard to transmitters used by ACS in the public coast and Alaska-public fixed stations and acquired by RCAA for use in the same stations. RCAA will be expected to comply with the rules with respect to any other

transmitters acquired for use in these stations \* \* \*

Returning now to RCA's suggestion, the Commission has made provision to resolve waiver requests concerning the former ACS-USAF SSB equipment at the Bureau level, which action is deemed to be adequate and, therefore, no further action is required. Also, as stated in the above reference memorandum opinion and order, the Commission expects RCA to comply with the rules in regard to any other transmitters acquired.

ADDITIONAL FREQUENCIES—ALASKA-PUBLIC FIXED

56. API, with AIMS concurrence, and Collins recommend that the number of frequencies above 4 MHz available to Alaska-public fixed stations be increased. Collins suggests that the number be doubled. API and Collins base their view that additional point-to-point frequencies will be required on anticipated industrial growth resulting from development of Alaska resources. API relates this growth, in part, to development of Alaska petroleum resources. Both API and Collins take into account the limited number of common carrier landline (or microwave) point-to-point communication facilities and the need to bridge the gap, at least on an interim basis pending availability of such facilities, by use of high frequency (HF) facilities. As mentioned above, the Commission does not see adoption of the proposed rules as an obstacle to, at a later date, increasing the number of frequencies available above 4 MHz for Alaska-public fixed stations. An increase in the number of such frequencies at this time would have to be based, largely, on guesswork as to where the need will be, as well as the megahertz order of frequencies which should be provided. Also, if we consider the uncertainties of ionospheric propagation in the Alaska area, it may develop that where a high degree of circuit continuity is required, the need for increased communications could turn to medium, low, or microwave frequencies, instead of to high frequencies. On the other hand, by waiting until the requirement has developed, we will be able to provide for the specific need. In view of this, the Commission is not increasing the number of frequencies available for Alaska-public fixed stations, except as are derived from implementation of SSB.

57. API advises there is a need to make the Alaska-public fixed frequencies between 4 and 12 MHz which are currently available for use between Alaska zones 3 and 6, also available for use between Alaska zones 2 and 6. This has been done.

58. RCA suggests that the frequency 2052.5 kHz be added to proposed § 81.132 (a) (1) as available for use with A1 emission. This has been done.

APPLICATIONS; OPERATORS AND PROCEDURES

59. API, AIMS, and Collins suggest that proposed §§ 81.40(c) (1) and (c) (3) and 81.68(d) be amended to delete the requirement for construction permits. This has been done.

60. Collins and RCA suggest that proposed § 81.24(e) be amended to delete the requirement that applications and renewal applications be sent to Seattle, Wash., and to provide that, as with the other 49 States, they be sent to Washington, D.C. This has been done.

61. RCA suggests that footnote 1 to proposed §§ 81.74 and 81.75 be amended to delete the requirement to notify ACS. This has been done.

62. In regard to proposed §§ 81.9(c) and 81.179(f), RCA calls attention to their takeover of the Alaska Communication System (ACS) and requests that the rules be amended to reflect this situation. Further, in regard to proposed § 81.179(a), RCA suggests that where ACS appears it be followed with the phrase "or its successors". We agree with the substance of RCA's suggestions. The rules have been amended to delete the definition of "ACS" and all references to ACS. Where applicable, the reference to "ACS" has been replaced by "common carrier", and the definition of common carrier amended to bring it into accord with other common carrier rules.

63. In regard to proposed §§ 81.711 and 81.712, RCA suggests that the distinction between ACS common carrier fixed stations and Alaska-public fixed stations is inappropriate, since RCA has taken over the ACS facilities. As concerns one part of this suggestion we agree that with their takeover of the ACS-USAF Alaska-public fixed stations it is not appropriate to continue the reference to the ACS-USAF in these and other sections and we have, therefore, changed that reference. As concerns the other part of RCA's suggestion that the distinction between Alaska-public fixed stations now operated by RCA and the Alaska-public fixed stations operated by others which communicate with the RCA stations, there is a basic difference between these two types of stations which, in the view of the Commission, makes it appropriate to continue the distinction. The difference is (a) that the RCA stations function as true common carrier facilities, that is, a charge is assessed for the handling of traffic, whereas the other (non-RCA) stations do not assess a charge; and (b) the RCA stations operate on a duplex basis on frequencies which are separate or different from those used by the non-RCA stations and the non-RCA stations, when working each other, operate on a simplex basis on common frequencies. In view of these considerations, the Commission is continuing the distinction between Alaska-public fixed stations operated by RCA and those operated by others in Alaska, as set forth in proposed §§ 81.711 and 81.712.

64. RCA calls attention, in proposed § 81.711, limitation (1) below the table, to an incorrect reference to § 81.308, which should be to § 81.306. This change has been made.

FREQUENCY-CHANGE TIME OF TRANSMITTERS

65. In the comments, API, with AIMS concurrence, and Collins suggest that paragraphs (f) and (g) of § 81.106 be

<sup>12</sup> By cross reference, this section is applicable to coast stations in Alaska.

amended. These paragraphs specify the maximum time permitted multichannel transmitters, when used at coast stations, to change from one to other frequencies under various conditions which are set forth in those paragraphs. API suggests the time be extended beyond 5 seconds. Collins suggests the time be changed to approximately 15 seconds. The provisions of paragraphs (f) and (g) of § 81.106 were adopted (as § 7.106 (f) and (g)) in the proceeding in Docket No. 9797, effective July 23, 1951, and, as specified therein, were applicable to coast station transmitters effective on and after January 1, 1953. There has been no change of substance in these provisions since adoption in 1951.

66. From an operating or service point of view, it is the view of the Commission that the shorter time specified in § 81.106 (f) and (g) will, overall, result in a better service than the longer period of time suggested by API and Collins. The shorter period will reduce the time required to reestablish communications when shifting from one to another operating radio channel, will reduce the total time necessary to complete a communication and, thus, will result in a reduction of channel occupancy time. Further, receivers are currently available for use in the maritime services which permit the operator to shift from one to another operating radio channel in substantially less than 5 seconds. Since the maritime service is based on shared usage of available radio channels, channel occupancy by any one user must be reduced to a minimum. Thus, any trend with regard to multichannel transmitter frequency change time should be towards a time less than 5 seconds and not, as suggested by API and Collins, to a time which is greater than 5 seconds. Accordingly, the Commission is not adopting the suggestion that the frequency change time be increased beyond 5 seconds.

67. RCA calls attention to proposed § 81.301(b) and points out that at locations where the VHF and 2 MHz public coast stations are operated by separate licensees, there would be more than one public coast station. RCA suggests § 81.301(b) be amended to include provision for this situation. This has been done.

68. Changes have been made to the frequency tables and associated footnotes in the following sections in order to provide for the merging of Part 85 into Parts 81 and 83; to delete frequencies and footnotes which are no longer available or applicable; to delete dates which have passed; to effect needed editorial revisions; or to include applicable decisions discussed in the foregoing pages:

Part 81		
81.206	81.361	81.711
81.304	81.708	81.712
81.306	81.709	81.713
81.308	81.710	
Part 83		
83.351	83.358	83.371
83.354	83.360	83.372
83.355	83.370	

69. An application for modification of license where required to comply with any rule amendments adopted herein may be submitted without a fee.

70. Accordingly, it is ordered, That, pursuant to the authority contained in section 303 (c), (f), (g), and (r) of the Communications Act of 1934, as amended, Parts 81 and 83 of the Commission's rules are amended effective December 1, 1971, as set forth below.

71. It is further ordered, That Part 85 of the Commission's rules is deleted.

72. It is further ordered, That the proceeding in Docket No. 18632 is terminated.

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

Adopted: October 14, 1971.

Released: October 26, 1971.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>4</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

### PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

A. Part 81, Stations on Land in the Maritime Services, is amended as follows:

1. The title of Part 81 is amended as set forth above and the headnotes of the sections listed have either been amended or added new to read as follows:

Sec.	
81.9	Alaska-public fixed.
81.195	Alternate transmission on the same frequency in the Alaska area.
81.306	Frequencies available below 27.5 MHz.
81.307	Frequencies available in all zones of the Alaska area.
81.308	Frequencies available in one or more zones of the Alaska area.
81.361	Frequencies available.

#### Subpart Q—Alaska-Public Fixed Stations

81.701	Priority of distress and other signals.
81.702	Hours of service of Alaska-public fixed stations.
81.703	Documents required for Alaska-public fixed stations.
81.704	Alaska-public fixed station records.
81.705	Cooperative use of frequency assignments.
81.706	[Reserved]
81.707	Alternate transmission on the same radio channel.
81.708	Frequencies available.
81.709	Frequencies available in all zones of the Alaska area.
81.710	Frequencies available in one or more zones of the Alaska area.
81.711	Frequencies for communication with common carrier fixed stations.
81.712	Frequencies available to common carrier fixed stations.
81.713	Pairing of common carrier and Alaska-public fixed frequencies.
81.714	Use of U.S. Government frequencies.

2. A new § 81.9 is added to read as follows:

<sup>4</sup> Commissioner Johnson concurring in the result; Commissioner Reid not participating.

### § 81.9 Alaska-public fixed.

(a) *Alaska area.* For the purpose of frequency assignments to radio services and stations governed by this part, the Alaska area is defined as follows:

The area bounded by a line extending due west—from the end of the southernmost boundary line between Canada and the mainland of southeastern Alaska—to 131° west longitude, thence due south to 54°30' north latitude, thence due west to 142° west longitude, thence due south to 50° north latitude, thence due west to 165° west longitude, thence due south to 47° north latitude, thence due west to the boundary line between Regions 2 and 3 (as this line is defined by the Geneva Radio Regulations, 1959), thence generally northward along this boundary line to 80° north latitude, thence due east to 135° west longitude, thence due south to 70° north latitude, thence due west to 140° west longitude, thence generally southwest to the northern end of the boundary line between the mainland of northern Alaska and Canada, thence following the boundary line between Alaska and Canada to the southernmost point of this line in southeastern Alaska.

NOTE: Reference hereafter in this part to the "Alaska area" includes all of the "Zones" defined in paragraph (b) of this section.

(b) *Alaska zones.* For the same purpose expressed in paragraph (a) of this section, the Alaska area is subdivided into six zones, defined as follows:

*Zone 1.* That portion of the Alaska area east of 142° west longitude and south of 61° north latitude.

*Zone 2.* That portion of the Alaska area bounded on the east by a line south of 61° north latitude which coincides with 142° west longitude, and by a line north of 61° north latitude which coincides with the boundary line between Alaska and Canada, and by a line coinciding with 61° north latitude which joins those two lines; and bounded on the west by a line south of 62° north latitude which coincides with 149° west longitude, thence running due south to 60°30' north latitude, thence due west to 150° west longitude, thence due south to the southern limit of the Alaska area, and bounded on the north by a line coinciding with 62° north latitude.

*Zone 3.* That portion of the Alaska area bounded on the north by a line which coincides with 62° north latitude and extends eastward from 155° west longitude to 149° west longitude, thence due south to 60°30' north latitude, thence due west to 150° west longitude, thence due south to the southern limit of the Alaska area, thence westward to 155° west longitude, thence due north to 62° north latitude.

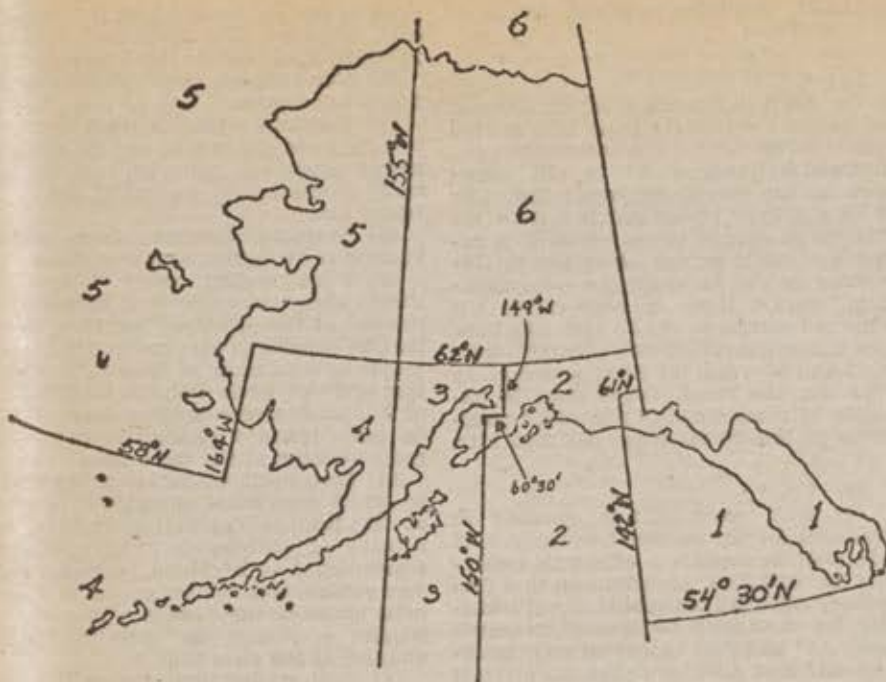
*Zone 4.* That portion of the Alaska area west of 155° west longitude which is bounded on the north by a line coinciding with 62° north latitude extending due west to 164° west longitude, thence bounded on the west by a line coinciding with 164° west longitude extending due south to 58° north latitude, thence bounded on the north by a line coinciding with 58° north latitude extending due west to the western boundary of the Alaska area.

*Zone 5.* That portion of the Alaska area west of 155° west longitude which is not included in Zone 4.

*Zone 6.* That portion of the Alaska area east of 155° west longitude and north of 62° north latitude.

NOTE: The following diagram illustrates the subdivision of Alaska into the six zones.





ALASKA  
Frequency Assignment Zones

(c) "Common carrier" or "carrier". Any person engaged in rendering communications service for hire to the public pursuant to authorization by the State and/or Federal Communications Commission.

(d) Alaska-public fixed station. A fixed station in Alaska, which is open to public correspondence and is licensed by the Commission for radiocommunication between specified fixed points in Alaska exclusively.

(e) Point of communication. This term, when applied to an Alaska-public fixed station, means a specified fixed station or specified geographic location with which such station is authorized to communicate.

3. Section 81.24 is amended to read as follows:

§ 81.24 Application precedent to authorization.

(a) Except as otherwise provided in §§ 81.26 and 81.41, no authorization will be granted for use or operation of any radio station on land in any service governed by this part, nor for any change in station control, facilities, services, equipment, or antenna, unless formal written application therefor in proper form first is filed with the Commission.

(b) Standard forms are prescribed herein for use in connection with the majority of applications submitted for Commission consideration. These forms may be obtained without cost from the Commission at Washington, D.C. 20554, or from any of its field offices.

(c) Except as otherwise permitted by this part, a separate application shall be

filed in respect to each station and service subject to this part.

(d) Except as otherwise provided by this section, each application for radio station authorization, and all correspondence relating thereto, shall be submitted in duplicate (unless otherwise specified in a particular case or with respect to a particular form) to the Commission's main office in Washington, D.C.

(e) Except as otherwise provided in §§ 81.33 and 81.41, an application should be filed at least 60 days prior to the date on which it is desired that the requested authorization be granted by the Commission in order that action thereon may be taken by that date.

(f) The application shall be specific and complete with regard to the information required in the application form, or otherwise specifically requested by the Commission.

(g) An application by a corporation for a radio station authorization for an Alaska-public fixed station or a public coast station in the Alaska area proposing to establish common carrier radio facilities must (unless previously filed with the Commission) be accompanied by a copy of the applicant's charter, acts of incorporation, or articles of incorporation certified by the Secretary of the State of the place of incorporation, or certified otherwise by an appropriate public official.

4. In § 81.40, new paragraphs (c) and (d) are added to read as follows:

§ 81.40 One application for plurality of stations.

(c) In addition to the provisions of paragraphs (a) (3) and (4) and (b) of

this section, one application may be submitted by the same applicant to cover an Alaska-public fixed station and a public coast station at the same location in the Alaska area in the following categories:

- (1) Application for license;
- (2) Application for modification of license when the desired modification will apply similarly to both classes of station;
- (3) Application for renewal of license.
- (d) The provisions of paragraph (c) of this section shall apply on condition that the respective fixed and coast stations covered by each application are clearly identified therein and all of the required information in respect to each class of station is included in the application.

5. In § 81.68, new paragraphs (d) and (e) are added to read as follows:

§ 81.68 One authorization for plurality of stations.

(d) Unless otherwise determined by the Commission, one station license may be issued to authorize the use and operation of an Alaska-public fixed station and a public coast station in the Alaska area when:

- (1) The licensee or permittee of each class of station is the same;
- (2) The location of each class of station is identical;
- (3) The conditions which establish and maintain control of each class of station by the permittee or the station licensee are the same.

(e) Whenever a single station authorization is issued in accordance with paragraph (d) of this section, distinction will be shown in each such document as may be necessary in respect to the details of authorization for each service and each class of station except as these may be otherwise established by applicable rules and regulations of the Commission. Unless the station authorization provides otherwise, the same radio transmitting apparatus may be used for both fixed service and maritime mobile service whenever it is capable, by reason of frequency tuning range, technical adjustment, power, frequency stability and emission of being so used.

6. In § 81.74, paragraph (a) is amended by the addition of footnote 1, to read as follows:

§ 81.74 Notice of involuntary discontinuance, reduction, or impairment of service.

(a) If, for any reason beyond the control of the station licensee, the service provided by a public coast station is discontinued, reduced, or impaired for a period exceeding 24 hours, the station licensee shall immediately notify<sup>1</sup> the Commission at Washington, D.C. 20554, and the Commission's engineer in charge of the radio district in which the station is located. In such cases, the licensee shall furnish full particulars as to the reasons for such discontinuance,

<sup>1</sup> In the Alaska area, notification shall be given to the U.S. Coast Guard office in Juneau, Alaska, and to the Commission's engineer in charge at Anchorage, Alaska.

reduction, or impairment of service including a statement as to when normal service is expected to be resumed. In the event such changes in station operation include discontinuance, reduction, or suspension of a watch normally kept on 500 kHz or 2182 kHz, immediate notification<sup>1</sup> thereof shall be given by the station licensee to the nearest district office of the U.S. Coast Guard and to the Commission's engineer in charge of the radio district in which the station is located together with notification of the estimated or known time of resumption of such watch. When normal service is resumed, immediate notification<sup>1</sup> thereof shall be given to the Commission at Washington, D.C. 20554, and to the Commission's engineer in charge of the radio district in which the station is located. When the watch to which reference is made herein is resumed, immediate notification<sup>1</sup> thereof shall be given to the Coast Guard and to the Commission's engineer in charge.

7. Section 81.75 is amended by the addition of footnote 1 to read as follows:

**§ 81.75 Notice of voluntary discontinuance, reduction, or impairment of service.**

When the service of any station subject to this part (other than a marine-utility station or a shipyard mobile station) is discontinued, reduced or impaired for any reason within the control of the station licensee, immediate notification<sup>1</sup> thereof shall be given to the Commission's engineer in charge of the radio district in which the station is located, together with, in the case of suspension, a statement of the estimated or known time of resumption of normal service. In the case of a public coast station, such notification shall be given as soon as practicable. In respect to any other class of station (except a marine-utility station or a shipyard mobile station) subject to this part, such notification need be made only when the discontinuance, reduction, or impairment of service continues for a period of more than 10 days. In the event any voluntary suspension, reduction, or discontinuance of operation includes discontinuance, reduction, or suspension of a watch normally kept by any coast station on 500 kHz or 2182 kHz, immediate notification<sup>1</sup> thereof shall be given by the station licensee to the nearest district office of the U.S. Coast Guard and to the Commission's engineer in charge of the radio district in which the station is located, together with notification of the estimated or known time of resumption of any such watch that has been suspended.

8. In § 81.104, paragraphs (b) (1) and (c) (1) are amended to read as follows:

<sup>1</sup> In the Alaska area, notification shall be given to the U.S. Coast Guard office in Juneau, Alaska, and to the Commission's engineer in charge at Anchorage, Alaska.

**§ 81.104 Facilities required for coast stations.**

(b) \* \* \*

(1) Each public coast station licensed to transmit within the band 1605 to 3500 kHz shall be capable of transmitting (and licensed to transmit) A3<sup>1</sup> or A3H<sup>2</sup> emission on the carrier frequency 2182 kHz with a carrier power not less than the maximum carrier power which it is capable of using on any other carrier frequency in this band for the same emission, except that, in any event, the required carrier power on 2182 kHz need not be more than 100 watts for A3<sup>1</sup> emission and 50 watts for A3H<sup>2</sup> emission. In addition, the coast station must be capable of receiving A3<sup>2</sup> and A3H<sup>3</sup> emissions on the carrier frequency 2182 kHz.

(c) \* \* \*

(1) Each coast station licensed to transmit on the carrier frequency 2182 kHz shall be capable of efficiently receiving A3<sup>2</sup> and A3H<sup>3</sup> emissions on that frequency and shall be capable also of transmitting (and shall be licensed to transmit) A3<sup>1</sup> and A3H<sup>2</sup> emission and receiving A3<sup>2</sup> and A3H<sup>3</sup> emission on at least one other frequency for working with ship stations in the band 2000 to 3500 kHz.

9. Section 81.106 is amended to read as follows:

**§ 81.106 Operating controls.**

Each coast station, Alaska-public fixed station, or shipyard base station subject to this part shall provide operating controls in accordance with the following:

(a) The transmitting apparatus of stations subject to this part shall be installed and protected so as to be not accessible to other than duly authorized persons.

(b) Except for equipment intended for use only in emergencies and not used for normal communications, operating controls shall be available at the principal operating location of each station and

<sup>1</sup> Use of emission A3 shall be discontinued effective Jan. 1, 1972; Alaska effective Jan. 1, 1974.

<sup>2</sup> Capability to transmit using emission A3H shall be provided effective Jan. 1, 1972; Alaska effective Jan. 1, 1974.

<sup>3</sup> Capability to receive A3 emission shall be provided until Jan. 1, 1977. After Jan. 1, 1977, this requirement may be fulfilled by provision of the capability to receive emission A3H.

<sup>4</sup> Capability to receive A3H emission shall be provided effective Jan. 1, 1972; Alaska effective Jan. 1, 1974.

<sup>5</sup> Capability to transmit A3H emission shall be provided during the period Jan. 1, 1972, to Jan. 1, 1977; Alaska during the period Jan. 1, 1974, to Jan. 1, 1977. After Jan. 1, 1977, capability to transmit using emissions A3A and A3J shall be provided.

<sup>6</sup> Capability to receive A3H emission shall be provided during the period Jan. 1, 1972, to Jan. 1, 1977; Alaska during the period Jan. 1, 1974, to Jan. 1, 1977. After Jan. 1, 1977, capability to receive A3A and A3J emissions shall be provided.

shall be readily accessible to the authorized operator. The operating controls provided shall include those used for:

(1) Commencing and discontinuing normal operation;

(2) Normally changing from each operating radio channel to any other associated operating radio channel in the same characteristic portion of the spectrum; and

(3) Normally changing from transmission to reception, and vice versa.

(c) Each station using telegraphy shall, when an authorized operator is present at the principal operating location, be capable of changeover from telegraph transmission to telegraph reception and vice versa within a total period of 2 seconds under circumstances which do not require a change in operating radio channel at the same time.

(d) Each station using telephony shall, when an authorized operator is present at the principal operating location, be capable of changeover from telephone transmission to telephone reception and vice versa within a total period of 2 seconds under circumstances which do not require a change in operating radio channel at the same time.

(e) Each station shall, during its hours of service and when the authorized operator is present at the principal operating location, be capable of:

(1) Commencing operation within 1 minute after the need to do so occurs;

(2) Discontinuing all emission within 5 seconds after emission is no longer required or after the necessity arises for emission to cease.

(f) Each station using a multichannel installation for telegraphy shall, when the authorized operator is present at the principal operating location, be capable of changing, after the need to do so occurs, from each operating radio channel for telegraphy to any other operating radio channel for telegraphy within the same characteristic portion of the spectrum below 525 kHz within a period of 5 seconds: *Provided, however*, That this requirement need not be met by equipment intended for use only in emergencies and not used for normal communication.

(g) Every coast station using a multichannel installation for radiotelephony shall, when the authorized operator is present at the principal operating location, be capable of changing, after the need to do so occurs, from one operating radio channel for telephony to another operating radio channel for telephony within:

(1) A period of 5 seconds, when changing from the calling channel to a working channel and vice versa within the frequency band 1600 kHz to 4000 kHz; or

(2) A period of 3 seconds, when changing from the calling frequency to a working frequency and vice versa within the band 156 to 162 MHz.

(h) (1) Each coast station authorized to operate on a secondary basis as a shipyard base station, shall, while so operating, comply with the provisions of this section which apply to coast stations using telephony.

(2) Each shipyard mobile station shall comply with the provisions of this section which apply to coast stations using telephony.

10. In § 81.131, paragraphs (b) (2) and (3) are amended by addition of footnotes 1 and 2; a new paragraph (g) is added to read as follows:

§ 81.131 Authorized frequency tolerance.

(b) . . . . .

Frequency ranges	Tolerance—parts in 10 <sup>6</sup> unless shown as Hertz (Hz)
(1) From 14 to 515 kHz	200
(2) From 1605 to 4000 kHz: For A3A, A3H, and A3J emissions	20 Hz
For other than A3A, A3H, and A3J emissions	150
(3) From 4000 to 27,500 kHz: (i) For A3A, A3B, A3H, and A3J emissions	20 Hz
(ii) For narrow-band direct-printing telegraph and data transmission systems	20 Hz
(iii) For other than (i) and (ii) above	15

<sup>1</sup>The tolerance shown in the table is applicable in the Alaska area to all types of transmitters after January 1, 1974, and to new types of transmitters brought into service after January 1, 1971. Types of transmitters authorized in coast stations in the Alaska area prior to January 1, 1971, may continue with a tolerance of 100 parts in 10<sup>6</sup> until January 1, 1974.

<sup>2</sup>The tolerance shown in the table is applicable in the Alaska area to all types of transmitters after January 1, 1974, and to new types of transmitters brought into service after January 1, 1971. Types of transmitters authorized in coast stations in the Alaska area prior to January 1, 1971, may continue with a tolerance of 50 parts in 10<sup>6</sup> until January 1, 1974.

(g) Authorized frequency tolerances for Alaska-public fixed station:

Frequency ranges	Tolerance—parts in 10 <sup>6</sup> unless shown as Hertz (Hz)
(1) From 50 to 525 kHz	200
(2) From 1605 to 3400 kHz: (i) For A3A, A3B, A3H, and A3J emissions	20 Hz
(ii) For other than A3A, A3B, A3H, and A3J emissions	150
(3) From 4000 to 12,000 kHz: (i) For A3A, A3B, A3H, and A3J emissions	20 Hz
(ii) For other than A3A, A3B, A3H, and A3J emissions	15

<sup>1</sup>The tolerance shown in the tables is applicable to all types of transmitters after January 1, 1974, and to new types of transmitters brought into service after January 1, 1971. Types of transmitters authorized in Alaska-public fixed stations prior to January 1, 1971, may continue with a tolerance of 100 parts in 10<sup>6</sup> until January 1, 1974.

<sup>2</sup>For 6A3 emission of the frequencies 3201, 5167.5, and 8070 kHz, a tolerance of 100 parts in 10<sup>6</sup> is applicable until January 1, 1977.

11. In § 81.132, paragraphs (a) (1) and (2) are amended and a new paragraph (a) (6) is added to read as follows:

§ 81.132 Authorized classes of emission.

(a) . . . . .

Frequency band	Classes of emission
(1) Coast stations using telegraphy: 14 to 160 kHz	A1.
160 to 400 kHz	A1; A2, or A2H for distress, urgency and safety signals or any communication preceded by one of these signals.
490 to 525 kHz	A1 and A2 or A2H.
2035 to 27,500 kHz, except Alaska	A1.
(2) Coast stations using radiotelephony: (i) For frequencies below 23 MHz in § 81.304(a): 2182 kHz	A3 or A3H as specified in § 81.304 (c) and (d).
(ii) All other frequencies	A3, A3A, A3H, or A3J as specified in § 81.304.
(6) Alaska-public fixed stations: (i) For radiotelegraphy: 14 to 160 kHz	A1.
400 to 12,000 kHz	F1.
(ii) For telephony: 1605 to 12,000 kHz	A3, A3A, A3H, or A3J as specified in § 81.708.

12. In § 81.134, paragraph (b) and the introductory text of paragraph (c) are amended, and new paragraphs (g), (h), and (i) are added to read as follows:

§ 81.134 Transmitter power.

(b) Transmitter power for coast stations, except in the Alaska area, using radiotelegraphy on frequencies below 27.5 MHz shall not exceed the following values in kilowatts:

Frequency band (kHz)	Transmitter power (kw.)
14 to 150	80
150 to 525	40
2035 to 2065	6.6
4000 to 7000	10
8000 to 9000	20
12,000 to 27,500	30

(c) The power for coast stations, except in the Alaska area, using radiotelephony below 27.5 MHz shall not exceed the values set forth in this paragraph.

(g) For coast stations in the Alaska area, transmitter power in the bands below 12,000 KHz shall not exceed the indicated values:

Frequency band (kHz)	Class of emission	Transmitter power (watts)
400-525	A1 and A2	265
1605-12,000	A1, A2, A3A, A3H and A3J.	150

<sup>1</sup>When using 2182 kHz for purposes other than distress calls and distress traffic, and urgency and safety signals and messages, the carrier power of limited coast stations shall not exceed 100 watts for A3 emission and 50 watts for A3H emission.

(h) For Alaska-public fixed stations, unless otherwise specified in this Part, transmitter power shall not exceed the indicated value:

Frequency band (kHz)	Class of emission	Transmitter power (watts)
50-200	A1	1,000
400-525	A1 and A2	265
1605-12,000	A1, A3, A3A, A3H and A3J.	150

<sup>1</sup>Higher power may be authorized where a satisfactory showing of need has been made.

(i) For common carrier fixed and coast stations, transmitter power shall not exceed the indicated value:

Frequency band (kHz)	Class of emission	Transmitter power (watts)
400-525	A1 and A2	1,000
1605-12,000	A3, A3A, A3H, A3J.	1,000

13. In § 81.137, paragraph (a) is amended to read as follows:

§ 81.137 Acceptability of transmitters for licensing.

(a) Each radiotelephone transmitter authorized in a coast station, marine-utility, marine-fixed station, or Alaska-public fixed license (other than transmitters authorized solely for developmental stations) must be type accepted by the Commission. This requirement shall be applicable as follows:

- (1) To transmitters when operating on frequencies above 27.5 MHz;
- (2) To single sideband and independent sideband transmitters when operating on frequencies below 27.5 MHz.

14. A new § 81.195 is added to read as follows:

§ 81.195 Alternate transmission on the same frequency in the Alaska area.

Coast stations within the Alaska area when communicating with ship stations within the bands 1605-2035 kHz and 2107-12,000 kHz shall transmit and receive on the same frequency: *Provided, however,* That this requirement shall not apply when communicating with common carrier coast stations; and provided further, That this requirement is not applicable in an emergency affecting the safety of life or property when, by reason of interference or limitation of equipment, the same frequency cannot be used.

15. In § 81.206(a), the footnotes 1 through 14 are deleted from the table, paragraph (b) (1) is amended, and new paragraphs (d) and (e) are added to read as follows:

§ 81.206 Assignable frequencies.

(a) . . . .

Area	90-100 (kHz)	415-525 (kHz)	2 (MHz)	4 (MHz)	6 (MHz)	8 (MHz)	12 (MHz)	16 (MHz)	22 (MHz)
North Atlantic	112.85 124.05 130.35 132.10 134.55 137.00 146.80 147.50	418 436 442 460 472 476 482 500 512	2036 2040.5 2040.5 2051 2054 2090	4238 4268 4331 4343 4346	6351.5 6376 6414.5 6418 6502 6505.5 6512.5	8502 8514 8586 8610 8630 8658 8686	12745.5 12925.5 12948.0 12961.5 12967.5 13020.0 13024.5 13033.5 13060.5 12885.0	16933.2 16988.8 16973.6 16967.6 17021.6 17093.6 17242.4	22407 2248 22603 22621 22699 22617
Central Atlantic		512 428 430 512	2063	4346	6484.5	8502	12885.0		
South Atlantic	137.70	434 464 472 488 500 512	2039 2043.5 2051 2057	4250 4252 4295	6389.65 6407.5 6411	8486 8525 8666 8722	12952.5 12970.5 13011.0 13078.5	16918.8 17093.6 17100.8 17170.4 17199.2	22431 22503 22569
North Pacific		482 488 500 512	2058.5 2063	4340	6411	8582 8688	12907.5 12916.5	17007.2	22539
Central Pacific	126.15 147.85	426 436 460 476 500 512	2037.5 2045 2061.5	4247 4274 4328	6348 6365.5 6477.5	8558 8618 8642 8714	12905.5 12808.5 12844.5 13002.0	17016.8 17026.0 17088.8 17184.8	22425 22479 22515 22537
South Pacific		418 464 482 500 512	2049.5 2055.5	4238 4283	6355 6463.5	8590 8606 8642	13033.5 12991 12912 12993 13033.5	17064.8 17088.8 17218.4	22413 22467
Gulf of Mexico	153.0	416 420 434 438 478 484 500 512	2042 2048 2049.5 2052.5 2055.5 2063	4256 4274 4310 4322 4405	6369 6435.5 6446 6495	8473 8550 8570 8666 8714 8722	12794.5 12826.5 12840 13038 13051.5 13078.5	16918.8 17117.6 17170.4 17172.4 17208.8	22431 22467 22569
Great Lakes		482 500 512		4310	6474	8534			
Hawaii		484 500 512	2052.5	4295	6407.5	8542	13029	16978.4	22509
Puerto Rico	153.0	486 500 512	2052.5	4244		8720	13119		

(b)(1) In addition to the specific frequencies listed in paragraphs (a), (d), and (e) of this section, other frequencies within bands between 10 kHz and 27,500 kHz shown in the Commission's table of frequency allocations contained in § 2.106 of this chapter as being allocated for use by coast stations using telegraphy may be assigned to such coast stations: *Provided, however*, That initial authorizations for such frequencies shall be limited to 6 months duration.

(d) Each of the following carrier frequencies, when authorized by station license, may be used by public coast stations, other than common carrier, in all zones of the Alaska area when transmitting by means of telegraphy, in accordance with subpart E of this part, for communication with ship and aircraft stations, and with other public coast stations using telegraphy in the Alaska area:

Frequency (kHz)	Conditions of use
416	Working frequency.
438	Working frequency.
500	Calling and distress frequency.
512	Supplementary calling frequency when 500 kHz is being used for distress communications. Also available as a working frequency, except in those areas where it is in use as a supplementary calling frequency when 500 kHz is being used for distress purposes.

Frequency (kHz)	Conditions of use
2052.5	Calling and working frequency for communication with ship stations when such stations are using telegraphy within the band 2089.5-2092.5 kHz.

(e) Each of the following frequencies is authorized for use by common carrier public coast stations at the location indicated:

Frequency (kHz)	Conditions of use
452	Working frequency—Ketchikan coast station.
472	Working frequency—Juneau coast station.
472	Working frequency—Nome coast station.
500	Calling and distress frequency—coast stations.

16. Section 81.301 is amended to read as follows:

§ 81.301 Supplemental eligibility requirements.

A public coast station may be granted to any person, or State or local government which is subject to the provisions of section 301 of the Communications Act of 1934: *Provided*, That the applicant is legally, financially, and technically qualified to render the proposed service, and the public interest, con-

venience, or necessity would be served by a grant thereof.

17. In § 81.303, the present paragraph is designated (a) and a new paragraph (b) is added to read as follows:

§ 81.303 Duplication of facilities.

(b) Only one public coast station operating on frequencies below 27,500 kHz will be authorized to serve any area whose ship-shore communication needs can be adequately served by a single radio-communication facility. That coast station shall also provide public correspondence service on frequencies in the band 156-162 MHz: *Provided, however*, That this requirement may be waived where VHF service is already provided in waters near the proposed station.

18. Section 81.304 is amended to read as follows:

§ 81.304 Frequencies available.

(a) The following tabulation indicates the frequencies which may be the authorized carrier frequencies for use by public coast stations. For single sideband radiotelephone emission, the assigned frequency will be 1.4 kHz above the authorized carrier frequency. The specific conditions for authorization and use are enumerated in paragraphs (b) through (g) of this section.



Priority No.	Transmit (MHz)	Receive (MHz)	Channel designator
U.S.	I.T.U.		
1	161.900	157.300	26
2	161.950	157.350	27
3	161.850	157.250	25
4	161.800	157.200	24
11	162.000	157.400	28
5	161.825	157.225	84
6	161.875	157.275	87
7	161.925	157.325	86
8	161.875	157.275	85

<sup>1</sup> Channel 28 will be assigned interchangeably with Channel 26 as the first priority number.

(23) Until January 1, 1974, emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J; during the period January 1, 1974, to January 1, 1977, emissions 2.8A3A, 2.8A3H, and 2.8A3J; after January 1, 1977, emissions 2.8A3A and 2.8A3J.

(24) Not available in Puerto Rico and the Virgin Islands.

(25) In the band 156-162 MHz, the frequency 156.800 MHz is the national distress, safety, and calling frequency for the maritime mobile service. It may be used for distress messages and messages preceded by the urgency and safety signals. It may be used to announce transmission on another frequency of traffic lists and, pending implementation of the environmental communication channel 156.750MHz, important maritime information. It may also be used for call and reply; however, where the ship station is known to maintain a watch on both 156.800MHz and a public coast working frequency, calling and replying by a public coast station should be conducted on a frequency authorized primarily for working.

(26) Available for assignment to coast stations, for use in accordance with an agreed program, for the broadcast of information to ship stations concerning the environmental conditions in which vessels operate, i.e., weather; sea conditions; time signals; notices to mariners; and hazards to navigation.

(27) Available January 1, 1974, for use with emissions 2.8A3A and 2.8A3J, with coast and ship stations operating (simplex) on the same channel.

(28) Until January 1, 1972, emission A3, A3A, A3B, A3H, and A3J; during the period January 1, 1972, to January 1, 1974, emission 2.8A3A, 2.8A3H, and 2.8A3J.

(29) Available for assignment to public coast stations in Alaska.

(30) Until January 1, 1977, available for use in Zone 1 of Alaska.

(31) Until January 1, 1977, available for use in Zone 2 of Alaska.

(32) Until January 1, 1977, available for use in Zone 3 of Alaska.

(33) Until January 1, 1977, available for use in Zone 4 of Alaska.

(34) Until January 1, 1977, available for use in Zone 5 of Alaska.

(35) Until January 1, 1977, available for use in Zone 6 of Alaska.

(36) Until January 1, 1977, available for use in all zones of Alaska.

(37) After January 1, 1977, available for use in Zone 1 of Alaska.

(38) After January 1, 1977, available for use in Zone 2 of Alaska.

(39) After January 1, 1977, available for use in Zone 3 of Alaska.

(40) After January 1, 1977, available for use in Zone 4 of Alaska.

(41) After January 1, 1977, available for use in Zone 5 of Alaska.

(42) After January 1, 1977, available for use in Zone 6 of Alaska.

(43) After January 1, 1977, available for use in all zones of Alaska.

(44) Until January 1, 1977, available for use with emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J.

(45) After January 1, 1977, available for use with emissions 2.8A3A and 2.8A3J.

(46) After January 1, 1977, available for use with emission 2.8A3H.

(47) Available for use in accordance with § 81.306.

(48) Available for use in accordance with § 81.307.

(49) Available for use in accordance with § 81.308.

(50) Use of radiotelegraphy on this frequency is limited to manual radiotelegraphy and to emission 0.1A1.

(51) Primarily, for communication by radiotelephony with public ship stations on board any type of vessel during the hours 6 a.m. to 9 p.m., local standard time; and secondarily, during the hours 6 a.m. to 9 p.m., local standard time, for communication by radiotelephony between public coast stations, separated not less than 50 miles, for the exchange of public correspondence, on condition that ship-shore communications shall be given priority at all times. Use of this frequency for this purpose shall be limited to conditions which make it necessary to use this frequency in lieu of a frequency designated for fixed service by Subpart Q of this part.

(52) To minimize interference to or from the operation of stations outside the Alaska area or U.S. Government stations within Alaska, this frequency is authorized for use annually in the respective zone only during the hours from 7 a.m. to 11 p.m., local standard time, from May 15 to September 15, inclusive, and from 8 a.m. to 9 p.m., local standard time, from April 1 to May 14, inclusive, and from September 16 to October 31, inclusive.

(53) Until January 1, 1977, use of the frequency 2450 kHz shall be coordinated as necessary with use of the frequency 2466 kHz by Alaska-public fixed stations in the Alaska area in order to avoid harmful interference.

(54) Until January 1, 1977, use of the frequency 2482 kHz shall be coordinated as necessary with use of the frequencies 2466 and 2474 kHz by Alaska-public fixed stations in the Alaska area in order to avoid harmful interference.

(55) Use of the frequency 2506 kHz for maritime mobile service in the Alaska area is authorized on condition that harmful interference shall not be caused to the service of any coast station located in the vicinity of San Francisco or Eureka, Calif.

(56) Until January 1, 1977, use of the frequency 2616 kHz shall be coordinated as necessary with use of the frequency 2632 kHz by Alaska-public fixed stations in the Alaska area in order to avoid harmful interference.

(57) Insofar as is practicable, coast stations shall limit their use of the frequencies 3258 and 3261 kHz to communications over distances which cannot be effectively covered by the use of a frequency below 2700 kHz or above 156 MHz.

(58) Until January 1, 1977, use of the frequency 2118 kHz shall be coordinated as necessary with use of the frequency 2134 kHz in order to avoid harmful interference.

(59) To minimize interference to or from the operation of stations outside the Alaska area, the frequencies 2430 and 2482 kHz are authorized for use annually in the respective zone only during the hours from 6 a.m. to 11 p.m. local standard time, from April 1 to September 30, inclusive.

(60) Available for use in accordance with § 81.305.

(61) Use of this frequency is limited to radiotelephony exclusively; for use during the hours 6 a.m. to 9 p.m., local standard time. Availability and use of 4428.6 kHz is subject to the conditions that harmful interference shall not be caused to the service of any coast station located in the Great Lakes area.

(c) Conversion of public coast stations, except in Alaska, from DSB to SSB when using radiotelephony frequencies in the band 2000-2850 kHz shall be in accordance with the following schedule:

(1) Transmission of DSB emissions will not be permitted after January 1, 1972;

(2) Authorizations for use of DSB emission granted after July 24, 1970, shall expire on January 1, 1972;

(3) Transmission of SSB emissions A3A, A3H, or A3J is permitted prior to January 1, 1972. Except as provided in § 81.142(d), after January 1, 1972, the capability of using these emissions is required;

(4) On 2182 kHz, until January 1, 1972, public coast stations are required to have the capability to transmit DSB or SSB full carrier emissions and to receive DSB and SSB full carrier emissions;

(5) On 2182 kHz during the period January 1, 1972, to January 1, 1977, public coast stations are required to have the capability to receive SSB full carrier and DSB emission; after January 1, 1977, such stations are required to have the capability to receive SSB full carrier emission.

(d) Conversion of public coast stations in Alaska from DSB to SSB when using radiotelephony on frequencies below 4000 kHz shall be in accordance with the following schedule:

(1) Transmission of DSB emissions will not be permitted after January 1, 1974;

(2) Authorizations for use of DSB emission granted after December 1, 1971, shall expire on January 1, 1974;

(3) Transmission of SSB emissions A3A, A3H, or A3J is permitted prior to January 1, 1974. Except as provided in § 81.142(d), after January 1, 1974, the capability of using these emissions is required.

(4) On 2182 kHz, until January 1, 1974, public coast stations are required to have the capability to transmit DSB or full carrier emissions and to receive DSB and SSB full carrier emissions;

(5) On 2182 kHz during the period January 1, 1974, to January 1, 1977, public coast stations are required to have the capability to receive SSB full carrier and DSB emission; after January 1, 1977, such stations are required to have the capability to receive SSB full carrier emission.

(e) After January 1, 1977, radiotelephony frequencies in the bands below 4000 kHz will be available only to public coast stations which, in addition to providing service on the frequencies below 4000 kHz, shall apply for and if granted provide service on frequencies in the band 156-162 MHz.

(f) Except for safety communications, after January 1, 1977:

(1) Radio telephony frequencies below 4000 kHz shall not be used by a public coast station for communication with a vessel which is within the VHF service range of that public coast station; and

(2) Except in the Mississippi River system, public coast stations serving lakes or rivers will not be authorized to employ frequencies below 4000 kHz.

(g) In addition to the specific frequencies listed in paragraph (a) of this section, other frequencies within the bands between 2000 kHz and 27.5 MHz, as shown in the Commission's table of frequency allocations contained in § 2.106 of this chapter as being allocated for use by coast stations using telephony, may be assigned to such coast stations: *Provided, however, That initial authorizations for such frequencies will be limited to 6 months' duration.*

(h) (1) In addition to the authorized carrier frequencies designated for telephony in the license of a public coast station, such station when communicating by telephony with a mobile or coast station of the U.S. Government may, on the condition that its emission bandwidth and frequency tolerance shall be within the respective limits thereof permitted for the Government station, transmit on a frequency assigned to the U.S. Government when authorized or directed to do so by the Government station responsible, or by the Government department or agency for which the frequency is authorized. The coast station carrier frequency, the class of emission and the permissible class of traffic on such frequency, shall be designated by the Government station or the responsible Government department or agency.

(2) Frequencies assigned to Government radio stations are assignable to non-Government public coast stations for communication with other non-Government stations by telephony when such communication is necessary in con-

nection with or in behalf of the Federal Government and where the Commission determines after consultation with the appropriate Government agency or agencies that such assignment is necessary.

(i) Each carrier frequency set forth in paragraph (a) of this section which is not to be used prior to a specified beginning date, may be used under appropriate station authorization for test transmission during a period commencing not more than 2 months in advance of such specified beginning date, solely to determine whether an existing coast station is capable of proper technical operation on that particular radio channel preparatory to rendering regular service thereon: *Provided, That harmful interference is not caused by such test transmission to the service of any other station.*

19. In § 81.306, paragraphs (a), (b), and (c) are amended, paragraph (d) and (e) are redesignated (e) and (f), and a new paragraph (d) is added, to read as follows:

§ 81.306 Frequencies available below 27.5 MHz.

(a) The carrier frequencies designated herewith are assignable to class I public coast stations using telephony when the coast station and the mobile station transmit alternately on different radio channels: *Provided, That the designated carrier frequencies below 5000 kHz and above 22,650 kHz are assignable only to coast stations located in the vicinity of the specific harbors, ports, or places designated hereinafter opposite the respective coast station transmitting frequency: Provided, further, That the coast station shall receive transmissions from mobile stations on the associated receiving frequency also designated herewith:*

(1) Working frequencies below 5000 kHz:

Coast station transmitting carrier frequency (kHz)	Coast station located in the vicinity of—	Coast station receiving carrier frequency (kHz)
2506	San Francisco, Calif.....	2406
2590	Hawaii <sup>1</sup> .....	2134
2590	New York, N.Y.....	2198
4371.0	San Francisco, Calif. <sup>2</sup> .....	4072.4
4371.0	New York, N.Y.....	4072.4
4371.0	Miami, Fla.....	4072.4
4390.2	New York, N.Y. <sup>3</sup> .....	4091.6
4390.2	San Francisco, Calif.....	4091.6
4390.2	Miami, Fla.....	4091.6
4399.8	New York, N.Y.....	4101.2
4399.8	San Francisco, Calif. <sup>2</sup> .....	4101.2
4399.8	Miami, Fla.....	4101.2
4403.0	New York, N.Y.....	4104.4
4403.0	San Francisco, Calif. <sup>2</sup> .....	4104.4
4403.0	Miami, Fla.....	4104.4
4415.8	Hawaii <sup>1</sup> .....	4117.2
4419.0	Miami, Fla.....	4130.4
4419.0	New York, N.Y.....	4130.4
4422.2	Miami, Fla. <sup>2</sup> .....	4123.6
4422.2	New York, N.Y.....	4123.6
4422.2	San Francisco, Calif.....	4123.6
4423.4	New York, N.Y.....	4126.8
4423.4	San Francisco, Calif.....	4126.8
4428.6	New York, N.Y.....	4130.0
4428.6	San Francisco, Calif. <sup>2</sup> .....	4130.0
4428.6	Miami, Fla.....	4130.0

<sup>1</sup> Available for use annually at New York, N.Y., during period Dec. 15 to March 15.  
<sup>2</sup> Station of primary allotment.  
<sup>3</sup> Subject to noninterference to use at locations set forth in paragraphs (b) and (c) of this section.

(2) Working frequencies between 5000 kHz and 27.5 MHz:

Coast station transmitting carrier frequency (kHz)	Coast station located in the vicinity of—	Coast station receiving carrier frequency (kHz)
8735.2	San Francisco, Calif.....	8201.2
8735.2	New York, N.Y. <sup>2</sup> .....	8201.2
8735.2	Miami, Fla.....	8201.2
8738.4	San Francisco, Calif. <sup>2</sup> .....	8204.4
8738.4	New York, N.Y.....	8204.4
8738.4	Miami, Fla.....	8204.4
8748.0	San Francisco, Calif. <sup>2</sup> .....	8214.0
8751.2	Hawaii <sup>1</sup> .....	8217.2
8754.4	New York, N.Y.....	8220.4
8754.4	San Francisco, Calif.....	8220.4
8754.4	Miami, Fla. <sup>2</sup> .....	8220.4
8757.6	New York, N.Y. <sup>2</sup> .....	8223.6
8757.6	San Francisco, Calif.....	8223.6
8757.6	Miami, Fla.....	8223.6
8773.6	Miami, Fla.....	8230.6
8773.6	San Francisco, Calif.....	8230.6
8773.6	New York, N.Y. <sup>2</sup> .....	8230.6
8776.8	Miami, Fla. <sup>2</sup> .....	8242.8
8776.8	San Francisco, Calif.....	8242.8
8776.8	New York, N.Y.....	8242.8
8792.8	New York, N.Y.....	8258.8
8792.8	San Francisco, Calif. <sup>2</sup> .....	8258.8
8792.8	Miami, Fla.....	8258.8
8796.0	New York, N.Y. <sup>2</sup> .....	8262.0
8796.0	San Francisco, Calif. <sup>2</sup> .....	8262.0
8796.0	Miami, Fla.....	8262.0
13,137.0	New York, N.Y.....	12,358.0
13,137.0	San Francisco, Calif.....	12,358.0
13,137.0	Miami, Fla. <sup>2</sup> .....	12,358.0
13,140.5	New York, N.Y. <sup>2</sup> .....	12,361.5
13,140.5	San Francisco, Calif.....	12,361.5
13,140.5	Miami, Fla.....	12,361.5
13,151.0	San Francisco, Calif. <sup>2</sup> .....	12,372.0
13,154.5	Hawaii <sup>1</sup> .....	12,378.5
13,161.5	San Francisco, Calif. <sup>2</sup> .....	12,382.5
13,161.5	New York, N.Y. <sup>2</sup> .....	12,382.5
13,161.5	Miami, Fla.....	12,382.5
13,172.0	New York, N.Y.....	12,393.0
13,172.0	Miami, Fla. <sup>2</sup> .....	12,393.0
13,175.5	New York, N.Y. <sup>2</sup> .....	12,396.5
13,175.5	Miami, Fla.....	12,396.5
17,269.0	San Francisco, Calif. <sup>2</sup> .....	16,474.0
17,272.5	Hawaii <sup>1</sup> .....	16,477.5
17,286.5	New York, N.Y. <sup>2</sup> .....	16,491.5
17,286.5	San Francisco, Calif.....	16,491.5
17,286.5	Miami, Fla.....	16,491.5
17,304.0	San Francisco, Calif.....	16,509.0
17,304.0	New York, N.Y. <sup>2</sup> .....	16,509.0
17,304.0	Miami, Fla.....	16,509.0
17,307.5	San Francisco, Calif. <sup>2</sup> .....	16,512.5
17,307.5	New York, N.Y.....	16,512.5
17,307.5	Miami, Fla.....	16,512.5
17,318.0	New York, N.Y.....	16,523.0
17,318.0	Miami, Fla. <sup>2</sup> .....	16,523.0
17,321.5	New York, N.Y. <sup>2</sup> .....	16,526.5
17,321.5	Miami, Fla.....	16,526.5
22,653.5	New York, N.Y.....	22,028.0
22,653.5	Miami, Fla. <sup>2</sup> .....	22,028.0
22,657.0	New York, N.Y. <sup>2</sup> .....	22,031.5
22,657.0	Miami, Fla.....	22,031.5
22,667.5	San Francisco, Calif.....	22,042.0
22,667.5	New York, N.Y. <sup>2</sup> .....	22,042.0
22,667.5	Miami, Fla.....	22,042.0
22,671.0	San Francisco, Calif. <sup>2</sup> .....	22,045.5
22,671.0	New York, N.Y.....	22,045.5
22,671.0	Miami, Fla.....	22,045.5
22,688.5	New York, N.Y.....	22,063.0
22,688.5	San Francisco, Calif. <sup>2</sup> .....	22,063.0
22,688.5	Miami, Fla.....	22,063.0
22,692.0	New York, N.Y. <sup>2</sup> .....	22,066.5
22,692.0	San Francisco, Calif. <sup>2</sup> .....	22,066.5
22,692.0	Miami, Fla.....	22,066.5

<sup>1</sup> Available for communication with ship stations in the Gulf of Mexico and the Caribbean area only. Use of the frequency is upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused.  
<sup>2</sup> Station of primary allotment.

(b) Subject to the specific limitations imposed in this paragraph and in § 81-304 with respect to particular frequencies, the carrier frequencies designated are assignable for working purposes to class II public coast stations using telephony when the coast station and the mobile station transmit alternately on different radio channels: *Provided, That these frequencies are assignable only to coast stations located in the vicinity of the harbors, ports, or places designated hereinafter opposite the respective coast station transmitting frequency: Provided further, That each coast station shall receive transmissions from mobile stations on the associated receiving frequency also designated in this paragraph.*

Coast stations located in the vicinity of— (1)	Coast station transmitting carrier frequency (kHz) <sup>1</sup>				Associated coast station receiving carrier frequency (kHz) <sup>1</sup>				
	(2)	(3)	(4)	Conditions of use, Note 4 (5)	(6)	Note 2 (7)	Note 3 (8)	Conditions of use, Note 4 (9)	
									Note 2
Boston, Mass.	2450			None	2266			None	
	2506			None	2400			None	
	2566			5, 9	2300			5, 9	
New York, N. Y.	2482			6	2382			6	
	2522			None	2136			None	
	2558			None	2166			None	
	2590			None	2198			None	
		4390.2	4390.2	29, 32		4091.6	4091.6	33	
		4403.0	4403.0	29, 32		4104.4	4104.4	33	
		4422.2	4422.2	30, 32		4123.6	4123.6	33	
		4428.6	4428.6	7, 10, 29, 32		4130.0	4130.0	3, 7, 10, 33	
Wilmington, Del.	2558			None	2166			None	
Baltimore, Md.	2558			None	2166			None	
Norfolk-Quantico, Va.	2538			None	2142			None	
	2460			5, 9	2306			5, 9	
Charleston, S.C.-Jacksonville, Fla.	2566			None	2300			None	
Lake Allatoona-Lake Sidney, Lanier, Ga.	2450			5	2306			5	
Miami, Fla.	2442			9	2406			9	
	2490			8	2031.5			None	
	2514			5, 11	2118			10	
	2550			13	2158			12	
			4371.0	31, 32			4072.4	93	
		4403.0	4403.0	29, 32		4104.4	4104.4	33	
		4422.2	4422.2	30, 32		4123.6	4123.6	33	
Tampa, Fla.	2466			None	2000			None	
	2550			10	2158			10	
			4419.0	32, 34			4130.4	33	
Mobile, Ala.	2572			None	2430			None	
			4412.6	32, 35			4114.0	33	
New Orleans, La.	2398			None	2206			None	
	2558			9, 14	2166			9	
	2482			None	2382			None	
			4419.0	32, 34			4130.4	33	
Delcambre, La.	2506			5, 9	2458			5, 9	
			4412.6	32, 35			4114.0	33	
Galveston, Tex.	2530			None	2134			None	
	2490			9, 16	2306			9, 15	
			4425.4	32, 36			4198.8	33	
Corpus Christi, Tex.	2538			18	2142			17	
			4425.4	32, 36			4198.8	33	
San Juan, P.R.	2580			None	2134			None	
Great Lakes	2514			32	2118			None	
	2560			32	2188			None	
	2582			32	2206			19	
		4415.8	4415.8	32		4117.2	4117.2	33	
		4428.6	4428.6	32		4130.0	4130.0	3, 33	
		8783.2	8783.2	32		8249.2	8249.2	23	
Los Angeles-San Diego, Calif.	2566			None	2000			None	
	2496			21	2382			20	
	2598			22	2236			22	
	2522			22	2126			22	
San Francisco-Eureka, Calif.	2490			24	2003			23	
	2506			None	2490			None	
		4371.0	4371.0	31, 32		4072.4	4072.4	33	
		4390.2	4390.2	29, 32		4091.6	4091.6	33	
			4399.8	31, 32			4101.2	33	
Astoria, Oreg.	2442			5, 9	2000			5, 9	
Astoria-Portland, Oreg.	2598			None	2236			None	
Coos Bay, Oreg.	2566			22	2031.5			5, 22	
Seattle, Wash.	2522			None	2126			None	
	2482			25	2430			25	

Coast stations located in the vicinity of— (1)	Coast station transmitting carrier frequency (kHz) <sup>1</sup>				Associated coast station receiving carrier frequency (kHz) <sup>1</sup>				
	(2)	(3)	(4)	Conditions of use, note 4 (5)	(6)	(7)	(8)	(9)	
									Note 2
Kahuku, Hawaii	2530			None	2134			None	
		4415.8	4415.8	32	4117.2	4117.2		33	
Hilo, Hawaii	2582			None	2198			None	
Palmyra Island, Hawaii	2630			27	2134			26	
St. Thomas Isl., Virgin Islands	2606			28	2000			28	

<sup>1</sup>In the table, for duplex working on frequencies above 2850 kHz coast station transmitting carrier frequencies appear in columns (2), (3) and (4); ship station transmitting carrier frequencies appear in columns (6), (7), and (8). Coast and ship station frequencies appearing on the same line are paired, as follows: Column (2) is paired with column (6); column (3) with (7); and column (4) is paired with (8). In general: The frequencies in columns (3) and (7) will be converted to SSB (see §§ 81.304 and 83.351, coast, Jan. 1, 1972; ship, Jan. 1, 1974); and those in columns (4) and (8) will be available after Jan. 1, 1974.

NOTE 1: [Reserved].

NOTE 2: Frequencies above 2850 kHz shown in columns (3) and (7) and available for DSB emission: Will replace the DSB frequencies shown in columns (2) and (6); and are available in accordance with the provisions of this section and the conditions of use set forth in §§ 81.304 and 83.351. The frequencies listed in columns (3) and (7) will not be available after Jan. 1, 1974.

NOTE 3: Frequencies above 2850 kHz shown in columns (4) and (8) will be available for 2.8ASA and/or 2.8A3J emissions on Jan. 1, 1974, and will replace the frequencies listed in columns (3) and (7) on that date.

NOTE 4: The conditions of use referred to in columns (5) and (9) are set forth below the table.

- (1) [Reserved]
- (2) [Reserved]
- (3) The frequency in column (6) is replaced by the frequency in column (7) in accordance with the conditions of use set forth in § 83.351 of this chapter.
- (4) [Reserved]
- (5) Available on condition that no harmful interference will be caused to any service or station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.
- (6) Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of New Orleans, La., to which this carrier frequency is assigned for transmission.
- (7) Available for use annually during period December 15 to March 15.



(8) Available on a 24-hour basis, on condition that harmful interference shall not be caused to the police radio service in southern California.

(9) Day only.

(10) Unlimited hours of use from December 15 to April 1, annually, and day only from April 1 to December 15, annually, on condition that harmful interference shall not be caused to the service of any ship station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.

(11) Unlimited hours of use from December 15 to April 1, annually, and day only from April 1 to December 15, annually, on condition that harmful interference shall not be caused to the service of any coast station in the vicinity of Miami, Fla., to which the carrier frequency 2490 kHz is assigned for transmission.

(12) Unlimited hours of use from December 15 to April 1, annually, and day only from April 1 to December 15, annually, on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of Tampa, Fla., and is transmitting on this frequency to a coast station located in the vicinity of that port.

(13) Unlimited hours of use from December 15 to April 1, annually, and day only from April 1 to December 15, annually, on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission.

(14) Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Mobile, Ala., to which the carrier frequency of 2572 kHz is assigned for transmission.

(15) Available on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of Boston, Mass., and is transmitting on this frequency to a coast station located in the vicinity of that port.

(16) Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Boston, Mass., San Francisco or Eureka, Calif., to which this carrier frequency is assigned for transmission.

(17) Available on condition that no harmful interference will be caused to the service of any ship station which is within 300 nautical miles of Norfolk-Quantico, Va., and is transmitting on this frequency to a coast station located in the vicinity of that port.

(18) Available on condition that no harmful interference will be caused to the service of any coast station located in the vicinity of Norfolk-Quantico, Va., to which this carrier frequency is assigned for transmission.

(19) Not available to U.S. ship stations for transmission.

(20) Available on condition that harmful interference is not caused to the

service of any ship station which is within 300 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port.

(21) Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission.

(22) 7 a.m. to 7 p.m., P.s.t., only.

(23) Available on condition that harmful interference shall not be caused to the service of any ship station which is within 300 nautical miles of Los Angeles or San Diego, Calif., and is transmitting on 2009 kHz to a coast station located in the vicinity of either of these ports.

(24) Available on condition that harmful interference is not caused to police radio service in Kansas or Wisconsin.

(25) Authorized for use south of 51° north latitude and east of 142° west longitude exclusively during the following daily periods on condition that harmful interference is not caused to the service of any station in the Alaska area to which this carrier frequency is assigned for transmission: Annually from April 1 to September 30, inclusive, from 5 a.m. to 9 p.m., P.s.t., only; and annually from October 1 to March 31, inclusive, from 6 a.m. to 11 p.m., P.s.t., only.

(26) Available on condition that harmful interference shall not be caused to the service of any ship station which is within 300 nautical miles of Kahuku, Hawaii, and is transmitting on this frequency to a coast station located in the vicinity of that port.

(27) Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Kahuku, Hawaii, to which the carrier frequency 2530 kHz is assigned for transmission.

(28) 8 a.m. to 9 p.m., A.s.t., only; on conditions that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.

(29) New York, N.Y., is the station of primary assignment. Use of this frequency is shared with Miami, Fla., and San Francisco, Calif.

(30) Miami, Fla., is the station of primary assignment. Use of this frequency is shared with New York, N.Y., and San Francisco, Calif.

(31) San Francisco, Calif., is the station of primary assignment. Use of this frequency is shared with New York, N.Y., and Miami, Fla.

(32) In accordance with § 81.304.

(33) In accordance with § 83.351 of this chapter.

(34) Shared by New Orleans, La., Tampa and Miami, Fla. Use by Miami, Fla., is on a secondary basis to use by New Orleans, La., and Tampa, Fla.

(35) Shared by Mobile, Ala., and Delcambre, La.

(36) Shared by Galveston and Corpus Christi, Tex.

(c) Subject to the specific limitations imposed in this paragraph and in § 81.304

with respect to particular frequencies, the carrier frequencies designated herein are assignable for working purposes to class II public coast stations using telephony when the coast station and the mobile station transmit alternately on the same radio channel: *Provided*, That these frequencies are assignable only to coast stations located in the vicinity of the harbors, ports, or places designated hereinafter opposite the respective frequency:

Coast stations located in the vicinity of—	Ship and coast station transmitting and receiving carrier frequency (kHz)			Conditions of use, note 4
	Note 2	Note 3		
(1)	(2)	(3)	(4)	(5)
Baltimore, Md. ....	2400			(1)
Louisville, Ky. ....	2782			(1)
	2086	4072.4	4069.2	(2)
		4371.0		
		6147.5		
		6455.0	6455.0	
		8210.8	8780.0	
			13,158.0	
			17,283.0	
Memphis, Tenn. ....	2782			(1)
	2086	4072.4	4088.4	(2)
		4371.0		
		6147.5		
		6455.0	6451.9	
		8210.8	8246.0	
			12,379.0	
			16,488.0	
Pittsburgh, Pa. ....	2782			(1)
	2086	4072.4		(2)
		4371.0	4387.0	
		6147.5		
		6455.0	6451.9	
		8210.8	8207.6	
			12,379.0	
			16,488.0	
St. Louis, Mo. ....	2782			(1)
	2086	4072.4		(2)
		4371.0	4367.8	
		6147.5	6147.5	
		6455.0		
		8210.8	8210.8	
			13,158.0	
			17,283.0	
Lake Dallas-Lake Texhoma, Tex. ....	2738			(1)
Lake Mead, Nev. ....	2782			(1)
The Dalles-Umatilla, Oreg. ....	2784			(1)

NOTE 1: [Reserved]

NOTE 2: Frequencies above 2850 kHz shown in column (3) are available during the period Mar. 1, 1970, to Dec. 31, 1973, for use with emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J.

NOTE 3: Frequencies above 2850 kHz shown in column (4) are available effective Jan. 1, 1974, for use with emissions 2.8A3A and 2.8A3J and on that date will replace the frequencies shown in column (3). The frequencies appearing in column (3) will not be available after Dec. 31, 1973.

NOTE 4: The conditions of use referred to in column (5) are set forth below the table.

(1) Subject to a separate rule making proceeding.

(2) Available for use with emissions 2.8A3A and 2.8A3J.

(d) The carrier frequencies set forth in the following table are authorized for use by common carrier public coast stations for communication with public ship stations in the Alaska area.

For communication with common carrier coast stations located in the vicinity of—	Common carrier station carrier frequency (kHz)		Associated ship station transmitting carrier frequency (kHz)	
	Until 1-1-77 <sup>1</sup>	After 1-1-77 <sup>1</sup>	Until 1-1-77 <sup>1</sup>	After 1-1-77 <sup>1</sup>
Anchorage, Alaska.....	2312	2312	2134	2134
Cold Bay, Alaska.....	2312	2312	2134	2134
Cordova, Alaska.....	2312	2397	2134	2337
Juneau, Alaska.....	2400	2400	2240	2240
Ketchikan, Alaska.....	2312	2397	2134	2337
King Salmon, Alaska.....	2312	2400	2134	2240
Kodiak, Alaska.....	2400	2309	2240	2131
Nome, Alaska.....	2400	2400	2240	2240
Petersburg, Alaska.....	2312	2312	2134	2134
Sitka, Alaska.....	2400	2312	2240	2134
Unalaska, Alaska.....	2312	2312	2134	2134

<sup>1</sup> Subject to the limitations and conditions of use set forth in § 81.304.

(e) The frequency 2638 kHz is available for assignment as a working frequency for class II public coast stations for the transmission of safety and operational communications under the following conditions:

(1) No other frequency in the band 1600-5000 kHz is available for assignment to public coast stations at the proposed location;

(2) The proposed station is to be located within the continental United States (excluding Alaska) not less than 100 miles from the seacoast, the shores of navigable bays and sounds adjacent to the open sea, the shores of the Great Lakes, the St. Lawrence River, the Illinois and Ohio Rivers, and the Mississippi River south of Hastings, Minn.;

(3) The use of the frequency shall be confined exclusively to safety and operational communications;

(4) Except for safety communications, use of the frequency shall be limited to day only: *Provided*, That operational communications may be continued beyond such time to the extent necessary for compliance with the provisions of § 81.186(b); and

(5) An affirmative showing is submitted with the original application and each renewal application evidencing the need for the desired safety and operational communications and establishing the fact that such communications cannot be provided by the use of frequencies above 156 MHz.

(f) Use of the working frequencies authorized in paragraphs (a), (b), (c), and (d) of this section is subject to the applicable conditions and limitations set forth in § 81.304. Class II coast stations shall use frequency assignments in the band 2000 kHz to 27.5 MHz only when the use of frequency assignments in the band 156-162 MHz will not provide effective communication.

20. A new § 81.307 is added to read as follows:

§ 81.307 Frequencies available in all zones of the Alaska area.

(a) Each of the carrier frequencies set forth in the following table when authorized by station license, may be used by public coast stations, other than common carrier, in all zones of the Alaska area.

Frequency (kHz)		
1619	2379	4380.6
1622	2382	4383.8

(b) The frequencies listed in paragraph (a) of this section are available for use for communication by radiotelegraphy or radio telephony between public correspondence coast stations and public ship stations on board any type of vessel.

(c) Use of the frequencies listed in paragraph (a) of this section are subject to the limitations and conditions of use set forth in § 81.304.

21. A new § 81.308 is added to read as follows:

§ 81.308 Frequencies available in one or more zones of the Alaska area.

(a) Each of the carrier frequencies set forth in the following tables, when authorized by station license, may be used by public coast stations, other than common carrier, employing radiotelephony. Frequencies designated for use in a zone of the Alaska area are available only to coast stations located in that zone. The limitations and conditions of use applicable to each frequency are set forth in § 81.304. Conversion from double sideband (DSB) to single sideband (SSB) emissions in the band 1605-4000 kHz shall be effected in accordance with the schedule set forth in § 81.304(f). The frequencies available and the zones in the Alaska area in which they may be employed are set forth in the following tables:

TABLE 1

Zone 1		Zone 2		Zone 3		Zone 4		Zone 5		Zone 6	
Available		Available		Available		Available		Available		Available	
Until 1-1-77 (kHz)	After 1-1-77 (kHz)	Until 1-1-77 (kHz)	After 1-1-77 (kHz)	Until 1-1-77 (kHz)	After 1-1-77 (kHz)	Until 1-1-77 (kHz)	After 1-1-77 (kHz)	Until 1-1-77 (kHz)	After 1-1-77 (kHz)	Until 1-1-77 (kHz)	After 1-1-77 (kHz)
1646	1646					1646	1643			1646	1644
		1652	1649					1652	1652		
				1708	1705	1708	1705				
1712	1709							1712	1712		
2006	2006								2003		
		2115	2115			2118	2118				
2422	2419			2422	2422						
		2430	2430			2430	2427	2430	2430		
				2450	2450	2450	2447			2450	2450
				2482	2479	2482	2482			2482	2482
								2506	2506		
2512	2512	2512	2509	2512	2512	2512	2509				
		2538	2538	2538	2535						
2566	2566					2566	2563	2566	2566		
2616	2616										
3261	3261					3261	3261	3261	3258		

TABLE 2

Zone 1		Zone 2		Zone 3		Zone 4		Zone 5		Zone 6	
Available <sup>1</sup>		Available <sup>2</sup>		Available <sup>3</sup>		Available <sup>4</sup>		Available <sup>5</sup>		Available <sup>6</sup>	
Until 1-1-74 (kHz)	After 1-1-74 (kHz)	Until 1-1-74 (kHz)	After 1-1-74 (kHz)	Until 1-1-74 (kHz)	After 1-1-74 (kHz)	Until 1-1-74 (kHz)	After 1-1-74 (kHz)	Until 1-1-74 (kHz)	After 1-1-74 (kHz)	Until 1-1-74 (kHz)	After 1-1-74 (kHz)
4403.0	4403.0	4403.0	4428.6	4403.0	4399.8	4428.6	4425.4	4428.6	4428.6	4428.6	4403.0

<sup>1</sup> Prior to Jan. 1, 1972, emissions 6A3, 2.8A3A, 2.8A3H and 2.8A3J emissions. During the period Jan. 1, 1972, to Jan. 1, 1974, emissions 2.8A3A, 2.8A3H and 2.8A3J.

<sup>2</sup> After Jan. 1, 1974, emissions 2.8A3A and 2.8A3J.

<sup>3</sup> Conversion from double sideband (DSB) to single sideband (SSB) emissions in the band 4361-4438 kHz shall be effected in accordance with the schedule set forth in § 81.304.

22. Section 81.361 is revised to read as follows:

§ 81.361 Frequencies available.

(a) The following carrier frequencies may be authorized to limited coast stations for communication with ship stations operating on the same carrier frequency. The conditions of use are set forth in paragraph (b) of this section.

Carrier frequency (kHz)		
2096.5	8281.2	16,572.0
4136.3	8284.4	22,094.5
4139.5	12,421.0	22,098.0
4434.9	12,424.5	22,101.5
6210.4	12,428.0	22,105.0
6213.5	16,565.0	22,108.5
6518.6	16,568.5	

(b) Assignment of the specific carrier frequencies designated in paragraph (a) of this section and use of frequency assignments of which those frequencies are the authorized carrier frequencies shall be subject to the express limitations and conditions set forth in this paragraph:

(1) The applicant must show that the desired communications are primarily over distances for which frequencies above 27.5 MHz would not be suitable;

(2) These frequencies are available on a shared basis only and shall not be construed as available for the exclusive use of any one station licensee;

(3) Normally no more than one frequency from each of the frequency bands will be authorized;

(4) These frequencies are not authorized for use in communicating with stations aboard aircraft;

(5) Transmitter peak envelope power shall not exceed 1 kw.;

(6) The class of emission shall be 2.8A3J.

23. A new Subpart Q (§§ 81.701-81.714) is added to read as follows:

**Subpart Q—Alaska-Public Fixed Stations**

**§ 81.701 Priority of distress and other signals.**

Alaska-public fixed stations, when operating on an authorized carrier frequency which is used also by the maritime mobile service, shall, at all times, give priority on such frequency to distress signals or communications as set forth in §§ 81.180 and 81.181, and to emergency or safety signals, or any communication preceded by one of these signals.

**§ 81.702 Hours of service of Alaska-public fixed stations.**

(a) The hours of service of each Alaska-public fixed station shall, within the scope of its normal operations, be such as to adequately meet the requirements of the particular region served by the station and, unless otherwise specified by the Commission for individual stations, shall be determined by the station licensee subject to such applicable conditions and limitations as are imposed by the rules of the Commission.

(b) Each Alaska-public fixed station whose hours of service are not continuous shall not suspend operations before having concluded, when possible within the scope of its normal operations, all communications of an emergency nature.

(c) The Commission, as public interest, convenience, or necessity requires, may order, at any time, the licensee of an Alaska-public fixed station not authorized for continuous hours of service to increase the hours of service of such station as may, in the discretion of the Commission, be required to provide adequate public service: *Provided, however*, That such requirement shall not be prescribed without the consent of the station licensee unless, after hearing, the Commission shall determine that such requirement will promote public convenience or interest or will serve public necessity, or the provisions of the Communications Act will be more fully complied with.

**§ 81.703 Documents required for Alaska-public fixed stations.**

Each Alaska-public fixed station shall be provided with a copy of Part 81 of the rules.

**§ 81.704 Alaska-public fixed station records.**

Each Alaska-public fixed station in the Alaska area shall maintain an accurate radiotelegraph and/or radiotelephone log as set forth in §§ 81.214(a) and 81.314, respectively: *Provided, how-*

*ever*, That Alaska-public fixed stations may express the time of making each log entry in local standard time in the same manner as is permitted by those sections for coast stations which communicate exclusively with vessels on inland waters of the United States.

**§ 81.705 Cooperative use of frequency assignments.**

(a) Only one Alaska-public fixed station will be authorized to serve any area whose point-to-point communication needs can be adequately served by a single radio communication facility.

(b) Unless otherwise provided by this part, or by the particular authorization, each radio channel authorized for use by an Alaska-public fixed station subject to this part is available for use on a shared basis only and shall not be construed as available for the exclusive use of any one station or any one station licensee. All station licensees shall cooperate in the use of their respective frequency assignments in order to minimize interference and obtain the most effective use of the authorized radio channels.

**§ 81.706 [Reserved]**

**§ 81.707 Alternate transmission on the same radio channel.**

Except for communication between licensed Alaska-public fixed stations and common carrier fixed stations as herein-after specifically designated in this subpart all transmission, on each radio channel assigned by this subpart, by two or more stations engaged in any one exchange of signals or communications with each other, shall take place on only one radio channel. For this purpose, the stations communicating with each other shall transmit and receive on the same radio channel: *Provided, however*, That this requirement shall not apply in an emergency affecting the safety of life or property when, by reason of interference or limitation of equipment, this method of single-channel communication cannot be used.

**§ 81.708 Frequencies available.**

(a) The following tabulation indicates the frequencies which may be the authorized carrier frequencies for use by Alaska-public fixed stations. For single sideband radiotelephone emission, the assigned frequency will be 1.4 kHz above the authorized carrier frequency. The specific conditions for authorization and use are enumerated in paragraph (b) of this section.

Frequency (kHz)	See section	Conditions of use
149.5	81.709	2, 13.
1643	81.710	1, 3, 11.
1646	81.710	1, 3, 7, 9, 10.
1649	81.710	1, 3, 11.
1652	81.710	1, 3, 7, 9, 10.
1667	81.710	3, 11.
1669	81.710	3, 7, 9, 10, 21.
1705	81.710	1, 3, 11.
1708	81.710	1, 3, 7, 9, 10, 45.
1709	81.710	1, 3, 11.
1712	81.710	1, 3, 7, 9, 10, 22.
2063	81.710	1, 3, 11, 23.
2066	81.710	1, 3, 7, 9, 10, 23, 24.
2115	81.709	1, 2, 11.
2118	81.709	1, 2, 7, 9, 11, 12.
2249	81.711, 81.713	1, 4, 6, 9, 31, 32.
2283	81.711, 81.713	4, 6, 10, 33.

Frequency (kHz)	See section	Conditions of use
2286	81.711, 81.713	4, 6, 9, 10, 14, 33.
2312	81.712, 81.713	1, 5, 6, 7, 9, 11, 12, 44.
2409	81.712, 81.713	1, 5, 6, 7, 9, 11, 12, 44.
2419	81.710	1, 3, 11.
2422	81.710	1, 3, 7, 9, 10.
2427	81.710	1, 3, 11, 24.
2430	81.710	1, 3, 7, 9, 10, 24, 30.
2447	81.710	1, 3, 11.
2460	81.710	1, 3, 7, 9, 10, 24.
2463	81.711, 81.713	4, 6, 10, 34, 43.
2466	81.711, 81.713	4, 6, 9, 10, 14, 34, 43.
2471	81.711, 81.713	4, 6, 10, 35, 43.
2474	81.711, 81.713	4, 6, 9, 10, 14, 43.
2479	81.710	1, 3, 11, 24, 30.
2482	81.710	1, 3, 7, 9, 10, 24, 30.
2508	81.710	1, 3, 7, 9, 10, 27.
2509	81.710	1, 3, 11.
2512	81.710	1, 3, 7, 9, 10.
2535	81.710	1, 3, 11, 24.
2538	81.710	1, 3, 7, 9, 10, 24.
2563	81.710	1, 3, 11.
2566	81.710	1, 3, 7, 9, 10, 24.
2601	81.712, 81.713	5, 6, 10.
2604	81.712, 81.713	5, 6, 9, 10, 14.
2616	81.710	1, 3, 7, 9, 10, 24.
2629	81.711, 81.713	4, 6, 10, 30, 43.
2632	81.711, 81.713	4, 6, 9, 10, 14, 36, 43.
2691	81.711, 81.713	4, 6, 10, 37.
2694	81.711, 81.713	4, 6, 9, 10, 14, 37.
2773	81.711, 81.713	4, 6, 10, 38.
2776	81.711, 81.713	4, 6, 9, 10, 14, 38.
2781	81.712, 81.713	5, 6, 10.
2784	81.712, 81.713	5, 6, 9, 10, 14.
3164.5	81.712, 81.713	5, 6, 10.
3167.5	81.712, 81.713	5, 6, 9, 10, 14.
3180	81.712, 81.713	5, 6, 10.
3183	81.712, 81.713	5, 6, 9, 10, 14.
3198	81.709	2, 11, 17.
3201	81.709	2, 8, 11, 15, 17.
3238	81.712, 81.713	5, 6, 10.
3241	81.712, 81.713	5, 6, 9, 10, 14.
3258	81.710	1, 3, 11, 25.
3361	81.710	1, 3, 7, 9, 10, 20.
3363	81.712, 81.713	5, 6, 9, 10, 14, 45.
3354	81.711, 81.713	4, 6, 10, 39.
3357	81.711, 81.713	4, 6, 9, 10, 14, 39.
3362	81.711, 81.713	4, 6, 10, 40.
3365	81.711, 81.713	4, 6, 9, 10, 14, 40.
4035	81.712, 81.713	5, 6, 9, 10, 14, 45.
4791.5	81.710	3, 20.
5134.5	81.711, 81.713	4, 6, 10, 41, 43.
5137.5	81.711, 81.713	4, 6, 9, 10, 14, 41, 43.
5164.5	81.709	2, 11, 18.
5167.5	81.709	2, 11, 15, 16, 18.
5204.5	81.711, 81.713	4, 6, 10, 42, 43.
5207.5	81.711, 81.713	4, 6, 9, 10, 14, 42, 43.
5370	81.712, 81.713	5, 6, 9, 10, 14.
6048.5	81.710	3, 20.
7368.5	81.710	3, 20.
8067	81.709	2, 11, 19.
8070	81.709	2, 11, 15, 16, 19.
11487.0	81.710	3, 20.
11691.5	81.710	3, 20.

(b) Authorization and use of the carrier frequencies set forth in paragraph (a) of this section shall be in accordance with the following limitations and conditions.

(1) Available for use in accordance with § 81.701.

(2) Available for use in accordance with § 81.709.

(3) Available for use in accordance with § 81.710.

(4) Available for use in accordance with § 81.711.

(5) Available for use in accordance with § 81.712.

(6) Available for use in accordance with § 81.713.

(7) The transition by Alaska-public fixed stations from double sideband (DSB) to single sideband (SSB) emissions on frequencies below 4000 kHz which are shared with the maritime mobile service shall be effected in accordance with the following schedule and limitations:

(1) Transmission of DSB emissions will not be permitted beyond January 1, 1974;

(ii) Authorizations for use of DSB emission granted after December 1, 1971, shall expire on January 1, 1974;

(iii) Transmission of SSB emissions A3A, A3H, or A3J is permitted prior to January 1, 1974. Except as provided in § 81.142(d), after January 1, 1974, the capability of using these emissions is required.

(iv) After January 1, 1972, new installations of transmitters employing A3 (DSB) emission will not be authorized.

(8) The transition by Alaska-public fixed stations from double sideband (DSB) to single sideband (SSB) emissions on frequencies below 4000 kHz which are not shared with the maritime mobile service shall be effected in accordance with the following schedule and limitations:

(i) Transmission of DSB emissions will not be permitted beyond January 1, 1977;

(ii) Authorizations for use of DSB emission granted after December 1, 1971 shall expire on January 1, 1977;

(iii) Transmission of SSB emissions A3A, A3H, or A3J is permitted prior to January 1, 1977. Except as provided in § 81.142(d), after January 1, 1977, the capability of using these emissions is required.

(iv) After January 1, 1972, new installations of transmitters employing A3 (DSB) emission will not be authorized.

(9) Until January 1, 1974, available for use with emissions A3, 2.8A3A, 2.8A3H, and 2.8A3J.

(10) After January 1, 1974, available for use with emissions 2.8A3A and 2.8A3J.

(11) After January 1, 1977, available for use with emissions 2.8A3A and 2.8A3J.

(12) During the period January 1, 1974, to January 1, 1977, available for use with emissions 2.8A3A, 2.8A3H, and 2.8A3J.

(13) Available for manual radiotelegraphy only, emission 0.1A1, at any appropriate location in the Alaska area.

(14) The transition by Alaska-public fixed stations from double sideband (DSB) to single sideband (SSB) emissions: (a) on frequencies above 4000 kHz which are not shared with the maritime mobile service; and (b) those available for common carrier use, shall be effected in accordance with the following schedule and limitations:

(i) Transmission of DSB emissions will not be permitted beyond January 1, 1974;

(ii) Authorizations for use of DSB emission granted after December 1, 1971, shall expire on January 1, 1974;

(iii) Transmission of SSB emissions A3A, A3H, or A3J is permitted prior to January 1, 1974. Except as provided in § 81.142(d), after January 1, 1974, the capability of using these emissions is required;

(iv) After January 1, 1972, new installations of transmitters employing A3 (DSB) emission will not be authorized.

(15) Until January 1, 1977, available for use with emissions A3, 2.8A3A, 2.8A3H, and 2.8A3J.

(16) Transmission of DSB emissions will not be permitted beyond January 1, 1977.

(17) Available for radiotelephony only. Insofar as practicable, Alaska-public fixed stations shall limit their use of this frequency to communication over distances which cannot be effectively covered by the use of a frequency below 2700 kHz or above 70 MHz.

(18) Available for radiotelephony only. To be used exclusively for communication over distances of not less than 50 miles and only during the hours from 6 a.m. to 9 p.m. local standard time.

(19) Available for radiotelephony only. To be used exclusively for communication over distances of not less than 200 miles and only during the hours from 6 a.m. to 6 p.m. local standard time, except in Zone 4 west of 165° west longitude where the hours of its use shall not be limited.

(20) Available for use between Zone 3 and Zone 6, between Zone 2 and Zone 6, and between Zone 6 and Zones 2 and 3, for communication over distances of not less than 300 miles.

(i) The transmitter output power employed shall be the minimum necessary for satisfactory communication and in no event shall exceed a maximum, for radiotelephony of 1,000 watts peak envelope power, or, for radiotelegraphy, of 1,000 watts carrier power.

(ii) Available for radiotelephony with emissions 2.8A3A and 2.8A3J; *Provided, however,* That the additional emission of 2.8A3H may be employed until January 1, 1974.

(iii) Available for radiotelegraphy with emission F1 with frequency shift keying having a total frequency shift of 170 c.p.s. Radioteletype transmitters which were authorized prior to December 1, 1971 for use of a suppressed carrier frequency-shifted tone modulated emission with an authorized bandwidth of 3.0 kHz may continue to be authorized until January 1, 1974. Radioteletype transmitters authorized after December 1, 1971, shall employ 0.3F1 emission with an authorized bandwidth of 0.5 kHz and shall comply with the emission limitations set forth in § 81.140(a)(3).

(21) Use of the frequency 1660 kHz shall be coordinated as necessary with use of the frequency 1666 kHz by other fixed stations in the Alaska area in order to avoid harmful interference.

(22) To minimize interference to the service of stations in Zone 4 operating on 1708 kHz, use of the frequency 1712 kHz in Zone 5 is authorized only for stations located north of 62° north latitude.

(23) To minimize interference to or from the operation of stations outside the Alaska area or U.S. Government stations within Alaska, this frequency is authorized for use annually in the respective zone only during the hours from 7 a.m. to 11 p.m. local standard time from May 15 to September 15, inclusive; and from 8 a.m. to 9 p.m. local standard time from April 1 to May 14, inclusive, and from September 16 to October 31, inclusive.

(24) This frequency may be authorized for use by Alaska-public fixed sta-

tions subject to the following limitations and conditions:

(i) The licensee is authorized to operate a public coast station in the maritime mobile service;

(ii) The Alaska-public fixed frequencies are the same as those authorized to the licensee for use at the licensee's public coast station;

(iii) The Alaska-public fixed frequencies are to be used in receiving and transmitting equipment which is installed at the same location as equipment used by the public coast station; and

(iv) The licensee has an established requirement for a radiocommunication system of fixed service and maritime mobile service on a frequency or frequencies common to both of these services.

(25) [Reserved]

(26) [Reserved]

(27) Use of the frequency 2506 kHz for fixed service in the Alaska area is authorized on condition that harmful interference shall not be caused to the service of any coast station located in the vicinity of San Francisco or Eureka, Calif., to which the frequency 2506 kHz is assigned as a carrier frequency for transmission.

(28) [Reserved]

(29) Insofar as is practicable, Alaska-public fixed stations shall limit their use of the frequencies 3258 and 3261 kHz to communication over distances which cannot be effectively covered by the use of a frequency below 2700 kHz or above 70 MHz.

(30) To minimize interference to or from the operation of stations outside the Alaska area, this frequency is authorized for use annually in the respective zone only during the hours from 6 a.m. to 11 p.m. local standard time, from April 1 to September 30, inclusive.

(31) The use of this frequency for fixed service is on a secondary basis to its use under § 83.371 of this chapter.

(32) This frequency will not be available after January 1, 1974. Available for radiotelephony and for communication with common carrier stations located at Juneau, Kodiak, and Nome.

(33) Available for radiotelephony only; for communication with the common carrier station located at Anchorage.

(34) Available for radiotelephony only; normally for communication with common carrier stations located at King Salmon, and Kotzebue.

(35) Available for radiotelephony only; normally for communication with common carrier stations located at Kodiak and Nome. Until January 1, 1977, the use of this frequency shall be coordinated as necessary with the use of the frequencies 2466 kHz by other stations in the Alaska area in order to avoid harmful interference.

(36) Available for radiotelephony only; normally for communications with common carrier stations located at Cordova and Bethel.

(37) Available for radiotelephony only; for communication with common carrier stations located at Juneau and Cold Bay.

(38) Available for radiotelephony only; for communication with the common carrier station located at Ketchikan.

(39) Available for radiotelephony only; for communication with common carrier stations located at Fairbanks and Juneau.

(40) Available for radiotelephony only; for communication with common carrier stations located at Unalaska and Anchorage. Until January 1, 1977, the use of this frequency shall be coordinated as necessary with use of the frequency 3357 kHz by other Alaska-public fixed stations in the Alaska area in order to avoid harmful interference.

(41) Available for radiotelephony only; normally for communication with common carrier stations located at Anchorage and Unalaska. Until January 1, 1977, the use of this frequency shall be limited to the hours from 6 a.m. to 9 p.m. local standard time.

(42) Available for radiotelephony only; normally for communication with common carrier stations located at Fairbanks and Bethel. The use of this frequency (except in Zone 4 west of 165° west longitude) shall be limited to the hours from 6 a.m. to 9 p.m. local standard time.

(43) Communication with common carrier stations at locations in addition to those specified may be authorized, depending upon operational requirements.

(44) Use of this frequency for fixed services is on a secondary basis to its use under § 81.306(d).

(45) This frequency will not be available after January 1, 1977.

§ 81.709 Frequencies available in all zones of the Alaska area.

Each of the carrier frequencies set forth in the following table, when authorized by station license, may be used by Alaska-public fixed stations, other than common carrier, in all zones of the Alaska area for communication with other licensed Alaska-public fixed stations, other than common carrier, located in any zone of the Alaska area. The limitations and conditions of use applicable to each frequency are set forth in § 81.708.

Frequency (kHz)		
149.8	3198	5167.5
2115	3201	8067
2118	5164.5	8070

§ 81.710 Frequencies available in one or more zones of the Alaska area.

Each of the following carrier frequencies set forth in the following table, when authorized by station license, may be used by Alaska-public fixed stations, other than common carrier, employing radiotelephony. These frequencies are authorized for use on a shared basis, except 1660 kHz, with stations of the maritime mobile service. Frequencies designated for use in a zone of the Alaska area are available only to coast stations located in that zone. The limitations and conditions of use applicable to each frequency are set forth in § 81.708. The frequencies available and the zones in the Alaska area in which they may be employed are set forth in the following table.

TABLE 1

Zone 1		Zone 2		Zone 3		Zone 4		Zone 5		Zone 6	
Available		Available		Available		Available		Available		Available	
Until 1-1-77 (kHz)	After 1-1-77 (kHz)	Until 1-1-77 (kHz)	After 1-1-77 (kHz)	Until 1-1-77 (kHz)	After 1-1-77 (kHz)	Until 1-1-77 (kHz)	After 1-1-77 (kHz)	Until 1-1-77 (kHz)	After 1-1-77 (kHz)	Until 1-1-77 (kHz)	After 1-1-77 (kHz)
1646	1646	1652	1649			1646	1643			1646	1646
						1660	1660	1652	1652	1660	1657
				1708	1705	1708	1705				
1712	1709							1712	1712		
2006	2006								2003		
2422	2419			2422	2422						
		2430	2430			2430	2427	2430	2430		
				2450	2450	2450	2447			2450	2450
				2482	2479	2482	2482			2482	2482
								2506	2506	2506	2506
2512	2512	2512	2509	2512	2512	2512	2509				
		2538	2538	2538	2535						
2566	2566					2566	2563	2566	2566		
2616	2616										
3261	3261					3261	3261	3261	3258		

TABLE 2

Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
	Available (kHz) <sup>1</sup>	Available (kHz) <sup>1</sup>			Available (kHz) <sup>1</sup>
	4791.5	4791.5			4791.5
	6948.5	6948.5			6948.5
	7368.5	7368.5			7368.5
	11437.0	11437.0			11437.0
	11601.5	11601.5			11601.5

<sup>1</sup> December 1, 1971.

§ 81.711 Frequencies for communication with common carrier fixed stations.

Each of the carrier frequencies set forth in the following table, when authorized by station license, may be used by Alaska-public fixed stations for communication with common carrier fixed stations in the Alaska area. The limitations and conditions of use applicable to each frequency are set forth in § 81.708. The particular station(s) with which the licensed station may communicate and the specific common carrier frequency or frequencies to be used for transmitting shall be specified on the radio station authorization.

Frequency (kHz)		
2240	2629	3357
2253	2632	3362
2256	2691	3365
2463	2694	5134.5
2466	2773	5137.5
2471	2776	5204.5
2474	3354	5207.5

§ 81.712 Frequencies available to common carrier fixed stations.

The carrier frequencies set forth in the following table are authorized for use by common carrier fixed stations for communication with Alaska-public fixed stations. The limitations and conditions of use are set forth in § 81.708.

Frequency (kHz)		
2312	2784	3238
2400	3164.5	3241
2601	3167.5	3303
2604	3180	4035
2781	3183	5370

§ 81.713 Pairing of common carrier and Alaska-public fixed frequencies.

The pairing of frequencies available for communication between common carrier fixed stations (CCFS), as set forth in § 81.712, and Alaska-public fixed stations (APFS), as set forth in § 81.711, is given in the following table.

For communication with common carrier stations located at	Frequencies available until 1-1-74		Frequencies available after 1-1-74	
	CCFS transmit (kHz)	APFS transmit (kHz)	CCFS transmit (kHz)	APFS transmit (kHz)
Anchorage	3183	2256	3183	3365
	5370	3357		5137.5
		5137.5		2253
Bethel	2604	2632	2604	2629
				5204.5
Cold Bay	2312	2694	3241	2691
	3241	5137.5		
	4035			
Cordova	2312	2632	2312	2632
Fairbanks	3167.5	2632	3167.5	3354
		3357		5207.5
		5207.5		
Juneau	2784	2694	2784	2694
	3241	3357	3241	3357
Ketchikan	2694	2256	2694	2256
	3303	2776	3180	2776
King Salmon	3303	2644	3164.5	2466
Kodiak	2784			
	2694	2474	2781	2474
Kotzebue	2694	2466	2601	2463
Nome	2784			
	2490	2474	2784	2471
Sitka	2490	2240		
Unalaska	2312	2632	3238	3362
	4035	3365	5370	5134.5

### § 81.714 Use of U.S. Government frequencies.

Frequencies assigned to Federal Government radio stations under Executive order of the President may be authorized for use by Alaska-public fixed stations when such assignment is necessary for intercommunication with Federal Government stations or required for coordination with activities of the Federal Government provided the Commission determines, after consultation with the appropriate Government agency or agencies, that such assignment is in the public interest.

## PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

B. Part 83, Stations on Shipboard in the Maritime Services, is amended as follows:

1. In the Table of Contents, the following headnotes are either amended or added new to read as follows:

- Sec.
- 83.116 Alternate transmission on the same frequency in the Alaska area.
- 83.354 Frequencies below 5000 kHz for public correspondence.
- 83.355 Frequencies from 5000 kHz to 27.5 MHz for public correspondence.
- 83.358 Frequencies below 3000 kHz for safety purposes.
- 83.360 Frequencies for business and operational purposes.
- 83.362 Frequencies below 3000 kHz for safety, business, and operational purposes.
- 83.370 Frequencies available in all zones of the Alaska area.
- 83.371 Public telephone service, ship stations to common carrier coast stations.
- 83.372 Frequencies available in one or more zones of the Alaska area.

2. In § 83.2, new paragraphs (t), (u), and (v), are added, to read as follows:

### § 83.2. General.

(t) *Alaska area.* For the purpose of frequency assignments to radio services and stations governed by this part, the Alaska area is defined as follows:

The area bounded by a line extending due west—from the end of the southernmost boundary line between Canada and the mainland of southeastern Alaska—to 131° west longitude, thence due south to 54°30' north latitude, thence due west to 142° west longitude, thence due south to 50° north latitude, thence due west to 165° west longitude, thence due south to 47° north latitude, thence due west to the boundary line between Regions 2 and 3 (as this line is defined by the Geneva Radio Regulations, 1959), thence generally northward along this boundary line to 80° north latitude, thence due east to 135° west longitude, thence due south to 70° north latitude, thence due west to 140° west longitude, thence generally southwest to the northern end of the boundary line between the mainland of northern Alaska and Canada, thence following the boundary line between Alaska and Canada to the southernmost point of this line in southeastern Alaska.

NOTE: Reference hereafter in this part to the "Alaska area" includes all of the "Zones" defined in paragraph (b) of this section.

(u) *Alaska zones.* For the same purpose expressed in paragraph (a) of this section, the Alaska area is subdivided into six zones, defined as follows:

*Zone 1.* That portion of the Alaska area east of 142° west longitude and south of 61° north latitude.

*Zone 2.* That portion of the Alaska area bounded on the east by a line south of 61° north latitude which coincides with 142° west longitude, and by a line north of 61° north latitude which coincides with the boundary line between Alaska and Canada, and by a line coinciding with 61° north latitude which joins those two lines; and bounded on the west by a line south of 62° north latitude which coincides with 149° west longitude, thence running due south to 80°30' north latitude, thence due west to 150° west longitude, thence due south to the southern limit of the Alaska area, and bounded on the north by a line coinciding with 62° north latitude.

*Zone 3.* That portion of the Alaska area bounded on the north by a line which coincides with 62° north latitude and extends

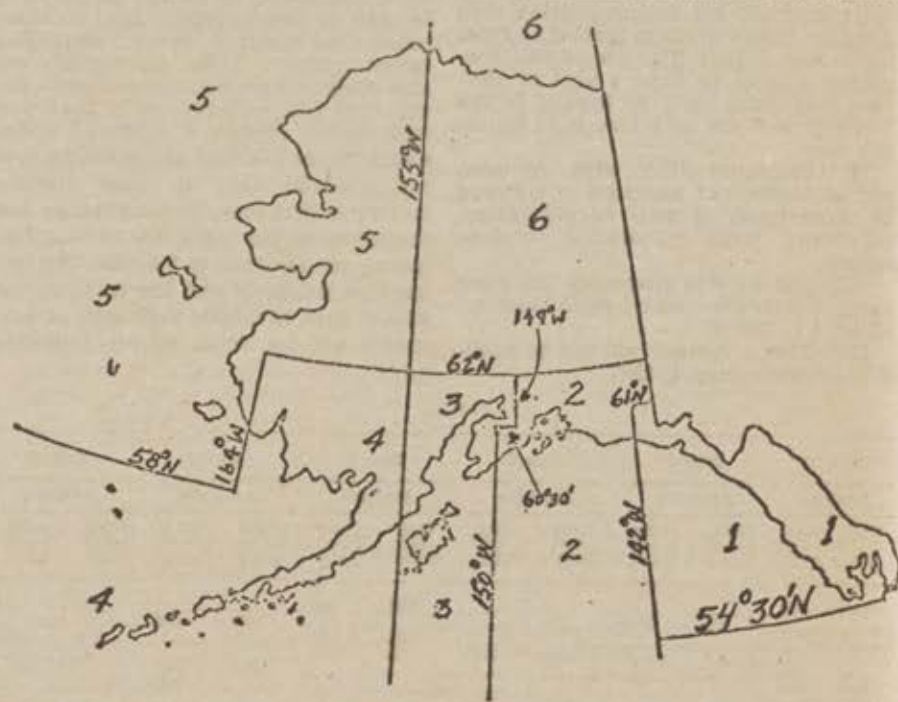
eastward from 155° west longitude to 149° west longitude, thence due south to 60°30' north latitude, thence due west to 150° west longitude, thence due south to the southern limit of the Alaska area, thence westward to 155° west longitude, thence due north to 62° north latitude.

*Zone 4.* That portion of the Alaska area west of 155° west longitude which is bounded on the north by a line coinciding with 62° north latitude extending due west to 164° west longitude, thence bounded on the west by a line coinciding with 164° west longitude extending due south to 58° north latitude, thence bounded on the north by a line coinciding with 58° north latitude extending due west to the western boundary of the Alaska area.

*Zone 5.* That portion of the Alaska area west of 155° west longitude which is not included in Zone 4.

*Zone 6.* That portion of the Alaska area east of 155° west longitude and north of 62° north latitude.

NOTE: The following diagram illustrates the subdivision of Alaska into the six zones.



ALASKA  
Frequency Assignment Zones

(v) "Common carrier" or "carrier". Any person engaged in rendering communications service for hire to the public pursuant to authorization by the state and/or Federal Communications Commission.

3. Section 83.24 is amended to read as follows:

### § 83.24 Application precedent to authorization.

(a) Except as otherwise provided in §§ 83.26, 83.41, and 83.42, no authorization will be granted for use or operation of any radio station on board ship in any service governed by this part, nor for any change in station control, facilities, services, equipment or antenna, unless

formal written application therefor in proper form first is filed with the Commission.

(b) Standard forms are prescribed herein for use in connection with the majority of applications submitted for Commission consideration. These forms may be obtained without cost from the Commission at Washington, D.C. 20554, or from any of its field offices.

(c) Each application for authority to operate a ship station, including applications for license, modification of license, or renewal of license, together with correspondence relating thereto, shall be filed with the Commission; or applications for interim ship station licenses made pursuant to § 83.35, at a

Field Engineering Office of the Commission. Unless otherwise specified in a particular case or for a particular form, each application shall be filed in original only.

(d) Except as otherwise provided in §§ 83.35, 83.41, and 83.42, an application should be filed at least 60 days prior to the earliest date on which it is desired that the requested authorization be granted by the Commission in order that action thereon may be taken by that date.

(e) The application shall be specific and complete with regard to the information required in the application form, or otherwise specifically requested by the Commission.

4. In § 83.106, paragraph (a) is amended to read as follows:

§ 83.106 Required frequencies for radiotelephony

(a) Each ship radiotelephone station licensed to operate in the band 1605 to 3500 kHz shall be able to transmit A3 or A3H<sup>1</sup> emission and receive A3<sup>2</sup> emission on the carrier frequency 2182 kHz, and, if the station is used for other than safety communication, it shall be capable also of transmitting A3 or A3H<sup>3</sup> emission and receive class A3<sup>4</sup> emission on at least two other frequencies within that band.

5. A new § 83.116 is added to read as follows:

§ 83.116 Alternate transmission on the same frequency in the Alaska area.

Ship stations within the Alaska area when communicating with coast stations within the bands 1605-2035 kHz and 2107-12,000 kHz shall transmit and receive on the same frequency: *Provided, however, That this requirement shall not apply when communicating with common carrier coast stations; And provided further, That this requirement is not applicable in an emergency affecting the safety of life or property when, by reason of interference or limitation of equipment, the same frequency cannot be used.*

6. In § 83.132, paragraphs (a) (1) and (2) are amended to read as follows:

§ 83.132 Authorized classes of emission.

(a) \* \* \*

7. In § 83.351, paragraphs (a) (b) are amended to read as follows:

<sup>1</sup> Capability to transmit using emission A3 or A3H shall be provided until Jan. 1, 1977. After Jan. 1, 1977, capability to transmit using emission A3H shall be provided.

<sup>2</sup> Capability to receive A3 emission shall be provided until the station is converted to SSB, or until Jan. 1, 1977, whichever is earlier. Upon conversion to SSB, or effective Jan. 1, 1977, the station shall provide capability to receive emission A3H.

<sup>3</sup> Capability to transmit using emission A3 or A3H shall be provided until Jan. 1, 1977. After Jan. 1, 1977, capability to transmit using emissions A3A and A3J shall be provided.

<sup>4</sup> Capability to receive A3 or A3H emission shall be provided until Jan. 1, 1977. After Jan. 1, 1977, capability to receive A3A and A3J emissions shall be provided.

Frequency band	Classes of emission
(1) Stations using radiotelegraphy:	
(i) 100 to 160 kHz.....	A1.
160 to 525 kHz.....	A1 and A2.
2080 to 27,500 kHz, except Alaska.....	A1: Survival craft stations may in addition use A2.
2070 to 2080 kHz, except Alaska.....	Wide-band telegraphy, facsimile and special transmission systems. Manual International Morse code and telephony are excluded.
1605 to 3400 kHz in Alaska.....	A1.
(ii) For frequencies designated in § 83.320.....	F1.
(2) Stations using radiotelephony:	
(i) For frequencies below 23 MHz designated in § 83.351(a):	
2182 kHz.....	Until January 1, 1977: A3 or A3H; After January 1, 1977: A3H.
All other frequencies.....	A3, A3H, A3A, or A3J as specified in § 83.351 (a) and (b).
(ii) For the frequency 121.5 MHz.....	A2.
(iii) For the frequency band 156 to 174 MHz.....	F3.

§ 83.351 Frequencies available.

(a) The following tabulation indicates the carrier frequencies which, when authorized by station license, may be used

by ship stations. The specific conditions for use are enumerated in paragraph (b) of this section:

Carrier frequency (kHz)	See section	Conditions of use	Carrier frequency (kHz)	See section	Conditions of use
1619	83.370	17, 35.	2616	83.372	7, 22, 30, 62, 70.
1622	83.370	7, 17, 30.	2638	83.358	7, 30, 40.
1643	83.372	22, 35.	2738	83.354	7, 21, 30.
1646	83.372	7, 22, 30.	2738	83.358	7, 30, 40.
1649	83.372	22, 35.	2738	83.362	7, 29, 41.
1652	83.372	7, 22, 30.	2782	83.354	7, 21, 30.
1705	83.372	22, 35.	2784	83.354	7, 21, 30.
1708	83.372	22, 75.	2830	83.358	7, 30, 40.
1709	83.372	7, 22, 30.	5258	83.372	22, 37, 71.
1712	83.372	7, 22, 35, 60.	5261	83.372	7, 22, 30, 71.
2003	83.366, 83.354	7, 30, 30.	4069.2	83.354	3, 21, 64.
2003	83.372	22, 35, 62.	4072.4	83.354	20, 28.
2003	83.358	7, 30, 40.	83.354	83.354	3, 21, 31, 65. <sup>4</sup>
2006	83.372	7, 22, 30, 62.	4088.4	83.354	3, 21, 66.
2006	83.354	7, 30, 30.	4091.6	83.354	14, 20.
2031.5	83.354	7, 30, 30.	4101.2	83.354	20, 27.
2065.0	83.362	23, 25.	4104.4	83.354	14, 20.
2079.0	83.362	23, 25.	4114.0	83.354	20, 27.
2082.5	83.358, 83.362	23, 25.	4117.2	83.354	14, 20.
2086.0	83.354	3, 21, 25.	4120.4	83.354	20, 27.
2093.0	83.362	23, 26.	4123.5	83.354	14, 20.
2096.5	83.360	16, 25.	4126.8	83.354	20, 27.
2115	83.372	22, 35, 73.	4130.0	83.354	14, 20, 27.
2118	83.354	7, 30, 30.	4139.5	83.360	13, 16.
2118	83.372	7, 22, 30, 73.	4136.3	83.360	13, 16.
2126	83.354	7, 30, 30.	4367.8	83.354	3, 21, 64.
2131	83.370, 83.371	17, 19, 35.	4371.0	83.354	3, 20, 21, 31, 65.
2134	83.354	7, 30, 30.	4380.6	83.370	17, 32.
2134	83.370, 83.371	7, 17, 19, 30.	4383.8	83.370	15, 17.
2142	83.354	7, 30, 30.	4387.0	83.354	3, 21, 66.
2142	83.358	7, 8, 30, 40.	4399.8	83.372	22, 32, 72.
2158	83.354	7, 30, 30.	4403.0	83.372	22, 31, 32, 72.
2166	83.354	7, 20, 30.	4425.4	83.372	22, 32, 72.
2182	83.354	7, 20, 30.	4425.6	83.372	22, 31, 32, 72.
2198	83.354	7, 20, 30.	4434.9	83.360	13, 16.
2203.0	83.358	25, 40.	6210.4	83.360	13, 16.
2206	83.354	7, 20, 30.	6213.5	83.360	13, 16.
2237	83.370, 83.371	17, 19, 35.	6518.6	83.360	13, 16.
2240	83.370, 83.371	7, 17, 19, 30.	6147.5	83.354	3, 5, 15, 21.
2240	83.370, 83.371	7, 17, 19, 30.	6455.0	83.354	3, 4, 18, 21.
2306	83.354	7, 20, 30.	8201.2	83.355	18, 27.
2379	83.370	17, 35.	8204.4	83.355	14, 18.
2382	83.354	7, 20, 30.	8207.6	83.354	3, 21, 64.
2382	83.370	7, 17, 30.	8210.8	83.354	3, 15, 21, 25.
2390	83.354	7, 30, 30.	8214.0	83.355	18, 27.
2400	83.354	7, 21, 30.	8217.2	83.355	14, 18.
2406	83.354	7, 30, 30.	8220.4	83.355	18, 27.
2419	83.372	22, 35.	8223.6	83.355	14, 18.
2422	83.372	7, 22, 30.	8229.0	83.355	18, 27.
2427	83.372	22, 35.	8242.8	83.355	14, 18.
2430	83.354	7, 20, 30.	8246.0	83.354	3, 21, 60.
2430	83.372	7, 22, 30, 61, 74.	8249.2	83.355	14, 20.
2447	83.372	22, 35, 67.	8258.8	83.355	18, 27.
2450	83.372	7, 22, 30, 67.	8262.0	83.355	14, 18, 27.
2479	83.372	22, 35, 68, 74.	8281.2	83.360	13, 16.
2482	83.372	7, 22, 30, 68, 74.	8284.4	83.360	13, 16.
2506	83.372	7, 22, 30, 69.	8780.0	83.354	3, 21, 66.
2509	83.372	22, 35.	12,358.0	83.355	18, 27.
2512	83.372	7, 22, 30.	12,361.5	83.355	14, 18.
2535	83.372	22, 35.	12,372.0	83.355	18, 27.
2538	83.372	7, 22, 30, 63.	12,375.5	83.355	14, 18.
2563	83.372	22, 35.	12,379.0	83.354	3, 21, 66.
2566	83.372	7, 22, 30.			

Carrier frequency (kHz)	See section	Conditions of use
12,982.5	83.355	14, 18.
12,993.0	83.355	18, 27.
12,996.0	83.355	14, 18.
12,421.0	83.360	13, 16.
12,424.5	83.360	13, 16.
12,428.0	83.360	13, 16.
13,158.0	83.354	3, 21, 66.
16,474.0	83.355	18, 27.
16,477.5	83.355	14, 18.
16,488.0	83.354	3, 21, 66.
16,491.5	83.355	14, 18.
16,500.0	83.355	18, 27.
16,512.5	83.355	14, 18.
16,523.0	83.355	18, 27.
16,526.5	83.355	14, 18.
16,565.0	83.360	13, 16.
16,568.5	83.360	13, 16.
16,572.0	83.360	13, 16.
17,283.0	83.354	3, 21, 66.
22,028.0	83.355	18, 27.
22,031.5	83.355	14, 18.
22,042.0	83.355	18, 27.
22,045.5	83.355	14, 18.
22,063.0	83.355	18, 27.
22,066.5	83.355	14, 18.
22,094.5	83.360	13, 16.
22,098.0	83.360	13, 16.
22,101.5	83.360	13, 16.
22,105.0	83.360	13, 16.
22,108.5	83.360	13, 16.
166,275	83.350	33, 40, 41, 45.
166,300	83.350	34, 40, 44.
166,325	83.350	33, 36, 40, 41, 45.
166,350	83.350	34, 40, 41, 49.
166,375	83.350	33, 40, 49.
166,400	83.350	34, 40, 49.
166,425	83.350	33, 40, 41, 50, 54.
166,450	83.350	34, 41, 49, 50.
166,475	83.350	33, 41, 60, 53.
166,500	83.350	34, 40, 41, 49.
166,525	83.350	33, 40, 50, 52.
166,550	83.350	34, 40, 41, 49.
166,575	83.350	33, 41, 50, 53.
166,600	83.350	34, 40, 41, 45.
166,625	83.350	33, 40, 50, 52.
166,650	83.350	34, 40, 41, 46, 50.
166,675	83.350	33, 40, 41, 45.
166,700	83.350	34, 40, 41, 45, 58.
166,725	83.350	33, 40, 41, 45.
166,750	83.350	33, 42, 47, 56.
166,800	83.333, 83.300	34, 40, 41, 43.
166,850	83.350	33, 41, 48, 57.
166,875	83.350	33, 40, 49.
166,900	83.350	34, 40, 41, 49.
166,925	83.350	33, 41, 50, 53.
166,950	83.350	34, 40, 41, 49.
166,975	83.350	33, 40, 41, 49.
167,000	83.350	34, 40, 41, 45.
167,025	83.350	33, 40, 41, 49.
167,200	83.350	34, 38, 41, 51.
167,225	83.350	33, 38, 41, 51.
167,250	83.350	34, 38, 41, 51.
167,275	83.350	33, 38, 41, 51.
167,300	83.350	34, 38, 41, 51.
167,325	83.350	33, 38, 51.
167,350	83.350	34, 38, 41, 51.
167,375	83.350	33, 38, 51.
167,400	83.350	34, 38, 41, 51.
167,425	83.350	33, 40, 40, 55.

(b) Assignment of the specific carrier frequencies designated in paragraph (a) of this section and use of frequency assignments of which those frequencies are the authorized carrier frequencies shall be subject to the express limitations and conditions set forth in this paragraph.

(1) The frequency 2182 kHz is authorized for use on a shared basis primarily by ship stations and secondarily by coast stations.

(2) The frequencies 2514, 2550, and 2582 kHz are authorized for use in the Great Lakes area on a shared basis with coast stations of Canada upon the express condition that, except in case of distress, the frequency 2550 kHz shall not be used for transmission to ship stations of Canada and the frequency 2582 kHz shall not be used for transmission to ship stations of the United States.

(3) Available for use by ship stations aboard vessels operating on the Mississippi River and connecting inland waters: Except, that this frequency shall not be used by vessels when operating on the Great Lakes.

(4) Transmission by ship stations is prohibited during the period from 8 p.m. to 5 a.m., c.s.t.

(5) Use of this frequency is subject to the express condition that harmful interference shall not be caused to the service of any station which in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

(6) Available for use in accordance with the provisions of § 83.351.

(7) Conversion from double sideband (DSB) to single sideband (SSB) emissions in the band 1605-4000 kHz shall be effected in accordance with the schedule set forth in paragraph (c) of this section.

(8) The frequency 2142 kHz is authorized for intership communication on a day only basis in the Pacific coast area south of 42° north latitude upon the express condition that harmful interference shall not be caused to the service of any station which, in the discretion of the Commission, has priority on the frequency or frequencies used for the service to which interference is caused.

(9) Available for use in accordance with the provisions of § 83.352.

(10) Available for use in accordance with the provisions of § 83.359.

(11) Available for use in accordance with the provisions of § 83.362.

(12) Available for use in accordance with the provisions of § 83.358.

(13) Use of this frequency is limited to emission 2.8A3J only.

(14) Until January 1, 1974, emissions 6A3, 2.8A3A, 5.6A3B, 2.8A3H, and 2.8A3J; after January 1, 1974, use is limited to emission 2.8A3A and 2.8A3J: *Provided, however, that availability of emission 5.6A3B after January 1, 1974, is dependent upon the decision taken by the ITU World Administrative Radio Conference, to be convened in 1974, in regard to continued use of that emission.*

(15) Until January 1, 1974, emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J; after January 1, 1974, emissions 2.8A3A and 2.8A3J.

(16) Available for use in accordance with the provisions of § 83.360.

(17) Available for use in accordance with the provisions of § 83.370.

(18) Available for use in accordance with the provisions of § 83.355.

(19) Available for use in accordance with the provisions of § 83.371.

(20) Available for use in accordance with the provisions of § 83.354(a)(1).

(21) Available for use in accordance with the provisions of § 83.354(a)(2).

(22) Available for use in accordance with the provisions of § 83.372.

(23) Assignment will be subject to coordination with Canada. Available only at locations which will not cause interference to use of the same frequency by Canada.

(24) [Reserved]

(25) Limited to a maximum output power of 150 watts (PEP) and to emissions 2.8A3A and 2.8A3J.

(26) Available primarily for intership safety communications. On a secondary basis to intership safety communications, available to ship stations, other than those aboard vessels engaged in commercial fishing, for commercial (operational) communication. On a tertiary basis, subject to noninterference to ship stations, may be assigned to coast stations for commercial (operational) communication with ship stations.

(27) Available January 1, 1974, for use with emissions 2.8A3A and 2.8A3J. Use during the period January 1, 1972, to January 1, 1974, is subject to the condition that harmful interference is not caused to stations employing double sideband emission (DSB) 6A3 on a carrier frequency positioned higher in frequency by 3.1, 3.2, or 3.5 kHz.

(28) Available for use with emissions 2.8A3A and 2.8A3J on January 1, 1974.

(29) Available to ship stations for intership communication aboard vessels engaged in commercial fishing.

(30) Available to ship stations, other than those engaged in commercial fishing, for intership communication in the Gulf of Mexico.

(31) Until January 1, 1974, emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J.

(32) After January 1, 1974, emissions 2.8A3A and 2.8A3J.

(33) The frequency deviation is limited to  $\pm 5$  kHz.

(34) After March 1, 1969, a deviation of  $\pm 5$  kHz shall be employed: Every U.S. registry vessel when required for communication with coast stations of other administrations may employ a deviation of  $\pm 15$  kHz until January 1, 1972.

(35) After January 1, 1977, emissions 2.8A3A and 2.8A3J.

(36) Until January 1, 1973, available on a restricted basis; and after January 1, 1973, available on an equal basis with 156.300 MHz.

(37) Available to public ship stations for communication exclusively with common carrier coast stations which are located in the Alaska area and are open for public correspondence.

(38) To the extent practicable, the order of assignment of public correspondence channels will be in accord with the U.S. priority numbering system, as follows:

Priority No.	Transmit (MHz)		Receive (MHz)	Channel designation
	U.S.	I.T.U.		
1	1	157,300	161,900	26
2	2	157,360	161,960	27
3	3	157,250	161,850	25
4	4	157,200	161,800	24
1 <sup>1</sup>	6	157,400	162,000	28
6	13	157,225	161,825	84
6	14	157,375	161,975	87
7	15	157,325	161,925	86
8	17	157,275	161,875	85

<sup>1</sup> Channel 28 will be assigned interchangeably with Channel 36 as the first priority number.



(39) Until January 1, 1977, emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J; after January 1, 1977, emissions 2.8A3A and 2.8A3J.

- (40) Intership.
- (41) Ship to coast.
- (42) Coast station broadcast only.
- (43) Distress, safety, and calling.
- (44) Intership safety.
- (45) Port operations.
- (46) Navigational.
- (47) Environmental.
- (48) State control.
- (49) Commercial.
- (50) Noncommercial.
- (51) Public correspondence.

(52) As an interim measure, until trends in communication needs of recreational boats are more definitive, this frequency is available for noncommercial intership communications during localized fleet operations, maneuvers during a cruise, and rendezvous.

(53) As an interim measure, until trends in communication needs of recreational boats are more definitive, this frequency is available to ship stations and to associated coast stations at marinas, organized yacht clubs, and to persons or organizations performing the function of service and supply to vessels, other than commercial transport vessels.

(54) Available for noncommercial communication, to fulfill the wide scope of needs of smaller type boats, where, for practical reasons the number of channels, output power and investment in radio equipment would be at a minimum and battery power could or would be employed. While available to all vessels, other than commercial transport vessels, this frequency does not replace, nor may it be used in lieu of frequencies allotted for distress, safety and calling, intership safety, navigational, port operations, or public correspondence.

(55) Available for assignment to ship stations aboard commercial transport vessels engaged in commercial fishing, in addition to the frequencies designated by subparagraph (49) of this paragraph, and between these commercial fishing vessels and associated aircraft while engaged in commercial fishing activities.

(56) Available for assignment to coast stations, the use of which is in accord with the agreed program, for the broadcast of information to ship stations concerning the environmental conditions in which vessels operate, i.e., weather; sea conditions; time signals; notices to mariners; and hazards to navigation.

(57) Available for assignment to stations aboard vessels for State control communications.

(58) Not available in Puerto Rico and the Virgin Islands.

(59) In the Great Lakes area only, available for commercial communication.

(60) To minimize interference to the service of stations in Zone 3 or 4 operating on 1708 kHz, ship stations in Zone 1 shall not transmit on 1712 kHz when west of 138° west longitude, nor in Zone 5 when south of 62° north latitude.

(61) To minimize interference to the service of ship stations transmitting on 2430 kHz to any public coast station in the vicinity of Seattle, Wash., ship stations in Zone 2 shall not transmit on 2430 kHz when south of 59° north latitude.

(62) To minimize interference to or from the operation of stations outside the Alaska area or U.S. Government stations within Alaska, this frequency is authorized for use annually in the respective zone only during the hours from 7 a.m. to 11 p.m. local standard time from May 15 to September 15 inclusive, and from 8 a.m. to 9 p.m. local standard time from April 1 to May 14 inclusive and from September 16 to October 31 inclusive.

(63) To minimize interference to or from the service of any coast station transmitting on 2538 kHz and located in the vicinity of Vancouver, British Columbia, ship stations in Zones 2 and 3 shall not transmit on 2538 kHz when south of 56° north latitude.

(64) Available for use with emissions 2.8A3A and 2.8A3J until January 1, 1972: *Provided*, That harmful interference is not caused to systems still employing double sideband (DSB) emission; and during the period January 1, 1972, to January 1, 1974: *Provided*, That harmful interference is not caused to ship station receivers employing double sideband (DSB) techniques receiving a transmission on a carrier frequency positioned higher in frequency by 3.1, 3.2, or 3.5 kHz.

(65) Authorization for use is withdrawn effective January 1, 1974.

(66) Effective January 1, 1974, limited to emissions 2.8A3A and 2.8A3J, this frequency will be available for assignment on a simplex basis in the Mississippi River system.

(67) Use of the frequency 2506 kHz for maritime mobile service in the Alaska area is authorized on condition that harmful interference shall not be caused to the service of any coast station located in the vicinity of San Francisco or Eureka, Calif.

(68) Insofar as is practicable, ship stations shall limit their use of the fre-

quency 3261 kHz to communication over distances which cannot be effectively covered by the use of a frequency below 2700 kHz or above 156 MHz.

(69) The frequencies 4403.0 and 4428.6 kHz are authorized for telephony exclusively; for use during the hours 6 a.m. to 9 p.m. local standard time only. Availability and use of the frequency 4428.6 kHz is subject to the condition that harmful interference shall not be caused to the service of any coast station located in the Great Lakes area.

(70) To minimize interference to or from the operation of stations outside the Alaska area, this frequency is authorized for use annually in the respective zone only during the hours from 6 a.m. to 11 p.m., local standard time, from April 1 to September 30, inclusive.

(71) Until January 1, 1977, emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J. Authorization for use of this frequency in Zone 3 and Zone 4 of the Alaska area is withdrawn effective January 1, 1977.

(72) See §§ 83.202, 82.224, 82.233, 83.249, 83.353, 83.359, 83.365, 83.366, 83.514, 83.518, and 83.519.

8. Section 83.354 is amended to read as follows:

§ 83.354 Frequencies below 5000 kHz for public correspondence.

(a) Carrier frequencies which are authorized for use by public ship stations employing telephony by means of amplitude modulation for the transmission of public correspondence exclusively are designated herewith: ship stations shall use the radio channels of which these frequencies are the authorized carrier frequencies exclusively for working with public coast stations located at, or in the vicinity of, the specific harbors, ports, or places designated hereinafter opposite the respective ship transmitting frequency, and shall receive transmission from the particular coast stations on the associated receiving frequencies also designated herewith.

(b) Frequencies available for use when the mobile station and the coast station transmit alternately on different radio channels:

Coast stations located in the vicinity of—	Mobile station transmitting carrier frequency (kHz) <sup>1</sup>				Associated coast station transmitting carrier frequency (kHz) <sup>1</sup>			
	(1)	(2)	(3)	Conditions of use, Note 4	(6)	(7)	(8)	Conditions of use, Note 4
Boston, Mass.	2366	2406	2390	None	2450	2506	2566	None None 5, 9
New York, N.Y.	2382	2126	2166	6	2482	2522	2558	6 None None None
				33		4390.2	4390.2	29, 32
				33		4403.0	4403.0	29, 32
				33		4422.2	4422.2	30, 32
				3, 10, 33		4428.6	4428.6	10, 32
Wilmington, Del.	2166			None	2558			None
Baltimore, Md.	2166			None	2558			None
Norfolk-Quantico, Va.	2142			None	2538			None
	2396			5, 9	2450			5, 9
Charleston, S.C.-Jacksonville, Fla.	2390			None	2866			None

See footnote at end of table.

## RULES AND REGULATIONS

Coast stations located in the vicinity of—	Mobile station transmitting carrier frequency (kHz) <sup>1</sup>				Associated coast station transmitting carrier frequency (kHz) <sup>1</sup>			
	Note 2	Note 3	Conditions of use, Note 4	Note 2	Note 3	Conditions of use, Note 4		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Lake Allatoona-Lake Sidney, Lanier, Ga.	2366			5	2450			5
Miami, Fla.	2406			9	2442			9
	2031.5			None	2490			8
	2118			10	2514			5, 11
	2158			12	2550			13
		4072.4		33		4371.0		31, 32
		4104.4	4104.4	33	4463.0	4463.0		29, 32
		4123.6	4023.6	33	4422.2	4422.2		30, 32
Tampa, Fla.	2009			None	2466			None
	2158			10	2550			10
			4120.4	33			4419.0	32, 34
Mobile, Ala.	2430			None	2572			None
			4114.0	33			4412.6	32, 35
New Orleans, La.	2206			None	2598			None
	2166			9	2558			9, 14
	2382			None	2482			None
			4120.4	33			4419.0	32, 34
Delcambre, La.	2458			5, 9	2506			5, 9
			4114.0	33			4412.6	32, 35
Galveston, Tex.	2134			None	2530			None
	2366			9, 15	2450			9, 16
			4126.8	33			4425.4	32, 36
Corpus Christi, Tex.	2142			17	2538			18
			4126.8	33			4425.4	32, 36
San Juan, P.R.	2134			None	2530			None
Great Lakes	2118			None	2514			32
	2158			None	2550			32
	2206			19	2582			32
		4117.2	4117.2	33		4415.8	4415.8	32
		4130.0	4130.0	3, 33		4428.6	4428.6	32
		8349.2	8349.2	33		8783.2	8783.2	32
Los Angeles-San Diego, Calif.	2009			None	2566			None
	2382			20	2466			21
	2206			22	2598			22
	2126			22	2522			22
San Francisco-Eureka, Calif.	2003			23	2450			24
	2406			None	2506			None
	4072.4	4072.4	4072.4	33	4377.4	4371.0	4371.0	31, 32
		4091.6	4091.6	33		4390.2	4390.2	29, 32
			4101.2	33		4399.8		29, 32
Astoria, Oreg.	2009			5, 9	2442			5, 9
Astoria-Portland, Oreg.	2206			None	2598			None
Coos Bay, Oreg.	2031.5			5, 22	2566			22
Seattle, Wash.	2126			None	2522			None
	2430			25	2482			25
Kahuku, Hawaii	2104			None	2530			None
		4117.2	4117.2	33		4415.8	4415.8	32
Hilo, Hawaii	2198			None	2582			None
Palmyra Island, Hawaii	2134			26	2530			27
St. Thomas Isl., Virgin Islands	2009			28	2506			28

<sup>1</sup> In the table, for duplex working on frequencies above 2850 kHz, mobile station transmitting carrier frequencies appear in columns (2), (3), and (4); coast station transmitting carrier frequencies appear in columns (6), (7), and (8). Coast and ship station frequencies appearing on the same line are paired, as follows: Column (2) is paired with column (6); column (3) with (7); and column (4) is paired with (8). In general: The frequencies in columns (3) and (7) will be converted to SSB (see §§ 81.304 and 83.351: coast, Jan. 1, 1972; ship, Jan. 1, 1974); and those in columns (4) and (8) will be available after Jan. 1, 1974.

NOTE 1: [Reserved]

NOTE 2: Frequencies above 2850 kHz, shown in columns (3) and (7) and available for DSB emission will replace the DSB frequencies shown in columns (2) and (6); and are available in accordance with the provisions of this section and conditions of use set forth in § 81.304 and § 83.351. The frequencies listed in columns (3) and (7) will not be available after Jan. 1, 1974.

NOTE 3: Frequencies above 2850 kHz, shown in columns (4) and (8) will be available for 2.5A3A and/or 2.8A3J emissions on Jan. 1, 1974, and will replace the frequencies listed in columns (3) and (7) on that date.

NOTE 4: The conditions of use referred to in columns (5) and (9) are set forth below the table.

- (1) [Reserved]
- (2) [Reserved]
- (3) The frequency in column (2) is replaced by the frequency in column (3) in accordance with the conditions of use set forth in § 83.351.
- (4) [Reserved]
- (5) Available on condition that no harmful interference will be caused to

any service or station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.

(6) Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of New Orleans, La., to which this

carrier frequency is assigned for transmission.

(7) Available for use annually during period December 15 to March 15.

(8) Available on a 24-hour basis, on condition that harmful interference shall not be caused to the police radio service in southern California.

(9) Day only.

(10) Unlimited hours of use from December 15 to April 1, annually, and day only from April 1 to December 15, annually, on condition that harmful interference shall not be caused to the service of any ship station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.

(11) Unlimited hours of use from December 15 to April 1, annually, and day only from April 1 to December 15, annually, on condition that harmful interference shall not be caused to the service of any coast station in the vicinity of Miami, Fla., to which the carrier frequency 2490 kHz is assigned for transmission.

(12) Unlimited hours of use from December 15 to April 1, annually, and day only from April 1 to December 15, annually, on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of Tampa, Fla., and is transmitting on this frequency to a coast station located in the vicinity of that port.

(13) Unlimited hours of use from December 15 to April 1, annually, and day only from April 1 to December 15, annually, on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission.

(14) Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Mobile, Ala., to which the carrier frequency 2572 kHz is assigned for transmission.

(15) Available on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of Boston, Mass., and is transmitting on this frequency to a coast station located in the vicinity of that port.

(16) Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Boston, Mass., San Francisco or Eureka, Calif., to which this carrier frequency is assigned for transmission.

(17) Available on condition that no harmful interference will be caused to the service of any ship station which is within 300 nautical miles of Norfolk-Quantico, Va., and is transmitting on this frequency to a coast station located in the vicinity of that port.

(18) Available on condition that no harmful interference will be caused to the service of any coast station located in the vicinity of Norfolk-Quantico, Va.,

to which this carrier frequency is assigned for transmission.

(19) Not available to U.S. ship stations for transmission.

(20) Available on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port.

(21) Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission.

(22) 7 a.m. to 7 p.m., P.s.t., only.

(23) Available on condition that harmful interference shall not be caused to the service of any ship station which is within 300 nautical miles of Los Angeles or San Diego, Calif., and is transmitting on 2009 kHz to a coast station located in the vicinity of either of these ports.

(24) Available on condition that harmful interference is not caused to police radio service in Kansas or Wisconsin.

(25) Authorized for use south of 51° north latitude and east of 142° west longitude exclusively during the following daily periods on condition that harmful interference is not caused to the service of any station in the Alaska area to which this carrier frequency is assigned for transmission: annually from April 1 to September 30, inclusive, from 5 a.m. to 9 p.m., P.s.t., only; and annually from October 1 to March 31, inclusive, from 6 a.m. to 11 p.m., P.s.t., only.

(26) Available on condition that harmful interference shall not be caused to the service of any ship station which is within 300 nautical miles of Kahuku, Hawaii, and is transmitting on this frequency to a coast station located in the vicinity of that port.

(27) Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Kahuku, Hawaii, to which the carrier frequency 2530 kHz is assigned for transmission.

(28) 8 a.m. to 9 p.m., A.s.t., only; on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.

(29) New York, N.Y., is the station of primary assignment. Use of this frequency is shared with Miami, Fla., and San Francisco, Calif.

(30) Miami, Fla., is the station of primary assignment. Use of this frequency is shared with New York, N.Y., and San Francisco, Calif.

(31) San Francisco, Calif., is the station of primary assignment. Use of this frequency is shared with New York, N.Y., and Miami, Fla.

(32) In accordance with § 81.304 of this chapter.

(33) In accordance with § 83.351.

(34) Shared by New Orleans, La., Tampa and Miami, Fla. Use by Miami,

Fla., is on a secondary basis to use by New Orleans, La., and Tampa, Fla.

(35) Shared by Mobile, Ala., and Delcambre, La.

(36) Shared by Galveston and Corpus Christi, Tex.

(c) Frequencies available for use when the mobile stations and the coast station transmit alternately on the same radio channel:

Coast stations located in the vicinity of—	Ship and coast station transmitting and receiving carrier frequency (kHz)				Conditions of use, Note 4
	Note 2	Note 3	(4)	(5)	
Baltimore, Md.	2400				(1)
Louisville, Ky.	2782 2086	4072.4	4089.2		(2)
		4371.0			
		6147.5			
		6455.0	6455.0		
		8210.8	8210.8		
			13,158.0		
			17,283.0		
Memphis, Tenn.	2782 2086	4072.4	4088.4		(1) (2)
		4371.0			
		6147.5			
		6455.0	6451.9		
		8210.8	8210.8		
			12,379.0		
			16,488.0		
Pittsburgh, Pa.	2782 2086	4072.4			(1) (2)
		4371.0	4387.0		
		6147.5			
		6455.0	6451.9		
		8210.8	8207.6		
			12,379.0		
			16,488.0		
St. Louis, Mo.	2782 2086	4072.4			(1) (2)
		4371.0	4367.8		
		6147.5	6147.5		
		6455.0			
		8210.8	8210.8		
			13,158.0		
			17,283.0		
Lake Dallas-Lake Texhoma Tex.	2738				(1)
Lake Mead, Nev.	2782				(1)
The Dalles-Uma Hills, Oreg.	2784				(1)

NOTE 1: [Reserved]  
NOTE 2: Frequencies above 2850 kHz shown in column (4) are available during the period Mar. 1, 1970, to Dec. 31, 1973, for use with emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J.  
NOTE 3: Frequencies above 2850 kHz shown in column (4) are available effective Jan. 1, 1974, for use with emissions 2.8A3A and 2.8A3J and on that date will replace the frequencies shown in column (3). The frequencies appearing in column (3) will not be available after Dec. 31, 1973.  
NOTE 4: The conditions of use referred to in column (5) are set forth below the table.

(1) Subject to a separate rule making proceeding.

(2) Available for use with emissions 2.8A3A and 2.8A3J.

9. In § 83.355, the tables following paragraphs (a) (1) and (2) are amended, to read as follows:

§ 83.355 Frequencies from 5000 kHz to 27.5 MHz for public correspondence.

(a) (1) * * *	Ship station transmitting carrier frequency (kHz)	Coast station located in the vicinity of—	Ship station receiving carrier frequency (kHz)
	8201.2	San Francisco, Calif.	8735.2
	8201.2	New York, N.Y. <sup>1</sup>	8735.2
	8201.2	Miami, Fla.	8735.2
	8204.4	San Francisco, Calif. <sup>2</sup>	8738.4
	8204.4	New York, N.Y. <sup>1</sup>	8738.4
	8204.4	Miami, Fla.	8738.4
	8214.0	San Francisco, Calif. <sup>2</sup>	8748.0
	8217.2	Hawaii <sup>3</sup>	8751.2
	8220.4	New York, N.Y. <sup>1</sup>	8754.4
	8220.4	San Francisco, Calif.	8754.4
	8220.4	Miami, Fla. <sup>2</sup>	8754.4
	8221.6	New York, N.Y. <sup>1</sup>	8757.6
	8221.6	San Francisco, Calif.	8757.6
	8221.6	Miami, Fla.	8757.6
	8239.6	Miami, Fla.	8773.6
	8239.6	San Francisco, Calif.	8773.6
	8239.6	New York, N.Y. <sup>1</sup>	8773.6
	8242.8	Miami, Fla. <sup>2</sup>	8776.8
	8242.8	San Francisco, Calif.	8776.8
	8242.8	New York, N.Y. <sup>1</sup>	8776.8
	8258.8	New York, N.Y.	8792.8
	8258.8	San Francisco, Calif. <sup>2</sup>	8792.8
	8258.8	Miami, Fla.	8792.8
	8262.0	New York, N.Y. <sup>1</sup>	8796.0
	8262.0	San Francisco, Calif.	8796.0
	8262.0	Miami, Fla.	8796.0
	12,358.0	New York, N.Y.	13,137.0
	12,358.0	San Francisco, Calif.	13,137.0
	12,358.0	Miami, Fla. <sup>2</sup>	13,137.0
	12,361.5	New York, N.Y. <sup>1</sup>	13,140.5
	12,361.5	San Francisco, Calif.	13,140.5
	12,361.5	Miami, Fla.	13,140.5
	12,372.0	San Francisco, Calif. <sup>2</sup>	13,151.0
	12,375.5	Hawaii <sup>3</sup>	13,154.5
	12,382.5	San Francisco, Calif. <sup>2</sup>	13,161.5
	12,382.5	New York, N.Y. <sup>1</sup>	13,161.5
	12,382.5	Miami, Fla.	13,161.5
	12,393.0	New York, N.Y.	13,172.0
	12,393.0	Miami, Fla. <sup>2</sup>	13,172.0
	12,396.5	New York, N.Y. <sup>1</sup>	13,175.5
	12,396.5	Miami, Fla.	13,175.5
	16,474.0	San Francisco, Calif. <sup>2</sup>	17,299.0
	16,477.5	Hawaii <sup>3</sup>	17,272.5
	16,491.5	New York, N.Y. <sup>1</sup>	17,298.5
	16,491.5	San Francisco, Calif.	17,298.5
	16,491.5	Miami, Fla.	17,298.5
	16,500.0	San Francisco, Calif.	17,304.0
	16,500.0	New York, N.Y.	17,304.0
	16,500.0	Miami, Fla. <sup>2</sup>	17,304.0
	16,512.5	San Francisco, Calif. <sup>2</sup>	17,307.5
	16,512.5	New York, N.Y. <sup>1</sup>	17,307.5
	16,512.5	Miami, Fla.	17,307.5
	16,523.0	New York, N.Y.	17,318.0
	16,523.0	Miami, Fla. <sup>2</sup>	17,318.0
	16,526.5	New York, N.Y. <sup>1</sup>	17,321.5
	16,526.5	Miami, Fla.	17,321.5
	22,028.0	New York, N.Y.	22,633.5
	22,028.0	Miami, Fla. <sup>2</sup>	22,633.5
	22,031.5	New York, N.Y. <sup>1</sup>	22,637.0
	22,031.5	Miami, Fla.	22,637.0
	22,042.0	San Francisco, Calif.	22,667.5
	22,042.0	New York, N.Y. <sup>1</sup>	22,667.5
	22,042.0	Miami, Fla.	22,667.5
	22,045.5	San Francisco, Calif. <sup>2</sup>	22,671.0
	22,045.5	New York, N.Y.	22,671.0
	22,045.5	Miami, Fla.	22,671.0
	22,053.0	New York, N.Y.	22,688.5
	22,053.0	San Francisco, Calif. <sup>2</sup>	22,688.5
	22,053.0	Miami, Fla.	22,688.5
	22,056.5	New York, N.Y. <sup>1</sup>	22,692.0
	22,056.5	San Francisco, Calif.	22,692.0
	22,056.5	Miami, Fla.	22,692.0

<sup>1</sup> Available for communication with ship stations in the Gulf of Mexico and the Caribbean area only. Use of the frequency is upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused.  
<sup>2</sup> Station of primary allotment.

(2) \* \* \*

Ship station transmitting carrier frequency (kHz)	Ship station receiving carrier frequency (kHz)
8249.2	8783.2

10. In § 83.358, paragraph (a) is amended, to read as follows:

**§ 83.358 Frequencies below 3000 kHz for safety purposes.**

(a) The following carrier frequencies are authorized for intership safety communications in the respective geographic areas. In addition, on a noninterference basis to safety communications, the frequencies may be used for operational communications and, in the case of commercial transport vessels and vessels of municipal or State governments, for business communications. Use of these carrier frequencies is prohibited when the use of a licensed frequency above 27.5 MHz in lieu thereof would provide effective communication.

Frequency (kHz)	Geographic area
2003	Great Lakes only.
2082.5	All areas.
2142	Pacific coast area south of latitude 42° north, on a day only basis.
2203	Gulf of Mexico.
2638	All areas.
2738	All areas except the Great Lakes and the Gulf of Mexico.
2830	Gulf of Mexico only.

11. Section 83.360 is revised to read as follows:

**§ 83.360 Frequencies for business and operational purposes.**

(a) The following carrier frequencies are available for business and operational communications with limited coast stations and other ship stations using the same carrier frequency. The conditions of use are set forth in paragraph (b) of this section.

Carrier frequency (kHz)	Carrier frequency (kHz)	Carrier frequency (kHz)
2096.5	8281.2	16,572.0
4136.3	8284.4	22,094.5
4139.5	12,421.0	22,098.0
4434.9	12,424.5	22,101.5
6210.4	12,428.0	22,105.0
6213.5	16,565.0	22,108.5
6518.6	16,568.5	

(b) Assignment of the specific carrier frequencies designated in paragraph (a) of this section and use of the frequency assignments of which those frequencies are the authorized carrier frequencies shall be subject to the express limitations and conditions set forth in this paragraph:

(1) The applicant must show that the desired communications are primarily over distances for which frequencies above 27.5 MHz would not be suitable;

(2) These frequencies are available on a shared basis only and shall not be construed as available for the exclusive use of any one station licensee;

(3) Normally no more than one frequency from each of the frequency bands will be authorized;

(4) These frequencies are not authorized for use in communicating with stations aboard aircraft;

(5) Transmitter peak envelope power shall not exceed 1 kw.;

(6) The class of emission shall be 2.8A3J; and

(7) Use should be limited to daytime.

12. In § 83.362, new paragraphs (e) and (f) are added, to read as follows:

**§ 83.362 Frequencies below 3000 kHz for safety, business, and operational purposes.**

(e) Subject to coordination with Canada and the provisions of § 83.351(c), the frequencies 2065.0 and 2079.0 kHz may be assigned for safety, operational, or business communications only at locations which will not cause interference to use of the same frequency by Canada. When used for communication with limited coast stations, the provisions of paragraph (d) of this section are also applicable.

(f) The frequency 2093.0 kHz is available for intership communication by vessels engaged in commercial fishing.

13. A new § 83.370 is added to read as follows:

**§ 83.370 Frequencies available in all zones of the Alaska area.**

(a) Each of the carrier frequencies set forth in the following table, when authorized by station license, may be used by ship stations in all zones of the Alaska area.

Frequency (kHz)		
1619 <sup>1</sup>	2237 <sup>2</sup>	4380.6 <sup>4</sup>
1622 <sup>2</sup>	2240 <sup>2</sup>	4383.8 <sup>4</sup>
2131 <sup>3</sup>	2379 <sup>3</sup>	
2134 <sup>3</sup>	2382 <sup>3</sup>	

<sup>1</sup> For communication by radiotelephony with public correspondence coast stations; and for intership communication by radiotelegraphy between ship stations on board vessels of less than 500 gross tons.

<sup>2</sup> Available to public ship stations for communication exclusively with common carrier coast stations which are located in the Alaska area and are open for public correspondence.

<sup>3</sup> For communication by radiotelephony with public correspondence coast stations; and for intership communication by radiotelegraphy between ship stations on board vessels of 500 gross tons or more.

<sup>4</sup> Primarily, for communication by radiotelephony with public correspondence coast

stations on board any type of vessel during the hours 6 a.m. to 9 p.m., local standard time; and, secondarily, during the hours 6 a.m. to 9 p.m., local standard time, for communication by radiotelephony between ship stations on board any type of vessel, on condition that harmful interference shall not be caused to the service of any coast station using radiotelephony. The use of this frequency for this purpose shall be limited to the relatively longer distances over which the use of frequencies below 3400 kHz or above 156 MHz would not be effective.

14. A new § 83.371 is added to read as follows:

**§ 83.371 Public telephone service, ship stations to common carrier coast stations.**

Public ship stations shall use radiotelephony carrier frequencies, for working with the designated common carrier coast stations, as set forth in the following table. The hours of service of each common carrier coast station may be obtained upon request made to the Commission's engineer in charge at Anchorage, Alaska.

For communication with common carrier coast stations located in the vicinity of—	Ship station transmitting carrier frequency (kHz)		Associated common carrier coast station carrier frequency (kHz)	
	Until 1-1-77	After 1-1-77	Until 1-1-77	After 1-1-77
Anchorage, Alaska.....	2134	2134	2312	2312
Cold Bay, Alaska.....	2134	2134	2312	2312
Cordova, Alaska.....	2134	2237	2312	2397
Juneau, Alaska.....	2240	2240	2400	2400
Ketchikan, Alaska.....	2134	2237	2312	2397
King Salmon, Alaska..	2134	2240	2312	2400
Kodiak, Alaska.....	2240	2131	2400	2309
Nome, Alaska.....	2240	2240	2400	2400
Petersburg, Alaska.....	2134	2134	2312	2312
Sitka, Alaska.....	2240	2134	2400	2312
Unalaska, Alaska.....	2134	2134	2312	2312

<sup>1</sup> Subject to the limitations and conditions of use set forth in § 83.351.

15. A new § 83.372 is added to read as follows:

**§ 83.372 Frequencies available in one or more zones of the Alaska area.**

(a) Each of the carrier frequencies set forth in the following table, when authorized by station license, may be used by public ship stations employing radiotelegraphy or radiotelephony: *Provided, however,* That radiotelephony only shall be employed on frequencies in the band 4361-4438 kHz. Frequencies designated for use in a zone of the Alaska area are available only to ship stations located in that zone. The limitations and conditions of use applicable to each frequency are set forth in § 83.351. The frequencies available and the zones in the Alaska area in which they may be employed are set forth in the following table:

TABLE 1

Zone 1		Zone 2		Zone 3		Zone 4		Zone 5		Zone 6	
Available		Available		Available		Available		Available		Available	
Until 1-1-77 (kHz)	After 1-1-77 (kHz)	Until 1-1-77 (kHz)	After 1-1-77 (kHz)	Until 1-1-77 (kHz)	After 1-1-77 (kHz)	Until 1-1-77 (kHz)	After 1-1-77 (kHz)	Until 1-1-77 (kHz)	After 1-1-77 (kHz)	Until 1-1-77 (kHz)	After 1-1-77 (kHz)
1646	1646	1652	1649	1708	1706	1708	1706	1652	1652	1646	1646
1712	1709							1712	1712		
2006	2006								2003		
2422	2419	2118	2115	2422	2422	2118	2118				
		2430	2430	2450	2450	2430	2430	2430	2430	2450	2450
				2482	2479	2482	2482			2482	2482
2512	2512	2512	2509	2512	2512	2512	2509	2506	2506	2506	2506
2566	2566	2538	2538	2538	2535			2566	2566		
2616	2616										
3261	3261					3261	3261	3261	3258		

TABLE 2

Zone 1		Zone 2		Zone 3		Zone 4		Zone 5		Zone 6	
Available		Available		Available		Available		Available		Available	
Until 1-1-74 (kHz)	After 1-1-74 (kHz)	Until 1-1-74 (kHz)	After 1-1-74 (kHz)	Until 1-1-74 (kHz)	After 1-1-74 (kHz)	Until 1-1-74 (kHz)	After 1-1-74 (kHz)	Until 1-1-74 (kHz)	After 1-1-74 (kHz)	Until 1-1-74 (kHz)	After 1-1-74 (kHz)
4403.0	4403.0	4403.0	4428.5	4403.0	4399.8	4428.5	4425.4	4428.5	4428.5	4428.5	4403.0

(b) (1) When operating on any frequency designated in paragraph (a) of this section, a ship station shall transmit only on an authorized carrier frequency which is specifically authorized by that paragraph for transmission in the zone in which the ship station then is located: *Provided, however,* That, for communication with a ship or coast station located in a contiguous zone which uses a frequency in accordance with paragraph (a) but not designated by that paragraph for use in the zone in which the ship station then is located, such ship station may transmit on the contiguous zone frequency when, by reason of conditions not under its control, such operation becomes necessary.

(2) Ship stations are authorized generally to communicate on each frequency designated in this section with public coast stations using the same frequency. A ship station may communicate on any of these frequencies with another ship station only when requested to do so by a public coast station which operates on the same frequency in accordance with paragraph (a) of this section and is within communication range of the ship station.

**PART 85—PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA**

C. Part 85, Public Fixed Stations and Stations of the Maritime Services in Alaska, is deleted in its entirety.

[FR Doc.71-15748 Filed 11-1-71;8:45 am]

**Title 49—TRANSPORTATION**

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

[Docket No. 71-11; Notice 2]

**PART 566—MANUFACTURER IDENTIFICATION**

This notice adopts a new Part 566 in Title 49, Code of Federal Regulations, to require manufacturers of motor vehicles, and manufacturers of motor vehicle equipment to which a motor vehicle safety standard applies, to submit identifying information and a description of the items they produce. A notice of proposed rule making on this

subject was published on April 28, 1971 (36 F.R. 7970). The comments received in response to the notice have been considered in this issuance of a final rule. The final rule exempts tire manufacturers from coverage, deletes the required submittal of estimated annual production, and requires the manufacturer to submit revised information when necessary to keep his entry current.

As noted in the proposal of April 28, 1971 (36 F.R. 7970) the establishment of a centrally organized system to collect information regarding the manufacturer's corporate status, mailing address, and items manufactured has been found necessary for efficient enforcement of the Act, as well as for distribution of information to manufacturers.

Several manufacturers stated that the information required by the regulation is already submitted to the NHTSA under existing regulations. This claim is true only with respect to tire manufacturers, who are required under Part 574, Tire Identification and Recordkeeping (36 F.R. 1196 at 1197-8, to submit to the NHTSA data which would meet the requirements of the proposed regulation in order to obtain their code numbers. The tire manufacturers' request for exemption has therefore been granted.

While it is true that the Defect Reports regulation (36 F.R. 3064) requires the submittal of some information similar to the data collected under the proposed regulation, the former requirement does not provide the comprehensive data required by the Administration.

The largest number of comments were directed at the required submittal of estimated annual production figures. Upon consideration of the comments and review of the Administration's need for this data, it has been determined that its collection would create difficulties for the industry that outweigh its benefits, particularly since approximate information about production is available to the NHTSA from other sources. Therefore this requirement is deleted.

A number of manufacturers were uncertain about their coverage under the proposed regulation. One packager of brake fluids stated that he did not manufacture the fluid and wished to know whether he is considered a manufacturer under the regulation. The packager's operations may significantly affect the quality of the brake fluid. Moreover, under amended Federal Motor Vehicle Safety Standard No. 116, "Motor Vehicle Hydraulic Brake Fluids," the original

manufacturer in some cases will not be identified on the container label. For these reasons it has been determined that for the purposes of this regulation, a person who packages brake fluid from a bulk state shall be considered a manufacturer of motor vehicle equipment and therefore subject to the regulation.

A manufacturer of mobile homes sought an exemption from coverage on the grounds that the general public does not usually engage in transporting mobile structure trailers. The fact that only "experts" transport the regulated vehicle is not germane to the question of its inclusion under the regulation, however, since the identification requirement is based on the general determination that the centralized data system will improve enforcement of the Act and communication with manufacturers.

An incomplete vehicle manufacturer submitted a comment regarding the requirement that manufacturers of multipurpose passenger vehicles, trucks and trailers submit a description indicating the intended final use of their product. The final rule as issued does not specifically include incomplete vehicle manufacturers. A notice of proposed rulemaking published in this issue of the FEDERAL REGISTER would, however, amend the regulation to provide coverage of incomplete vehicles.

The time-of-submittal section has been clarified in light of the comments. It is intended that a manufacturer supply the required information when he begins to manufacture the motor vehicle or covered equipment. The regulation has been amended to indicate that subsequent submittals will be necessary only when changes in the manufacturer's business render the submitted data inaccurate or incomplete.

A number of manufacturers offered recommendations as to the classification system to be adopted by the Administration utilizing the data collected under this regulation. Such discussion is beyond the scope of this regulation, but these suggestions will be considered at the appropriate time.

One manufacturer petitioned for a public hearing to discuss the NHTSA's

planned use of the information collected under the regulation. Since the required submittal of estimated annual production figures has been deleted from the final rule, the concern about the use of the information by the Administration would appear to be dispelled, and a public hearing has been found to be unnecessary. The petition is therefore denied.

Effective date: February 1, 1972.

In consideration of the above, Part 566, Manufacturer Identification, is added to Title 49, Code of Federal Regulations, as set forth below.

Issued on October 22, 1971.

DOUGLAS W. TOMS,  
Administrator.

Sec.	
566.1	Scope.
566.2	Purpose.
566.3	Application.
566.4	Definitions.
566.5	Requirements.
566.6	Submittal of information.

**AUTHORITY:** The provisions of this Part 566 issued under the authority of secs. 112 and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1401 and 1407), and the delegation of authority at 49 CFR 1.51.

#### § 566.1 Scope.

This part requires manufacturers of motor vehicles, and of motor vehicle equipment to which a motor vehicle safety standard applies, to submit identifying information and a description of the items they produce.

#### § 566.2 Purpose.

The purpose of this part is to facilitate the regulation of manufacturers under the National Traffic and Motor Vehicle Safety Act, and to aid in establishing a code numbering system for all regulated manufacturers.

#### § 566.3 Application.

This part applies to all manufacturers of motor vehicles, and to manufacturers of motor vehicle equipment to which a motor vehicle safety standard applies (hereafter referred to as "covered equipment").

#### § 566.4 Definitions.

All terms defined in the Act and the rules and standards issued under its authority are used as defined therein. Specifically, "intermediate manufacturer," and "final-stage manufacturer" are used as defined in Part 568, Vehicles Manufactured in Two or More Stages.

#### § 566.5 Requirements.

Each manufacturer of motor vehicles, and each manufacturer of covered equipment, shall furnish the information specified in paragraphs (a) through (c) of this section to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590.

(a) Full individual, partnership, or corporate name of the manufacturer.

(b) Residence address of the manufacturer and State of incorporation if applicable.

(c) Description of each type of motor vehicle or of covered equipment manufactured by the manufacturer, including, for motor vehicles, the approximate ranges of gross vehicle weight ratings for each type.

(1) Except as noted below, the description may be of general types, such as "passenger cars" or "brake fluid."

(2) In the case of multipurpose passenger vehicles, trucks, and trailers, the description shall be specific enough also to indicate the types of use for which the vehicles are intended, such as "tank trailer," "motor home," or "cargo van."

(3) In the case of motor vehicles produced in two or more stages, if the manufacturer is an intermediate manufacturer, or a final-stage manufacturer, the description shall so state and include a brief description of the work performed.

**EXAMPLE:** "Multipurpose passenger vehicles: Motor homes with GVWR from 8,000 to 12,000 pounds. Final-stage manufacturer—add body to bare chassis."

#### § 566.6 Submittal of information.

Each manufacturer required to submit information under § 566.4 shall submit the information not later than

February 1, 1972. After that date, each person who begins to manufacture a type of motor vehicle or covered equipment for which he has not submitted the required information shall submit the

information specified in paragraphs (a) through (c) of § 566.4 not later than 30 days after he begins manufacture. Each manufacturer who has submitted required information shall keep his entry

current, accurate and complete by submitting revised information not later than 30 days after the relevant changes in his business occur.

[FR Doc.71-15935 Filed 11-1-71;8:53 am]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

Internal Revenue Service

[ 26 CFR Part 1 ]

### INCOME TAX

#### Multiple Corporations; Notice of Hearing on Proposed Regulations

Proposed regulations under sections 11, 46(a), 48, 179(d), 535, 804, 1562, 1563, and 1564 of the Internal Revenue Code of 1954, relating to multiple corporations, appear in the FEDERAL REGISTER for September 4, 1971 (36 F.R. 17863).

A public hearing on the provisions of these proposed regulations will be held on Wednesday, December 15, 1971, at 10 a.m., e.s.t., in Room 3313, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, DC 20224.

The rules of § 601.601(a)(3) of the Statement of Procedural Rules (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commission of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935. Under such § 601.601(a)(3), persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rule making and who desire to present oral comments should by December 1, 1971, submit an outline of the topics and the time they wish to devote to each topic. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by December 9, 1971. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is twenty-five cents (\$0.25) per page, subject to a minimum charge of \$1.

K. MARTIN WORTHY,  
Chief Counsel.

[FR Doc.71-15869 Filed 11-1-71;8:46 am]

## DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[ 7 CFR Part 928 ]

### PAPAYAS GROWN IN HAWAII

#### Notice of Proposed Rule Making

Notice is hereby given that the Department is considering proposed rules

and regulations (§§ 928.141, 928.150, 928.151, 928.152, and 928.160) hereinafter designated as Subpart—Rules and Regulations, pursuant to the marketing agreement and Order No. 928 (Part 928; 36 F.R. 8925) regulating the handling of papayas grown in Hawaii. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The aforesaid rules and regulations were proposed by the Papaya Administrative Committee, established under said marketing agreement and order as the agency to administer the terms and provisions thereof. The proposed rules and regulations would be issued pursuant to §§ 928.54 and 928.60 and would establish: (1) Prerequisites for certain types of papaya shipments to be relieved from inspection and certification requirements of the agreement and order; (2) requirements to be met by handlers of such types of shipments in order to secure and maintain the exempt status of the shipments; (3) safeguards to assure that unregulated shipments of papayas to charitable institutions, relief agencies, and for market research and development projects will not be used for any other purpose; (4) requirements to assure that papayas for commercial processing will not be handled in a manner contrary to the exemptive provisions of the agreement and order; (5) reporting requirements for assessment purposes and to ascertain the disposition of papayas; and (6) interest charges for late payment of assessment funds.

The proposed rules and regulations are as follows:

#### Subpart—Rules and Regulations

##### § 928.141 Interest charges.

(a) Assessments levied pursuant to § 928.41 not paid within 5 days after the 15th of the month on papayas handled during the preceding month shall be subject to an interest charge of three-fourths of 1 percent per month.

(b) Notification that assessments are due not later than 5 days after the 15th of each month shall constitute a demand on a handler for the payment of his pro rata share of expenses within the meaning of § 928.41(a).

##### § 928.150 Exemption for inspection.

(a) *Waivers.* A handler may handle papayas without inspection and certification, as prescribed under § 928.55, if all the following conditions are met:

(1) The handler requests the Federal-State Inspection Service to provide inspection during its regular working hours at least 2 hours in advance of the time when inspection is needed. The request need not be in writing but it shall be confirmed immediately in writing on a waiver form supplied by the inspection service;

(2) The Federal-State Inspection Service advises the handler that it is not practicable to provide inspection at the time and place designated by the handler. Such advice may be verbal but it shall be confirmed in writing by the Federal-State Inspection Service by execution of the waiver form on which the handler submitted his written request. A confirmed copy thereof shall be forwarded by the inspection service to the office of the Papaya Administrative Committee;

(3) The Federal-State Inspection Service furnishes the handler with the number of the waiver which shall cover the fruit on which inspection is requested;

(4) When so instructed, the handler plainly and conspicuously marks one end of each container with the letter "W" and the waiver number supplied by the Federal-State Inspection Service. The letter W and the number so marked shall be not less than one-half inch in height.

##### § 928.151 Special purpose shipments.

(a) Papayas delivered to a handler for sale by the handler for the account of the grower shall be deemed a consignment only with respect to papayas which are actually sold by the handler; consignment shall not extend to those papayas delivered but disposed of by dumping as evidenced by a Dumping Certificate issued by the Federal-State Inspection Service. Papayas not consigned as herein defined shall not be subject to assessment levied pursuant to § 928.41.

(b) Any handler may, after application for and receipt of committee approval, handle papayas to be used as animal feed exempt from the provisions of §§ 928.41, 928.52, 928.53, and 928.55 and the regulations issued thereunder.

(1) Such application shall be made prior to handling, on the forms provided by the committee and shall be accompanied by certification stating that the fruit will be used for the applied purpose.

(c) Any handler may handle papayas exempt from the provisions of §§ 928.41, 928.52, 928.53, and 928.55, and the regulations issued thereunder: *Provided*, That such fruit is donated for use by charitable institutions or distribution by relief agencies.

(d) Any handler may handle papayas exempt from the provisions of §§ 928.41, 928.52, 928.53, and 928.55 and the regulations thereunder, for market research and development projects.

(e) Any handler may handle papayas exempt from the provisions of §§ 928.41, 928.52, 928.53, and 928.55 and the regulations issued thereunder for commercial processing. Commercial processing of papaya is to can, freeze, cook, slice, dice, or pickle or convert such fruit into a beverage base for resale. All other product forms are considered fresh fruit and are



subject to the provisions of the agreement and order.

§ 928.152 Maturity exemption.

(a) Any handler may handle immature papayas exempt from the maturity requirements issued pursuant to § 928.52: *Provided*, That such papayas are handled by an outlet authorized by the committee for resale of such papayas.

(1) A request for such authorization shall be submitted to the committee prior to the receipt of the exempted fruit.

(2) Containers of such fruit shall be clearly marked "off-grade-immature" in letters not less than one-half inch in height.

(3) Immature papayas are papayas which do not meet the maturity requirements of State of Hawaii Department of Agriculture's Wholesale Standards for Hawaii—Grown Papayas (Subsection 5.32).

§ 928.160 Utilization reports.

Each handler shall file with the Papaya Administrative Committee, not later than the 15th day of each month, a duly executed PAC Form 1 reporting all papayas handled by him during the immediately preceding calendar month. Such report shall include, but is not limited to, the following information: (a) Quantity of papayas handled subject to assessments and regulations including the date, destination, and inspection certificate number of each shipment; (b) quantity of papayas handled without regard to the assessment or regulatory provisions of the marketing agreement and order with such quantity itemized as to the amount (1) shipped to authorized commercial processors, (2) donated to charitable organizations or relief agencies, (3) shipped to authorized market research and development projects, and (4) disposed of otherwise, and indicating such disposition.

All persons who desire to submit written data, views, or arguments for consideration in connection with this proposal may file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 15th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 28, 1971.

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

[FR Doc.71-15945 Filed 11-1-71; 8:50 am]

[ 7 CFR Part 989 ]

RAISINS PRODUCED FROM GRAPES  
GROWN IN CALIFORNIA

Proposed Expenses of Raisin Admin-  
istrative Committee and Rate of  
Assessment

Notice is hereby given of a proposal regarding expenses of the Raisin Administrative Committee for the 1971-72 crop year and rate of assessment for that crop year, pursuant to §§ 989.79 and 989.80 of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The Raisin Administrative Committee has unanimously recommended for the crop year beginning September 1, 1971 (1971-72 crop year), a budget of expenses in the total amount of \$126,735 and an assessment rate of 85 cents per ton of assessable raisins. Expenses in that amount and the assessment rate are specified in the proposal hereinafter set forth.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal follows:

§ 989.322 Expenses of the Raisin Admin-  
istrative Committee and rate of  
assessment for the 1971-72 crop  
year.

(a) *Expenses.* Expenses (other than those specified in § 989.82) in the amount of \$126,735 are reasonable and likely to be incurred by the Raisin Administrative Committee during the crop year beginning September 1, 1971, for the maintenance and functioning of the Committee and the Raisin Advisory Board and for such purposes as the Secretary may, in accordance with § 989.75, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for that crop year which each handler is required, pursuant to § 989.80, to pay to the Raisin Administrative Committee as his pro rata share of the expenses is fixed at 85 cents per ton applicable to each of the following:

(1) Free tonnage raisins acquired by the handler during the crop year, exclusive of such quantity thereof as represents the assessable portions of other handlers' raisins pursuant to subparagraph (3) of this paragraph;

(2) Reserve tonnage raisins released or sold to the handler for use as free

tonnage, during the crop year; and  
(3) Standard raisins (which he does not acquire) recovered by the handler by the reconditioning of off-grade raisins but only to the extent of the aggregate quantity of the free tonnage portions of these standard raisins that are acquired by other handlers during the crop year.

Dated: October 28, 1971.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and Veg-  
etable Division, Consumer and  
Marketing Service.

[FR Doc.71-15944 Filed 11-1-71; 8:50 am]

[ 7 CFR Parts 1030, 1049 ]

[Dockets Nos. AO-361-A5, AO-319-A18]

MILK IN THE CHICAGO REGIONAL  
AND INDIANA MARKETING AREAS

Notice of Hearing on Proposed  
Amendments to Tentative Market-  
ing Agreements and Orders

Notice is hereby given of a public hearing to be held in the Flying Carpet Motor Inn, 6465 North Mannheim Road, Des Plaines, IL, beginning at 10 a.m., on November 18, 1971, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Chicago Regional and Indiana marketing areas.

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

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Central Milk Producers Cooperative:

*Proposal No. 1.* Provide for an advertising and promotion program for milk products under the Chicago Regional order. The following amendments are proposed as a means of achieving this objective:

1. In § 1030.22 *Additional duties of the market administrator*, add the following five paragraphs:

§ 1030.22 *Additional duties of the market administrator.*

(a) Prepare proper forms for use of producers in demanding the refunding of funds withheld pursuant to § 1030.71 (d);

(p) Make payments to producers who demand the refunding of deductions made pursuant to § 1030.71(d);

(q) Make payments from funds deducted pursuant to § 1030.71(d) for mandatory checkoffs to State advertising, promotion, and research programs;

(r) Conduct such referendums as may be required pursuant to § 1030.105; and  
 (s) Audit the activities of the agency as authorized under § 1030.103.

2. In § 1030.71, add a new paragraph (d), as follows:

**§ 1030.71 Computation of uniform price.**

(d) Subtract an amount equal to 5 cents per hundredweight of producer milk, to be transferred to the marketing research and promotion fund pursuant to § 1030.89;

**§ 1030.83 [Amended]**

3. In § 1030.83 *Producer-settlement fund*, immediately following the reference "§ 1030.61", add the reference "§ 1030.71(d)."

4. Add a new § 1030.89 as follows:

**§ 1030.89 Marketing research and promotion fund.**

The market administrator shall maintain a separate fund known as the "marketing research and promotion fund" into which he shall deposit monies subtracted pursuant to § 1030.71(d) and out of which he shall make payments for the following purposes:

(a) To pay to producers who pursuant to § 1030.109 demand the refunding of deductions made in § 1030.71(d) against their marketings of producer milk.

(b) To make appropriate payments with respect to producer milk on which a mandatory checkoff of advertising or marketing research is required under any State law.

(c) To pay the cost incurred by the market administrator in the administration of this program.

(d) Maintain a reasonable reserve to cover the expenditures specified in paragraphs (a), (b), and (c) of this section and pay all remaining funds to the Agency established pursuant to § 1030.103.

5. The following proposed amendments concern the addition of new § 1030.102 through 1030.113 to the order:

**§ 1030.102 Definitions.**

The terms used herein shall have the same meanings as are set forth in Part 1030, Federal Order No. 30.

**§ 1030.103 Agency.**

Agency means an organization of producers or producers' representatives authorized to expend funds deducted pursuant to § 1030.71(d) for the purposes of establishing or providing for the establishment of research and development projects and advertising (excluding brand advertising), sales promotion, educational and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products.

**§ 1030.104 Composition of the Agency.**

The Agency shall be composed as follows:

(a) Each cooperative association or combination of cooperative associations will be authorized one representative for each full five (5) percent of the total number of producers in this order which such cooperative represents: *Provided*, That after the program has been in effect 1 year, the number of representatives shall be based on the number of producers who have not requested refunds within the previous 6 months.

(b) Cooperatives with less than five (5) percent of the total number of producers in this order who have not elected to combine and producers who are not members of cooperatives shall be authorized one representative of each full five (5) percent of the total number of producers.

**§ 1030.105 Selection of members to the Agency.**

(a) Each cooperative authorized one or more representatives to the Agency shall notify the market administrator of the name and address of each representative, who may be either a producer member or an employee of the cooperative, and who shall serve at the pleasure of the cooperative. Cooperatives with less than five (5) percent of the producers in the order may combine their producer membership; and if such combined total exceeds five (5) percent, they shall be eligible to select a representative to the Agency.

(b) Cooperatives with less than five (5) percent of the producers in the order and producers not members of cooperative associations shall be divided by the market administrator into geographic areas containing five (5) percent of the total number of producers in the order. The market administrator shall conduct a referendum to determine the representative of each such area to the Agency from those producers in the area who request that their names and addresses be submitted on a ballot to eligible voters in the referendum, and who have not requested the refunding of deductions made pursuant to § 1030.71(d) within the six (6) month period immediately preceding the referendum.

(c) After the program has been in effect for 1 year the percentages used to determine representation to the Agency shall be adjusted annually to include only those producers who have not requested a refund of deductions made pursuant to § 1030.71(d) during the six (6) month period immediately preceding each such adjustment.

(d) Each person selected to serve on the Agency shall qualify by filing a written acceptance with the market administrator promptly after being notified of such selection.

**§ 1030.106 Term of office.**

The term of office for persons serving on the Agency shall be 1 year or until a replacement is designated by the cooperative or elected.

**§ 1030.107 Powers of the Agency.**

The Agency shall be empowered:

(a) To administer the terms and provisions of programs pursuant to § 1030.103;

(b) To make rules and regulations to effectuate the purposes of Public Law 91-670;

(c) To recommend amendments to the Secretary.

**§ 1030.108 Duties.**

The Agency shall perform all duties necessary under the Act to administer the terms and provisions of this program including the following:

(a) To meet and organize and to select from among its members a President and such other officers as may be necessary; to select committees; and to adopt such rules for the conduct of its business as it may deem advisable;

(b) To employ and fix the compensation of any person deemed necessary to accomplish the exercise of powers and performance of duties;

(c) To establish the rate of compensation to the members of the Agency for expenses in attending meetings;

(d) To require all persons handling Agency funds to be bonded in an amount and with surety thereon satisfactory to the Secretary;

(e) To prepare and submit to the Secretary for approval a budget which shall show the projected amounts to be collected and disbursed by the Agency prior to each quarterly period;

(f) To determine which organizations should be utilized, the amount of money which each such organization should receive for carrying out research and development projects, advertising (excluding brand advertising), sales promotion, educational work and domestic marketing and consumption of milk and its products and make payments to such organizations for these purposes; and pay the expenses of administering the Agency.

(g) To keep minutes, books, and records and to submit books and records for examination by the Secretary and furnish any information and reports requested by the Secretary;

(h) To prepare and make available for the benefit of producers, handlers and consumers, the budget, statistics, and information concerning the operation of the program, and publish annually the accounting of all funds collected and a statement of the use of such funds; and

(i) To establish advisory committees of persons other than Agency members.

**§ 1030.109 Procedure for requesting refunds.**

A producer who is not in favor of supporting a research and promotion program, as provided for herein, shall have the right to receive a refund of such assessment by writing to the market administrator in the following manner:

(a) The request should be submitted in the manner determined by the market administrator.

(b) The request should be submitted for each calendar quarter beginning with the months of January, April, July, and October, in advance, during the first 15

days of the month immediately preceding the first day of each such calendar quarter.

**§ 1030.110 Limitation of expenditure by the Agency.**

No more than five (5) percent of the money utilized by the Agency shall be for administration of the Agency.

**§ 1030.111 Personal liability.**

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever for any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

**§ 1030.112 Liquidation.**

In the event that the provisions of this program are terminated, any remaining funds shall be refunded to producers in an equitable manner as determined by the Secretary.

**§ 1030.113 Separability of provisions.**

If any provisions of this program or its application to any person or circumstance is held invalid, the application of the provision and all the remaining provisions of this program to other persons or circumstances shall not be affected thereby.

Proposed by the Hoosier Milk Marketing Agency, Inc.:

*Proposal No. 2.* Provide for an advertising and promotion program for milk products under the Indiana order. The following amendments are proposed as a means of achieving this objective:

1. In § 1049.27 *Additional duties of the market administrator*, add the following five paragraphs:

**§ 1049.27 Additional duties of the market administrator.**

(a) Prepare proper forms for use of producers in demanding the refunding of funds withheld pursuant to § 1049.71(c-1);

(p) Make payments to producers who demand the refunding of deductions made pursuant to § 1049.71(c-1);

(q) Make payments from funds deducted pursuant to § 1049.71(c-1) for mandatory checkoffs to state advertising, promotion and research programs;

(r) Conduct such referendums as may be required pursuant to § 1049.105; and

(s) Audit the activities of the Agency as authorized under § 1049.103.

2. In § 1049.71 a new paragraph (c-1) is added as follows:

**§ 1049.71 Computation of uniform prices.**

(c-1) Subtract an amount equal to 5 cents per hundredweight of producer milk to be transferred to the marketing research and promotion fund pursuant to § 1049.89;

**§ 1049.81 [Amended]**

3. In § 1049.81 add "§ 1049.71(c-1)" between the words "out of which shall be made all payments pursuant to §§" and "1049.83".

4. Add a new § 1049.89 as follows:

**§ 1049.89 Marketing research and promotion fund.**

The market administrator shall maintain a separate fund known as the "marketing research and promotion fund" into which he shall deposit monies subtracted pursuant to § 1049.71(c-1) and out of which he shall make payments for the following purposes:

(a) To pay to producers who pursuant to § 1049.109 demand the refunding of deductions made in § 1049.71(c-1) against their marketings of producer milk.

(b) To make appropriate payments with respect to producer milk on which a mandatory checkoff of advertising or marketing research is required under any State law.

(c) To pay the cost incurred by the market administrator in the administration of this program.

(d) Maintain a reasonable reserve to cover the expenditures specified in paragraphs (a), (b), and (c) of this section and pay all remaining funds to the Agency established pursuant to § 1049.103.

5. The following proposed amendments concern the addition of new §§ 1049.102 through 1049.113 to the order:

**§ 1049.102 Definitions.**

The terms used herein shall have the same meanings as are set forth in Part 1049, Federal Order No. 49.

**§ 1049.103 Agency.**

Agency means an organization of producers or producers' representatives authorized to expend funds deducted pursuant to § 1049.71 (c-1) for the purposes of establishing or providing for the establishment of research and development projects and advertising (excluding brand advertising), sales promotion, educational and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products.

**§ 1049.104 Composition of the Agency.**

The Agency shall be composed as follows:

(a) Each cooperative association or combination of cooperative associations will be authorized one representative for each full ten (10) percent of the total number of producers in this order which such cooperative represents: *Provided*, That after the program has been in effect 1 year, the number of representatives shall be based on the number of producers who have not requested refunds within the previous 6 months.

(b) Cooperatives with less than ten (10) percent of the total number of producers in this order who have not elected to combine and producers who

are not members of cooperatives shall be authorized one representative of each full ten (10) percent of the total number of producers.

**§ 1049.105 Selection of members to the Agency.**

(a) Each cooperative authorized one or more representatives to the Agency shall notify the market administrator of the name and address of each representative, who may be either a producer member or an employee of the cooperative, and who shall serve at the pleasure of the cooperative. Cooperatives with less than ten (10) percent of the producers in the order may combine their producer membership; and if such combined total exceeds ten (10) percent, they shall be eligible to select a representative to the Agency.

(b) Cooperatives with less than ten (10) percent of the producers in the order and producers not members of cooperative associations shall be divided by the market administrator into geographic areas containing ten (10) percent of the total number of producers in the order. The market administrator shall conduct a referendum to determine the representative of each such area to the Agency from those producers in the area who request that their names and addresses be submitted on a ballot to eligible voters in the referendum, and who have not requested the refunding of deductions made pursuant to § 1049.71 (c-1) within the six (6) month period immediately preceding the referendum.

(c) After the program has been in effect for 1 year the percentages used to determine representation to the Agency shall be adjusted annually to include only those producers who have not requested a refund of deductions made pursuant to § 1049.71(c-1) during the six (6) month period immediately preceding each such adjustment.

(d) Each person selected to serve on the Agency shall qualify by filing a written acceptance with the market administrator promptly after being notified of such selection.

**§ 1049.106 Term of office.**

The term of office for persons serving on the Agency shall be 1 year or until a replacement is designated by the cooperative or elected.

**§ 1049.107 Powers of the Agency.**

The Agency shall be empowered:

(a) To administer the terms and provisions of programs pursuant to § 1049.103;

(b) To make rules and regulations to effectuate the purposes of Public Law 91-670;

(c) To recommend amendments to the Secretary.

**§ 1049.108 Duties.**

The Agency shall perform all duties necessary under the Act to administer the terms and provisions of this program including the following:

(a) To meet and organize and to select from among its members a President and such other officers as may be necessary;

to select committees; and to adopt such rules for the conduct of its business as it may deem advisable;

(b) To employ and fix the compensation of any person deemed necessary to accomplish the exercise of powers and performance of duties;

(c) To establish the rate of compensation to the members of the Agency for expenses in attending meetings;

(d) To require all persons handling Agency funds to be bonded in an amount and with surety thereon satisfactory to the Secretary;

(e) To prepare and submit to the Secretary for approval a budget which shall show the projected amounts to be collected and disbursed by the Agency prior to each quarterly period;

(f) To determine which organizations should be utilized, the amount of money which each such organization should receive for carrying out research and development projects, advertising (excluding brand advertising), sales promotion, educational work and domestic marketing and consumption of milk and its products and make payments to such organizations for these purposes; and pay the expenses of administering the Agency;

(g) To keep minutes, books, and records and to submit books and records for examination by the Secretary and furnish information and reports requested by the Secretary;

(h) To prepare and make available for the benefit of producers, handlers and consumers, the budget, statistics and information concerning the operation of the program, and publish annually the accounting of all funds collected and a statement of the use of such funds; and

(i) To establish advisory committees of persons other than Agency members.

#### § 1049.109 Procedure for requesting refunds.

A producer who is not in favor of supporting a research and promotion program, as provided for herein, shall have the right to receive a refund of such assessment by writing to the market administrator in the following manner:

(a) The request should be submitted as determined by the market administrator.

(b) The request should be submitted for each calendar quarter beginning with the months of January, April, July, and October, in advance, during the first 15 days of the month immediately preceding the first day of each such calendar quarter.

#### § 1049.110 Limitation of expenditure by the Agency.

No more than five (5) percent of the money utilized by the Agency shall be for administration of the Agency.

#### § 1049.111 Personal liability.

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such mem-

ber except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

#### § 1049.112 Liquidation.

In the event that the provisions of this program are terminated, any remaining funds shall be refunded to producers in an equitable manner as determined by the Secretary.

#### § 1049.113 Separability of provisions.

If any provisions of this program or its application to any person or circumstance is held invalid, the application of the provision and all the remaining provisions of this program to other persons or circumstances shall not be affected thereby.

Proposed by the Dairy Division, Consumer and Marketing Service:

*Proposal No. 3.* Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrator, A. W. Colebank, 72 West Adams Street, Room 814, Chicago, IL 60603; Market Administrator, M. C. Jenkins, Post Office Box 55527, Indianapolis, IN 46205, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on October 28, 1971.

G. R. GRANGE,  
Acting Deputy Administrator,  
Regulatory Programs.

[FR Doc.71-15946 Filed 11-1-71;8:50 am]

### [ 9 CFR Part 318 ]

## PHOSPHATES IN FRANKFURTERS AND SIMILAR PRODUCTS

### Notice of Proposed Rule Making

Notice is hereby given in accordance with the administrative procedure pro-

visions in 5 U.S.C. 553 that the Consumer and Marketing Service, pursuant to the authority conferred by the Federal Meat Inspection Act, as amended (21 U.S.C. sec. 601 et seq.), proposes to amend § 318.7(c) (4) of the Federal meat inspection regulations (9 CFR Part 318) as follows:

*Statement of considerations.* The proposed amend of the regulations is to provide for the use of sodium acid pyrophosphate as a cure accelerator in the curing process of frankfurters, wieners, vienna, bologna, garlic bologna, knockwurst, and similar products. The current trend in the preparation of frankfurters is to process the emulsion immediately after stuffing through a continuous smoking and cooking tunnel. This method eliminates the holding or tempering time that has been associated with frankfurter processing. When the sausages are processed before the cured color has been fully developed, the consumer product will have an uncured or greenish colored core. The use of one-half of 1 percent of sodium acid pyrophosphate with the meat or meat and meat byproducts contributes to the rapid development of cure color and the elimination of the "green" core. Data have been filed with the Department on the experimental and commercial use of sodium acid pyrophosphate in emulsion for frankfurters and similar products and the efficacy of the additive has been demonstrated through industrial tests witnessed by members of the Department. Therefore, it is proposed to amend the chart in subparagraph (4) of paragraph (c) of § 318.7 as stated below:

In that portion of the chart dealing with the Class of Substance, "Curing Agents," the following information would be added in the appropriate columns in alphabetical order:

#### § 318.7 Approval of substances for use in the preparation of products.

Class of substance	Substance	Purpose	Products	Amount
...	...	...	...	...
Curing agents.....	Sodium Acid Pyrophosphate.	To accelerate color fixing.	Frankfurters, wieners, vienna, bologna, garlic bologna, knockwurst and similar products.	Not to exceed, alone or in combination with other color fixing accelerators, 8 ounces to 100 pounds (0.5 percent) of meat or meat and meat byproducts.
...	...	...	...	...

If the proposed amendment is adopted, the labels of such products which contain sodium acid pyrophosphate would be required by § 317.2 of the regulations to list such substance in the ingredients statement as "Sodium Acid Pyrophosphate" in its proper position according to the quantity used.

All persons who wish to submit data, views, or arguments relative to this mat-

ter may do so by filing such information in written form, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 60 days after publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection unless the person making the submission requests that it

## [ 21 CFR Part 148i ]

**COMBINATION DRUG CONTAINING NEOMYCIN SULFATE AND AMPHOTERICIN FOR ORAL USE****Proposed Revocation of Provisions for Certification**

In the FEDERAL REGISTER of July 2, 1970 (35 F.R. 10793; DESI 11212), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on a certain oral preparation containing neomycin sulfate and nystatin. The drug was regarded as lacking substantial evidence, as defined in the Federal Food, Drug, and Cosmetic Act, that it is effective as a fixed combination for its claimed clinical effect and that each component of the drug contributes to the total effects claimed for such drug.

In addition to the section of the antibiotic drug regulations describing conditions for certification of such preparations, another section describes conditions for certification of a related drug, Fungzone Tablets, containing neomycin sulfate and amphotericin B. An approved Form 5 antibiotic drug application (NDA 60-514) is held for this drug by E. R. Squibb & Sons, Inc., 5 Georges Road, New Brunswick, N.J. 08903.

This product was not reviewed by the Academy; however, the Food and Drug Administration, having evaluated data originally filed in support of efficacy of this preparation, concludes that there is a lack of substantial evidence, as defined in the Federal Food, Drug, and Cosmetic Act, that this drug is effective as a fixed combination for its claimed clinical effects, and that each component of the drug contributes to the total effects claimed for such drug.

Accordingly, the Commissioner concludes that the antibiotic drug regulations providing for certification of such drugs should be revoked.

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 him (21 CFR 2.120), the Commissioner proposes that Part 148i be amended by revoking § 148i.45 *Neomycin sulfateamphotericin B tablets*.

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

Dated: October 19, 1971.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.71-15909 Filed 11-1-71;8:45 am]

## [ 21 CFR Part 191 ]

**HAZARDOUS SUBSTANCES****Proposal To Declare Certain Heavy Metal-Containing Paints and Other Surface-Coatings To Require Special Labeling for Child Protection**

The heavy metals antimony, arsenic, cadmium, lead, mercury, selenium, and soluble barium may be toxic when ingested, even in small amounts. Because children may chew on interior and certain exterior residential surfaces and on toys and other children's articles, the Commissioner of Food and Drugs concludes that paints and other surface-coating materials are hazardous substances requiring special labeling warning against their use on such surfaces if they contain more of these heavy metals than is essential under good manufacturing practices, or in any event if they contain more than 0.5 percent lead; or a total of 0.05 percent of the other heavy metals listed above on a dried weight basis, except for soluble barium which shall constitute no more than 1 percent of the total barium present. The special labeling to be required shall include on the main panel a cautionary signal word "Warning", a statement of the hazard "Contains \_\_\_\_\_" (the blank being filled in with the name(s) of the applicable heavy metal(s)) and instructions to read carefully the cautionary information placed on other panel(s) where located. Existing technology will permit industry to produce household paints containing no more of these heavy metals than is specified above. As new technology becomes available, the acceptable levels may be further reduced in accordance with good manufacturing practices.

Although paints containing small amounts of lead in excess of the proposed levels may not be toxic in themselves; when considered in conjunction with other sources of lead in the environment they constitute a substantial addition to the body burden that can reasonably be avoided through the application of available technology. The Commissioner has concluded that the scope of the Federal Hazardous Substances Act fully encompasses the question of cumulative toxicity.

The American National Standards Institute, in its voluntary standard Z66.1, has specified a maximum limit since 1955 of 1 percent lead in paint intended for use on children's toys, furniture, or interior surfaces. A 1-percent lead level was also adopted by Congress in the Lead-Based Paint Poisoning Prevention Act (Public Law 91-695; 84 Stat. 2078), which is administered by the Bureau of Community Environmental Management, Health Services and Mental Health Administration. That act prohibits the use of paint with a lead content above 1 percent in residential structures constructed or rehabilitated by the Federal Government or with Federal assistance. As an additional margin of safety, the

be held confidential and a determination is made that a proper showing in support of the request has been made on the grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such a request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27 (c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on October 27, 1971.

KENNETH M. McENROE,  
Deputy Administrator, Meat  
and Poultry Inspection Program.

[FR Doc.71-15887 Filed 11-1-71;8:47 am]

**DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE**

Food and Drug Administration

[ 21 CFR Parts 27, 31 ]

**CERTAIN ORANGE JUICE PRODUCTS****Extension of Time for Filing Comments on Proposals Regarding Stayed Identity Standards**

The notice published in the FEDERAL REGISTER of September 9, 1971 (36 F.R. 18098), proposing to revise the stayed standards for the diluted orange juice beverages (§§ 27.120, 27.121, 27.122) and proposing establishment of additional identity standards for certain related products, provided for the filing of comments within 60 days after said date.

The Commissioner of Food and Drugs has received a request for a 30-day extension of such time and, good reason therefor appearing, the time for filing comments on the subject proposals is hereby extended to December 8, 1971. Received comments may be seen in the office of the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, during working hours, Monday through Friday.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: October 15, 1971.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.71-15908 Filed 11-1-71;8:45 am]

Commissioner proposes to reduce the exposure to lead found acceptable by Congress by establishing special labeling requirements for all household paints containing more than 0.5 percent lead.

Consideration has been given to the question of whether paints containing lead above the level specified herein should be banned from interstate commerce, or required to bear special labeling warning of the hazard involved and giving instructions for safe use. While there are numerous reports of serious injury and even death resulting from the ingestion of the dried film of old formulations of paints containing high levels of lead, the Commissioner is unaware of any similar reports as a result of ingestion of paints containing 1 percent lead or less. The Commissioner has therefore concluded that cautionary labeling will be adequate to protect the public health and safety from any potential hazards associated with the use of such paints.

Accordingly, under section 3(a) of the Federal Hazardous Substances Act, the Commissioner proposes that paints and other surface-coating materials be declared to be hazardous substances (as defined in section 2(f)(1)(A) of the Act) that require special labeling as specified herein if such paints and other surface-coating materials contain, on a dried weight basis, more than 0.5 percent lead; or a total of more than 0.05 percent antimony, arsenic, cadmium, mercury, or selenium; or soluble barium in excess of 1 percent of the total barium present. Finalization of the regulations proposed herein, in conjunction with section 2(q)(1)(A) of the Federal Hazardous Substances Act, will have the additional effect of automatically banning any toy or other article intended for use by children which is produced after effective date of these regulations and which bears such paint or other surface-coating material.

Therefore, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(f)(1)(B), 2(q)(1)(A), 3(a), and 3(b), 74 Stat. 372, 374-375 as amended, 80 Stat. 1304; 15 U.S.C. 1261, 1262), and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055-56 as amended; 21 U.S.C. 371), and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that a new subparagraph be added to § 191.5 (a) and that a new subparagraph be added to § 191.7(b), as follows:

**§ 191.5 Products declared to be hazardous substances under section 3(a) of the act.**

(a) The Commissioner finds that the following articles are hazardous substances within the meaning of the act because they are capable of causing substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use:

(2) Paint and other surface-coating materials, produced or shipped in interstate commerce after the effective date of

this regulation, containing any of the heavy metals specified below at a level exceeding that which is essential under good manufacturing practices or in any event containing amounts of such heavy metals as follows:

(i) Lead compounds of which the lead content (calculated as the metal) is in excess of 0.5 percent of the total weight of the contained solids or dried paint film; or

(ii) Antimony, arsenic, cadmium, mercury, and selenium of which the metal content individually or in total (calculated as the metal) exceeds 0.05 percent of the total weight of the contained solids or dried paint film; or

(iii) Barium compounds of which the water soluble barium (calculated as the metal) exceeds 1 percent of the total barium present.

**§ 191.7 Products requiring special labeling under section 3(b) of the act.**

(b) The Commissioner finds that these substances present special hazards and that the labeling required by section 2(p)(1) of the act is not adequate for the protection of the public health. Under section 3(b) of the act the following specific label statements are deemed necessary to supplement the labeling required by section 2(p)(1) of the act:

(7) Paint and other surface-coating materials declared to be hazardous under § 191.5(a)(2) shall bear on the main panel of their label, in addition to the requirements of § 191.101(a), the statement "contains \_\_\_\_\_", the blank being filled in with the name of each heavy metal present in the amount specified in § 191.5(a)(2). Such paint and other surface-coating materials shall also bear on their labeling the signal word "Warning," and the following additional statement or its practical equivalent:

"Contains \_\_\_\_\_"

Dried film of this paint may be harmful if eaten or chewed.

Do not apply on toys and other children's articles, furniture, or interior surfaces of any dwelling or facility which may be occupied or used by children.

Do not apply on those exterior surfaces of dwelling units, such as windowsills, porches, stairs, or railings, to which children may be commonly exposed.

Keep out of the reach of children."

the blank being filled in with the name of each heavy metal present in the amount specified in § 191.5(a)(2).

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: October 28, 1971.

CHARLES C. EDWARDS,  
Commissioner of Food and Drugs.

[FR Doc. 71-15961 Filed 11-1-71; 9:52 am]

**[ 21 CFR Part 191 ]**

**BANNED HAZARDOUS SUBSTANCES**

**Proposal To Classify Paints Containing More Than Minute Traces of Lead**

The Commissioner of Food and Drugs has received a petition, submitted pursuant to section 701(e)(1)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(e)(1)(B)), proposing the issuance of a regulation under sections 2(q)(1)(B) and 3(a)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261, 1262) classifying as banned hazardous substances paint for household use containing more than minute traces of lead.

The petitioners are Joseph A. Page, Associate Professor at Georgetown University Law Center, Anthony L. Young, student, Mary Win O'Brien, student, William F. Ryan, U.S. Congressman, Jack Newfield, author, and Edmund O. Rothschild, M.D.

The petitioners propose that § 191.9(a) of the hazardous substances regulations be amended by adding thereto a new subparagraph (§ 191.9(a)(6)), as follows:

**§ 191.9 Banned hazardous substances.**

(a) Under the authority of section 2(q)(1)(B) of the act, the Commissioner declares as banned hazardous substances the following articles because they possess such a degree of hazard that adequate cautionary labeling cannot be written and the public health and safety can be served only by keeping such articles out of interstate commerce:

(6) Paint containing lead, except for minute traces which no reasonable manufacturer could preclude from his product, as measured by the atomic absorbance method, intended for interior or exterior use, and packaged in a form suitable for use in the household as defined by § 191.1(c).

The following is the statement of grounds as presented in the petition:

**STATEMENT OF THE GROUNDS UPON WHICH PETITIONERS RELY FOR THE ISSUANCE OF THE REGULATION**

Human experience has established that numerous infants and young children have pica (habitual eating of nonfood substances). Human experience has also established that ingestion by children of flakes from lead based paint causes lead poisoning, the consequences of which include death, encephalopathy, neuromuscular effects, interference with the development of red blood cells, and an abnormal syndrome characterized by colic, anorexia and malaise. DHEW, PHS, Bureau of Community Environmental Management, "Control of Lead Poisoning in Children." Prepublication Draft, at I-1 (December 1970).

It is widely known that the adult system absorbs the daily intake of lead at the rate of 10 percent. Chisolm, J. Julian, "Scientific American" (February 1971). Thus, assuming the rate of absorption to be the same in

children, a child with pica ingesting 1 gram of lead based paint (1 percent lead by ANSI standard Z66.1) daily will intake 10,000 micrograms of lead of which 1,000 micrograms will be absorbed. In addition to direct ingestion by eating flaking paint, a child will be exposed to from 14 to 269 micrograms of lead from other environmental sources. Engel, Ronald E., "Health Hazards of Environmental Lead," at Table 2 (April 1971).

It is known that blood levels of above 40 micrograms per milliliters of blood represent undue exposure to and absorption of lead. "Hearings on H.R. 17260, H.R. 13254, H.R. 14734, Before the Subcommittee on Banking and Currency," 91st Cong., second sess. 10 (1970). At levels of 80 micrograms per 100 milliliters a child be treated as a medical emergency. Id. While Engle in his paper has extrapolated the effect of lead fallout in children with pica, at A-9, the same must be done with 1 percent lead paint to theorize the result in children who ingest paint flakes.

In his study, Dr. Kehoe found that an adult man fed 3,000 micrograms of lead daily, in addition to the usual amount in his diet, achieved a blood lead level after 4 months of 50 micrograms lead per 100 grams whole blood. It was estimated that he would have achieved a "toxic" level of 80 micrograms lead per 100 grams whole blood if feeding had continued for 4 additional months. Kehoe, R. A., 24 "Jour. Roy. Inst. Pub. Hith. Hyg." 81-97, 101, 129-143, 177-203 (1961). As Engle has assumed, this would be 43 micrograms per kilogram body weight in a 70 kilogram man. If a child with pica weighing 10 kilograms ingested lead to the same degree of Kehoe's subject, as Engle has suggested, then a proper assumption would be that a daily supplement of 430 micrograms lead would produce toxicity within 8 months. A child ingesting a 1 gram chip of 1 percent lead based paint would have a daily intake of almost 24 times the amount of Kehoe's subject. Obviously, intake at this rate would produce an undue medical emergency much more quickly than Kehoe foresaw for his subject.

Medical experiments cannot be performed on young children and infants to determine whether their absorption rate for lead is greater than that of adults. The child with pica must be protected from lead in his environment. The only adequate way to protect him is to eliminate the lead hazards that confront him. It is within the existing state of the art for the paint industry to eliminate lead (except for minute traces) from paint. "Hearings on H.R. 17260," supra at 246. Americans have been lulled into a feeling of security with regard to today's paints. See EPA, "Environmental Lead and Public Health," at 25 (March 1971). Many believe that lead in paint has been banned. Yet the city of New York has found paints for interior use with up to 10.8 percent lead levels on shelves of merchants within the last month. The New York Times, July 24, 1971, at 1, August 4, 1971, at 18. This despite industry's ANSI standard Z66.1 and a law banning the sale of paint for interior use with more than a 1 percent lead content without an adequate warning label.

Warning labels are, however, absolutely inadequate to prevent injury to children from lead based paints. In today's mobile society a family has no idea what their landlord or predecessor occupant has used to coat the walls of their living quarters. The generation that is suffering from lead based paint poisoning today is eating the walls of the thirties and the forties. The generation that this proposed regulation seeks to protect is yet unborn. Their parents are unborn. It would be impossible to substantiate that warning la-

bels would have any significant impact on the future children of America. Moreover, there is no evidence that existing warning labels are efficacious for their intended purpose. The parents of the eighties and the nineties will have no opportunity to read the warning labels of the seventies.

It is not necessary to weigh the advantages of lead based paint against the health and welfare of this Nation's children and Her future children. The paint industry can produce paint without lead (except for minute traces) as measured by the atomic absorbance method. Petitioners therefore urge the Commissioner of Food and Drugs to proceed with all due speed to publish this proposal in the FEDERAL REGISTER in order that all interested persons may present their views thereon.

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: October 28, 1971.

CHARLES C. EDWARDS,  
Commissioner of Food and Drugs.  
[FR Doc. 71-15960 Filed 11-1-71; 8:52 am]

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[49 CFR Part 566]

[Docket No. 71-11; Notice 3]

### MANUFACTURER IDENTIFICATION Proposed Motor Vehicle Safety Regulations

The purpose of this proposed amendment to Part 566 in Title 49, Code of Federal Regulations, is to provide for the coverage of "incomplete vehicles", as defined in Part 568, Vehicles Manufactured in Two or More Stages.

A previous notice of proposed rule making published on April 28, 1971 (36 F.R. 7970), proposed a new Part 566 that would require manufacturers of motor vehicles and of motor vehicle equipment to which a motor vehicle safety standard applies to submit identifying information and a description of the items which they produce. A notice of issuance of that part is published in this issue of the FEDERAL REGISTER, 36 F.R. 20977.

In responding to a comment from an incomplete vehicle manufacturer, it was noted that while the proposed regulation clearly covers intermediate and final-stage manufacturers (as defined in Part 568) it makes no reference to incomplete vehicle manufacturers. The

proposed amendment is intended to clarify this ambiguity by specifically providing for coverage of incomplete vehicles.

The incomplete vehicle manufacturer stated that he was unaware of the final use of his light truck vehicles and requested that he be permitted to submit a brief description of the incomplete vehicle expressed in the terminology of the industry as an alternative to the description in terms of final use. This proposed alternative for incomplete vehicle manufacturers has been found acceptable, and the NHTSA accordingly proposes to grant this request.

In consideration of the foregoing the NHTSA proposes that the following amendments be made to Part 566 of Title 49, Code of Federal Regulations:

1. § 566.4 would be amended to read as follows:

#### § 566.4 Definitions.

All terms defined in the Act and the rules and standards issued under its authority are used as defined therein. Specifically, "incomplete vehicle", "intermediate manufacturer", and "final-stage manufacturer" are used as defined in Part 568, Vehicles Manufactured in Two or More Stages.

2. Paragraph (c) (3) of § 566.5 would be amended to read as follows:

#### § 566.5 Requirements.

Each manufacturer of motor vehicles, and each manufacturer of covered equipment, shall furnish the information specified in paragraphs (a) through (c) of this section to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590.

(c) \* \* \*

(3) In the case of motor vehicles produced in two or more stages, if the manufacturer is an incomplete vehicle manufacturer, the description shall so state and include a description indicating the stage of completion of the vehicle and, where known, the types of use for which the vehicle is intended.

EXAMPLE: "Chassis-cab"; "van-type truck".

If the manufacturer is an intermediate manufacturer, or a final-stage manufacturer, the description shall so state and include a brief description of the work performed.

EXAMPLE: "Multipurpose passenger vehicles: Motor homes with GVWR from 8,000 to 12,000 pounds. Final-stage manufacturer—add body to bare chassis".

Proposed effective date: February 1, 1972.

Interested persons are invited to submit comments on the proposed amendment. Comments should identify the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on December 1, 1971, will be considered, and will be available for examination in the docket at the above address both before and after the closing date. To the extent possible, comments filed after the above date will also be considered by the Administration. However, the rule making action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the actions will be treated as suggestions for future rule making. The Administration will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

This notice of proposed rule making is issued under the authority of sections 112 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1401, 1407, and the delegations of authority at 49 CFR 1.51 and 501.8.

Issued on October 27, 1971.

ROBERT L. CARTER,  
Acting Associate Administrator,  
Motor Vehicle Programs.

[FR Doc.71-15934 Filed 11-1-71; 8:53 am]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 74 ]

[Docket No. 19334, FCC 71-1084]

### CABLE TELEVISION CHANNEL IDENTIFICATION

#### Notice of Proposed Rule Making

In the matter of amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to Cable Television Channel Identification.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has received complaints from cable television viewers concerning the manner in which cable operators identify themselves in connection with cable originated programs. According to these complaints, some cable operators use call signs on their originated programs which are misleadingly similar to the call signs of television broadcast stations, creating confusion in the minds of viewers as to whether they are watching broadcast programs or cable programs.

3. Accordingly, we are proposing that cablecasters identify their originated programs as the product of the CATV company concerned by name, and by use of the expression "Cable TV, Channel \_\_\_\_\_, (Location)." We are proposing a new rule, § 74.1123, as set out below to reflect this.

We believe that the use of 4-letter call signs by cablecasters would be impractical. The use of call letters by radio stations and ships has created a general shortage of call letters in the 4-letter "K" and "W" series over a period of years. This shortage would be greatly and unnecessarily compounded if large numbers of 4-letter call signs were used by cablecasters. Similarly, 4-letter call signs with a "CT" indication on the end (e.g., WWW-CT) or call letters with more than 4 digits, are, we believe, undesirable alternatives for they would be equally confusing to the viewer. The identification system we propose informs the viewer clearly and simply if he is watching a cablecast or broadcast program. We also note that a system of identification by cablecasters could be useful in our interference cases. The Commission's Field Engineering Bureau has in the past received complaints of interference and malfunctioning by leakage in CATV systems. A unique system of identification could be of some assistance in locating, pinpointing and identifying interference that occurs primarily from such signal leakage.

5. Authority for the rule making proposal set forth herein is contained in sec-

tions 4(i) and (j) of the Communications Act of 1934, as amended. Parties are requested to comment on the form and content of the proposed rule described in paragraph 3 above, and set forth in the appendix, or to suggest other alternatives.

6. All interested persons may file comments on the rulemaking proposal on or before December 6, 1971, and reply comments on or before December 16, 1971. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, replies, pleadings, briefs and other documents filed in this proceeding shall be forwarded to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its Headquarters in Washington, D.C.

Adopted: October 21, 1971.

Released: October 26, 1971.

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

[SEAL] BEN F. WAPLE,  
Secretary.

1. In Part 74 of Chapter I of Title 47 of the Code of Federal Regulations, a new section is added to read as follows:

#### § 74.1123 Cable Television Channel Identification.

(a) *Content.* Programs originated on cable systems shall be clearly identified as the product of the cablecaster, by name, and use of the expression "Cable TV, Channel \_\_\_\_\_ (Location)."

(b) *Frequency.* The cablecaster shall make appropriate identification announcements at the beginning and end of each cablecast program. The announcement shall be by both aural and visual means.

[FR Doc.71-15942 Filed 11-1-71; 8:53 am]

<sup>1</sup> Commissioner Bartley absent; Commissioner Reid not participating.



# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[OR 8457]

#### OREGON

### Notice of Proposed Withdrawal and Reservation of Land; Correction

OCTOBER 26, 1971.

In F.R. Doc. 71-13480 of the issue for Tuesday, September 14, 1971, appearing at page 18428, the serial number in the heading "OR 8437," should read "OR 8457" as set forth above.

VIRGIL O. SEISER,  
Acting Chief, Branch of Lands  
and Minerals Operations.

[FR Doc.71-15918 Filed 11-1-71;8:49 am]

### OUTER CONTINENTAL SHELF OFF LOUISIANA

#### Oil and Gas Lease Sale

OCTOBER 21, 1971.

The competitive oil and gas lease offering of blocks on the Outer Continental Shelf off Louisiana, scheduled for November 4, 1971, as announced in the FEDERAL REGISTER on Tuesday, October 5, 1971, is hereby amended as shown below:

The following tract described in the FEDERAL REGISTER on October 5, 1971, is withdrawn and deleted from the lease offering.

#### LOUISIANA

Official Leasing Map, Louisiana Map No. 10

(Approved June 8, 1954; Revised July 22, 1954; April 25, 1966)

#### MAIN PASS AREA

Tract No.	Block	Description	Acreage
LA 2245.....	7 18	N 1/4 SW 1/4; S 1/4 S 1/2 N 1/2	3552.985

BURT SILCOCK,  
Director,  
Bureau of Land Management.

Approved: October 29, 1971.

HARRISON LOESCH,  
Assistant Secretary  
of the Interior.

[FR Doc.71-16025 Filed 11-1-71;8:53 am]

### Geological Survey

[Power Site Cancellation 263]

#### GREEN RIVER, UTAH

### Cancellation of Power Site

Pursuant to authority under the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31) and 220 Departmental Manual 6.1,

Power Site Classification 323 of June 28, 1941, is hereby canceled to the extent that it affects the following described land:

#### SALT LAKE MERIDIAN

T. 28 S., R. 17 E.,  
Sec. 16, N 1/2 NE 1/4 (Power Site Interpretation 428, January 13, 1958).

Every smallest legal subdivision which lies outside the boundaries of Canyonlands National Park along the Green River and its tributaries not previously withdrawn for power purposes which when surveyed will lie in whole or in part below the 4,100-foot contour as shown on a map of the Green River entitled "Plan and Profile of Green River Mouth to Gunnison Butte, Utah," surveyed by the U.S. Bureau of Reclamation and published in nine sheets by the U.S. Geological Survey. The unsurveyed land affected by this cancellation is in the following townships:

- T. 28 S., R. 17 E.
- T. 29 S., R. 17 E.
- T. 27 S., R. 18 E.
- T. 28 1/2 S., R. 18 E. (Power Site Interpretation 428).
- T. 29 S., R. 18 E.
- T. 30 S., R. 18 E.

The total area described aggregates about 1,920 acres.

W. A. RADLINSKI,  
Acting Director.

OCTOBER 22, 1971.

[FR Doc.71-15916 Filed 11-1-71;8:49 am]

[Power Site Cancellation 220]

#### SEVIER LAKE BASIN, UTAH

### Cancellation of Power Site

Pursuant to authority under the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31) and 220 Departmental Manual 6.1, Power Site Classifications 6, 12, 16, 23, 68, 95, 129, 135, and 204, are hereby canceled to the extent that they affect the following described land:

#### SALT LAKE MERIDIAN

Power Site Classification 6 of July 29, 1921:

T. 17 S., R. 3 E.,  
Sec. 13, SE 1/4 NE 1/4 NE 1/4.  
Area—10 acres.

Power Site Classification 12 of October 13, 1921:

T. 34 S., R. 8 W.,  
Sec. 30, lots 2 and 3, and NE 1/4 SW 1/4.

T. 34 S., R. 9 W.,  
Sec. 24, lot 1;  
Sec. 25, lots 1 and 5.  
Area—226.53 acres.

Power Site Classification 16 of October 28, 1921:

T. 13 S., R. 5 E.,  
Sec. 31, SE 1/4 SE 1/4.  
Area—40 acres.

Power Site Classification 23 of January 21, 1922:

T. 36 S., R. 10 W.,  
Sec. 17, NW 1/4, SW 1/4 SW 1/4, W 1/2 SE 1/4, and SE 1/4 SE 1/4;  
Sec. 18, N 1/2 NE 1/4 and S 1/2 SE 1/4;  
Sec. 20, NW 1/4 NE 1/4 and SE 1/4 NE 1/4;

Sec. 21, SW 1/4 NE 1/4, W 1/2 NW 1/4, N 1/2 SW 1/4, and SE 1/4 SW 1/4;  
Sec. 28, NW 1/4 NE 1/4, NW 1/4, and NW 1/4 SW 1/4.  
Area—1,040 acres.

Power Site Classification 68 of May 13, 1924:

T. 34 S., R. 8 W.,  
Sec. 30, lot 4 and SE 1/4 SW 1/4;  
Sec. 31, lots 1, 2, and 3, and E 1/2 NW 1/4.

T. 34 S., R. 9 W.,  
Sec. 25, lots 2, 6, and 7, SW 1/4 NE 1/4, and W 1/2 SE 1/4.

Area—479.61 acres.

Power Site Classification 95 of May 2, 1925:

T. 25 S., R. 3 W.,  
Sec. 23, N 1/2 NE 1/4 SW 1/4, NE 1/4 SW 1/4 NE 1/4 SW 1/4, SE 1/4 NE 1/4 SW 1/4, N 1/2 NW 1/4 SW 1/4, SW 1/4 NW 1/4 SW 1/4, NW 1/4 NE 1/4 SW 1/4 SW 1/4, S 1/2 NE 1/4 SW 1/4 SW 1/4, NW 1/4 SW 1/4 SW 1/4, S 1/2 SW 1/4 SW 1/4, N 1/2 NE 1/4 SE 1/4 SW 1/4, SW 1/4 SE 1/4 SW 1/4, W 1/2 SE 1/4 SE 1/4 SW 1/4, SE 1/4 SE 1/4 SE 1/4 SW 1/4, N 1/2 SE 1/4, N 1/2 SW 1/4 SE 1/4, SW 1/4 SW 1/4 SW 1/4 SE 1/4, E 1/2 SE 1/4 SW 1/4 SE 1/4, and SE 1/4 SE 1/4;  
Sec. 25, NW 1/4;  
Sec. 26, NE 1/4.

Area—590 acres.

Power Site Classification 129 of February 16, 1925: (As interpreted by Power Site Interpretations 273 and 343 of September 13, 1938, and June 12, 1945, respectively.)

T. 27 S., R. 3 W.,  
Sec. 31, NE 1/4 SW 1/4 and NW 1/4 SE 1/4.

T. 28 S., R. 3 W.,  
Sec. 6, lots 4, 5, and 6.

T. 25 S., R. 4 W.,  
Sec. 26, NW 1/4 NW 1/4;  
Sec. 27, S 1/2 NE 1/4;  
Sec. 31, SE 1/4 NW 1/4.

T. 27 S., R. 4 W.,  
Sec. 1, lot 2.

T. 26 S., R. 4 1/2 W.,  
Sec. 9, SE 1/4 NE 1/4, SE 1/4 SW 1/4, NE 1/4 SE 1/4, and S 1/2 SE 1/4;

Sec. 10, lots 2 and 4, SW 1/4 NW 1/4, and NW 1/4 SW 1/4;

Sec. 16, NW 1/4 NE 1/4 and N 1/2 NW 1/4;

Sec. 17, NE 1/4 NE 1/4, S 1/2 NE 1/4, SE 1/4 NW 1/4, and N 1/2 SW 1/4;

Sec. 18, NE 1/4 SE 1/4 and S 1/2 SE 1/4;

Sec. 19, NW 1/4 NE 1/4, NW 1/4, and NW 1/4 SW 1/4.

T. 26 S., R. 5 W.,  
Sec. 24, NE 1/4 SE 1/4 and S 1/2 SE 1/4;

Sec. 25, NW 1/4 NE 1/4, NE 1/4 NW 1/4, S 1/2 NW 1/4, N 1/2 SW 1/4, and SW 1/4 SW 1/4;

Sec. 26, SE 1/4 SE 1/4;  
Sec. 34, SE 1/4 SE 1/4;

Sec. 35, N 1/2 NE 1/4, SW 1/4 NE 1/4, SE 1/4 NW 1/4, N 1/2 SW 1/4, and SW 1/4 SW 1/4.

T. 27 S., R. 5 W.,  
Sec. 4, lot 4;

Sec. 5, lot 1, S 1/2 NE 1/4, SW 1/4, and NW 1/4 SE 1/4;

All unsurveyed lands within 50 feet of the transmission line of the Telluride Power Co., right-of-way for which was granted to the Beaver River Power Co. by the Secretary of Agriculture, November 7, 1912. Protraction of public-land surveys indicates that the lands described above, when surveyed, will be wholly within the S 1/2, section 6, and N 1/2, section 7.

T. 27 S., R. 6 W.,  
Sec. 12, NE 1/4 NE 1/4, S 1/2 NE 1/4, NE 1/4 SW 1/4, S 1/2 SW 1/4, and NW 1/4 SE 1/4;

Sec. 13, NW 1/4 and E 1/2 SW 1/4;

Sec. 24, E 1/2 NW 1/4, NE 1/4 SW 1/4, and S 1/2 SW 1/4;

Sec. 25, N 1/2 NW 1/4, SW 1/4 NW 1/4, and W 1/2 SW 1/4;



## National Park Service

[Order No. 4]

## CHIEF, U.S. PARK POLICE

## Delegation of Authority

Order No. 4 (dated August 26, 1969) is completely revoked and the following inserted in its place:

**SECTION 1. Redlegation.** The Chief of the U.S. Park Police is authorized to exercise the authority of the Director of National Capital Parks to issue rules and regulations for the administration of the U.S. Park Police, pursuant to the Act of May 27, 1924 (43 Stat. 175, as amended; 4 D.C. Code 202-208).

**Sec. 2. Limitations.** This authority may not be redelegated. (43 Stat. 175, as amended; 4 D.C. Code 202-208; sec. 2 of Reorganization Plan No. 3 of 1950; 245 DM and National Park Service Order 68).

Dated: October 14, 1971.

RUSSELL E. DICKENSON,  
Director,  
National Capital Parks.

[FR Doc. 71-15884 Filed 11-1-71; 8:51 am]

## GRAND TETON NATIONAL PARK

## Notice of Intention To Negotiate a Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Grand Teton Lodge Co. authorizing it to provide concession facilities and services for the public at Grand Teton National Park for a period of 30 years from January 1, 1972, through December 31, 2001.

The foregoing concessioner has performed its obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief, Division of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: October 20, 1971.

LAWRENCE C. HADLEY,  
Assistant Director,  
National Park Service.

[FR Doc. 71-15920 Filed 11-1-71; 8:49 am]

## SHENANDOAH NATIONAL PARK

## Notice of Intention to Issue a Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Shenandoah National Park, proposes to issue a concession permit to Potomac Appalachian Trail Club authorizing it to provide concession facilities and services for the public at Shenandoah National Park for a period of 5 year(s) from January 1, 1972, through December 31, 1976.

The foregoing concessioner has performed its obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, Shenandoah National Park, Luray, Va. 22835, for information as to the requirements of the proposed permit.

Dated: September 30, 1971.

A. P. KOSTER,  
Acting Superintendent,  
Shenandoah National Park.

[FR Doc. 71-15921 Filed 11-1-71; 8:49 am]

## NATIONAL REGISTER OF HISTORIC PLACES

## Additions, Deletions, or Corrections

By notice in the FEDERAL REGISTER of February 20, 1971, Part II, there was published a list of the properties included in the National Register of Historic Places. This list has been amended by a notice in the FEDERAL REGISTER of March 2 (pp. 3930-31), April 6 (pp. 6526-28), May 4 (pp. 8333-36), June 3 (pp. 10811-13), July 8 (pp. 12868-70), August 3 (pp. 14275-76), September 8 (pp. 18016-19), and October 5 (pp. 19409-10). Further notice is hereby given that certain amendments or revisions, in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following properties have been added to the National Register since October 5:

## ARIZONA

## Cochise County

Tombstone, *St. Paul's Episcopal Church*, Safford and Third Streets.

## ARKANSAS

## Sebastian County

Fort Smith, *Bonneville House*, 318 North Seventh Street.

## CALIFORNIA

## Los Angeles County

Los Angeles, *Storer House*, 8161 Hollywood Boulevard.

## Madera County

Madera, *Madera County Courthouse*, 210 West Yosemite Avenue.

## Ventura County

Ventura, *Ventura County Courthouse*, 501 Poll Street.

## GEORGIA

## Bibb County

Macon, *Mercer University Administration Building*, Coleman Avenue.

## De Kalb County

Decatur, *Old De Kalb County Courthouse (Civic Center)*, Court Square.

## IDAHO

## Ada County

Boise, *Logan, Thomas E., House*, 602 North Julia Davis Drive.

## KENTUCKY

## Fayette County

Lexington, *Clay, Henry, Law Office*, 176 North Mill Street.

## Lyon County

Kuttawa vicinity, *Kelly's Swanee Furnace Office*, 1.4 miles west of Kuttawa.

## MARYLAND

Baltimore (Independent city), *Bolton Hill Historic District*, bounded on the north by North Avenue, on the northeast by Mount Royal Avenue, on the east by Cathedral Street, on the south by Dolphin Street, and on the southwest by Madison Avenue.

*Eastern Female High School*, 249 Alsqith Street.

*Mount Vernon Place United Methodist Church and Asbury House*, 2-10 East Mount Vernon Place.

## Prince George's County

Crook vicinity, *Bellefields*, north side of Dudley Station Road, 0.3 mile south of Crook.

## Worcester County

Berlin vicinity, *Genesar*, southeast of Berlin on Maryland 611, 9 miles south of U.S. 50.

## MASSACHUSETTS

## Bristol County

New Bedford, *Old Third District Courthouse*, Second and William Streets.

New Bedford, *Rotch Counting House*, 123 Front Street.

## MICHIGAN

## Alger County

Christmas vicinity, *Bay Furnace*, northwest of Christmas off Michigan 28.

## Huron County

Harbor Beach, *Murphy, Frank, Birthplace*, 142 South Huron Street.

## MINNESOTA

## Blue Earth County

Mankato vicinity, *Seppman Mill*, west of Mankato off Minnesota 68.

## MISSISSIPPI

## Harrison County

Biloxi, *Beauvoir*, 200 West Beach Boulevard.

## Jackson County

Pascagoula, *U.S. Cairo*, Ingalls Shipyard.

## NEW HAMPSHIRE

## Cheshire County

Harrisville, *Harrisville Historic District*.

## Rockingham County

Exeter, *The First Church (Congregational Church)*, 21 Front Street.

## NEW YORK

## Oswego County

Oswego, *Oswego City Library*, 120 East Second Street.

## NORTH CAROLINA

## Alamance County

Burlington vicinity, *Allen House*, southwest of Burlington on Route 1, off South Carolina 62, near intersection with Route 1129.

## Bertie County

Roxobel vicinity, *Woodbourne*, west of Roxobel on Route 1139.

Windsor vicinity, *Jordan House*, south of Windsor on North Carolina 1522.

Windsor vicinity, *King House*, northwest of Windsor on North Carolina 1116.

## Craven County

New Bern, *Stevenson House*, 600-611 Pollock Street.

## Forsyth County

Winston-Salem, *Bethabara Moravian Church*, 2147 Bethabara Road.

## Guilford County

High Point, *Haley, John, House*, 1805 East Lexington Avenue.

## Hertford County

Murfreesboro, *Murfreesboro Historic District*, bounded on the east by a line 60 feet east of Fourth Street; on the south by Vance Street extending beyond to a point 1,050 feet west of Liberty Street and 300 feet south of Main Street; on the west by a line 500 feet west of Winder Street; and on the north by a line 120 feet north of Broad Street.

## Lenoir County

Falling Creek vicinity, *Cedar Dell*, southeast of Falling Creek on North Carolina 1338, 0.4 mile from the intersection with North Carolina 1324.

Falling Creek vicinity, *Wood, Dempsey, House*, southwest of Falling Creek on North Carolina 1324.

Kinston, *Peebles House (Harmony Hall)*, 109 East King Street.

## Orange County

Hillsborough, *Ayr Mount*, St. Mary's Road.  
Hillsborough, *Nash Law Office*, 143 West Margaret Lane.  
Hillsborough, *Sans Souci*, East Corbin Street.

## Rowan County

Granite Quarry vicinity, *Braun, Michael, House*, northwest of Granite Quarry on North Carolina 2308, 0.5 mile from the junction of North Carolina 2308 and U.S. 52.

## OHIO

## Columbiana County

East Liverpool, *Thompson, Cassius Clark, House*, 305 Walnut Street.

## Montgomery County

Germantown, *Germantown Covered Bridge*, Center Street, over Little Twin Creek.  
Kettering, *Deeds Barn*, Prugh Park.

## Preble County

Eaton vicinity, *Roberts Covered Bridge*, 3 miles south of Eaton.

## Trumbull County

Kinsman, *Congregational - Presbyterian Church*, near Ohio 5-7.

Kinsman vicinity, *Allen, Dr. Peter, House*, Kinsman, West Williamsfield State Road north of the intersection of Ohio 87.  
North Bloomfield, *Brownwood*, Ohio 45.

## OREGON

## Clatsop County

Hammond, *Fort Stevens*, Fort Stevens State Park.

## PENNSYLVANIA

## Bucks County

Levittown, *Pemberton, Phineas, House (Bolton Mansion)*, Holly Drive.

## Philadelphia County

Philadelphia, *Free Quaker Meetinghouse*, southwest corner of Fifth and Arch Streets.

## RHODE ISLAND

## Bristol County

Bristol, *Church, Benjamin, House*, 1014 Hope Street.

## Kent County

Warwick, *Arnold, John W., House*, 11 Roger Williams Avenue.

## Newport County

Newport, *The Breakers*, Ochre Point Avenue.  
Newport, *The Elms*, Bellevue Avenue.  
Newport, *Marble House*, Bellevue Avenue.

## SOUTH CAROLINA

## Chesterfield County

Cheraw, *St. David's Episcopal Church and Cemetery*, Church Street.

## TENNESSEE

## Cheatham County

Kingston Springs vicinity, *Mound Bottom*, east of Kingston Springs on Route 2.

## TEXAS

## Val Verde County

Langtry vicinity, *Rattlesnake Canyon Site*, about 4 miles southwest of Langtry.

## VIRGINIA

## Essex County

Loretto vicinity, *Brooke's Bank*, 1 mile east of Loretto, 1.4 miles north of Route 17.

## Fluvanna County

Palmyra, *Fluvanna County Courthouse Historic District*, extending 0.3 mile north of the intersection of Routes 601 and 15 and to the Rivanna River on the south; bounded on the east by Route 15 and on the west by the river.

Fredericksburg (independent city), *Fredericksburg Historic District*, bounded on the northeast by the Rappahannock River; on the southwest by a line parallel to Prince Edward Street halfway between it and Winchester Street; extending north to Canal Street and south to the intersection of Hazel Run and the river.

## Gloucester County

Ware Neck vicinity, *Lowland Cottage*, southwest of Ware Neck, 0.6 mile south of Route 623.

## Grayson County

Trout Dale vicinity, *Ripshin*, north side of Route 732, 0.1 mile east of the intersection with Route 603.

Harrisonburg (independent city), *Morrison House*, northwest corner of the intersection of West Market and North Liberty Streets.

## Henrico County (also in Richmond)

Richmond vicinity, *James River and Kanawha Canal Historic District*, extends from Ship Locks to Bosher's Dam.

## King and Queen County

Stevensville vicinity, *Hillsborough*, 0.6 mile southwest of Route 633, 1.9 miles northwest of its intersection with Route 632.

Norfolk (independent city), *Allmand-Archer House*, 327 Duke Street.

*Freemason Street Baptist Church*, northeast corner of Freemason and Bank Streets.  
*Whittle House*, 225 West Freemason Street.  
*Willoughby-Baylor House*, 601 Freemason Street.

## Patrick County

Critz vicinity, *Reynolds Homestead*, east side of Route 798, 0.5 mile north of the intersection with Route 626.

Richmond (independent city), *James River and Kanawha Canal Historic District* (see Henrico County).

## ERNEST ALLEN CONNALLY,

Director, Office of Archeology and Historic Preservation.

[FR Doc.71-15885 Filed 11-1-71; 8:51 am]

## Office of the Secretary

## COLORADO, UTAH, AND WYOMING Call for Nominations of Areas for Oil Shale Leasing

Pursuant to the Department of Interior's Proposed Prototype Oil Shale Leasing Program released on June 29, 1971, notice is hereby given that nominations of lands for prospective oil shale leasing in the States of Colorado, Utah, and Wyoming may be submitted to the Secretary of Interior not later than January 31, 1972.

Nominations shall include a description of the lands sought to be included in an oil shale lease. If the lands have been surveyed under the public land rectangular system, each nomination shall describe the lands by legal subdivision, section, township, and range. If the lands have not been so surveyed, each nomination shall describe the lands by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract, and connected by courses and distances to a monument or to a prominent topographic feature. When protracted surveys have been approved and the effective date thereof published in the FEDERAL REGISTER, each nomination for lands shown on such protracted surveys, filed on or after such effective date, shall describe the lands according to the legal subdivision, section, township, and range shown on the approved protracted surveys. Maximum size of single lease tracts is 5,120 acres. Smaller areas may be nominated and more than one area may be proposed for consideration.

Parties submitting nominations are also requested to submit data on environmental aspects of the development

envisioned for the nominated lands. Information on lands not recently core drilled is particularly solicited.

Nominations should be submitted in triplicate and addressed to: Secretary of the Interior, Attention: Oil Shale Coordinator, Room 7000, Department of the Interior, Washington, D.C. 20240.

Envelopes should be marked "Nominations for Oil Shale Leasing in (State)."

After environmental evaluations, public hearings, and submission of Draft and Final Environmental Statements by the Department, as discussed in the Environmental Impact and Program Statements for the Proposed Prototype Oil Shale Leasing Program released on June 29, 1971, a description of any tracts which may be selected for competitive bidding will be published in the FEDERAL REGISTER and the published notice of such lease offerings will state the conditions and terms for leasing and the place, date, and hour at which bids will be received and opened.

W. T. PECORA,  
Under Secretary of the Interior.

OCTOBER 28, 1971.

[FR Doc.71-15959 Filed 11-1-71;8:53 am]

## DEPARTMENT OF AGRICULTURE

### Packers and Stockyards Administration

#### GORDO STOCK YARDS, ET AL.

#### Depositing of Stockyards

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

Name, location of stockyard, and date of posting

Gordo Stock Yards, Gordo, Ala., May 14, 1950.  
Newhall Horse and Mule Auction, Inc., Newhall, Calif., October 10, 1965.  
Southeastern Kansas Sales Co., Inc., Fort Scott, Kans., May 28, 1959.  
Waynesboro Livestock Yard, Inc., Waynesboro, Miss., January 5, 1959.  
Lockhart Livestock Auction Co., Inc., Lockhart, Tex., April 4, 1967.

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

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after pub-

lication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER (11-2-71).

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

Done at Washington, D.C., this 27th

day of October 1971.

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

[FR Doc.71-15888 Filed 11-1-71;8:47 am]

## WESTBROOK LIVESTOCK AUCTION SALES ET AL.

### Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	Current name of stockyard and date of change in name
<b>ALABAMA</b>	
Shaver & Black Livestock Auction, Troy, May 15, 1959.	Westbrook Livestock Auction Sales, Sept. 1, 1971.
<b>GEORGIA</b>	
Holman Auction Co., Blakely, Dec. 18, 1959-----	W. L. Moseley Livestock Company, Oct. 1, 1971.
<b>MARYLAND</b>	
West Nottingham Sales, Inc., Rising Sun, July 26, 1961.	West Nottingham Auction, Aug. 1, 1971.
<b>NEBRASKA</b>	
Ewing Livestock Market, Ewing, Jan. 25, 1950-----	Ewing Livestock Market, Inc., Aug. 1, 1966.
<b>TEXAS</b>	
Eastland Auction Company, Eastland, Nov. 30, 1956.	Eastland Auction Co., Feb. 1, 1971.

Done at Washington, D.C., this 26th day of October 1971.

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

[FR Doc.71-15889 Filed 11-1-71;8:48 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[DESI 9149; Docket No. FDC-D-334;  
NDA 9-149 etc.]

#### CERTAIN PREPARATIONS CONTAINING CHLORPROMAZINE; PERPHENAZINE; PROCHLORPERAZINE; PROMAZINE; THIORIDAZINE; TRIFLUOPERAZINE; OR TRIFLUPROMAZINE

#### Drugs For Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration published an announcement in the FEDERAL REGISTER of April 3, 1971 (36 F.R. 6447), regarding the efficacy of certain preparations containing chlorpromazine; perphenazine; prochlorperazine; promazine; thioridazine; trifluoperazine; or triflupromazine. Based upon a reevaluation, the Commissioner of Food and Drugs finds it appropriate to amend the announcement of April 3, 1971, by the following revisions:

In section I. *Effectiveness classification*, the evaluations are changed in the following respects:

#### A. CHLORPROMAZINE (ORAL AND PARENTERAL FORMS)

The paragraphs describing the conditions for which the drug is regarded as effective and probably effective are changed to read:

1. Chlorpromazine is effective in the management of manifestations of psychotic disorders; control of nausea and vomiting; the relief of restlessness and apprehension prior to surgery; acute intermittent porphyria; and as an adjunct in the treatment of tetanus.

2. This drug is probably effective for reducing agitation and tension associated with mild alcoholic withdrawal symptoms in patients under close supervision; for the control of involuntional melancholia or of the manifestations of the manic type of manic depressive illness; for the relief of intractable hiccups; and for the control of moderate to severe agitation, hyperactivity, or aggressiveness in disturbed children.  
(Other classifications are unchanged.)

#### B. PERPHENAZINE (ORAL AND PARENTERAL FORMS AND SUPPOSITORY FOR RECTAL ADMINISTRATION)

The paragraph describing the conditions for which the drug is regarded as effective is changed to read:

1. Perphenazine is effective in the management of manifestations of psychotic disorders; and for the control of severe nausea and vomiting in adults.  
(Other classifications are unchanged.)

#### C. PROCHLORPERAZINE (ORAL AND PARENTERAL FORMS)

The paragraph describing the conditions for which the drug is regarded as effective is changed to read:

1. Prochlorperazine is effective in the management of manifestations of psy-

chotic disorders; and for the control of severe nausea and vomiting.

(Other classifications are unchanged.)

#### D. PROMAZINE (ORAL AND PARENTERAL FORMS)

The paragraph describing the conditions for which the drug is regarded as effective is changed to read:

1. Promazine is effective in the management of manifestations of psychotic disorders.

(Other classifications are unchanged.)

#### E. THIORIDAZINE (ORAL FORMS)

The paragraph describing the conditions for which the drug is regarded as effective is changed to read:

1. Thioridazine is effective in the management of manifestations of psychotic disorders.

(Other classifications are unchanged.)

#### F. TRIFLUOPERAZINE (ORAL AND PARENTERAL FORMS)

The paragraphs describing the conditions for which the drug is regarded as effective and probably effective are changed to read:

1. Trifluoperazine is effective in the management of manifestations of psychotic disorders.

2. This drug is probably effective for the control of involuntional melancholia or of the manifestations of the manic type of manic depressive illness.

(Other classifications are unchanged.)

#### G. TRIFLUPROMAZINE (ORAL AND PARENTERAL FORMS)

The paragraph describing the conditions for which the drug is regarded as effective is changed to read:

1. Triflupromazine is effective in the management of manifestations of psychotic disorders; and for the control of severe nausea and vomiting.

(Other classifications are unchanged.)

In section III, *Labeling conditions*, the Indications sections are changed to read as follows:

##### A. CHLORPROMAZINE

###### INDICATIONS

This drug is indicated for use in the management of the manifestations of psychotic disorders; for the control of nausea and vomiting; for the relief of restlessness and apprehension prior to surgery; as an adjunct in the treatment of tetanus; and in the treatment of acute intermittent porphyria. It may also be useful for reducing agitation and tension associated with mild alcoholic withdrawal symptoms in patients under close supervision; for the control of involuntional melancholia or of the manifestations of the manic type of manic depressive illness; for the relief of intractable hiccups; and for the control of moderate to severe agitation, hyperactivity or aggressiveness in disturbed children.

##### B. PERPHENAZINE

###### INDICATIONS

This drug is indicated for use in the management of the manifestations of psychotic disorders; and for the control of severe nausea and vomiting in adults. It may also be useful for reducing agitation and tension associated with mild alcoholic withdrawal

symptoms in patients under close supervision.

##### C. PROCHLORPERAZINE

###### INDICATIONS

This drug is indicated for use in the management of the manifestations of psychotic disorders, and for the control of severe nausea and vomiting.

##### D. PROMAZINE

###### INDICATIONS

This drug is indicated for use in the management of manifestations of psychotic disorders. It may also be useful for the control of nausea and vomiting; for the relief of apprehension prior to surgery; and for reducing agitation and tension associated with mild alcoholic withdrawal symptoms in patients under close supervision.

##### E. THIORIDAZINE

###### INDICATIONS

This drug is indicated for use in the management of manifestations of psychotic disorders. It may also be useful for the relief of symptoms of neurotic depressive reaction; and for the control of moderate to severe agitation, hyperactivity, or aggressiveness in disturbed children.

##### F. TRIFLUOPERAZINE

###### INDICATIONS

This drug is indicated for use in the management of manifestations of psychotic disorders. It may also be useful for the control of involuntional melancholia or of the manifestations of the manic type of manic depressive illness.

##### G. TRIFLUPROMAZINE

###### INDICATIONS

This drug is indicated for use in the management of manifestations of psychotic disorders; and for the control of severe nausea and vomiting. It may also be useful as an adjunct in preoperative and postoperative management; and for reducing agitation and tension associated with mild alcoholic withdrawal symptoms in patients under close supervision.

The date of publication of this notice in the FEDERAL REGISTER amending the previous notice shall be used to compute time periods allowed for the submission of revised labeling as required under section VI B1 and the use of the revised labeling as required under VI C.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: October 19, 1971.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.71-15910 Filed 11-1-71;8:45 am]

#### AIR PRODUCTS AND CHEMICALS, INC.

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

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

(b) (5)), notice is given that a petition (FAP 2B2727) has been filed by Air Products and Chemicals, Inc., Post Office Box 427, Marcus Hook, Pa. 19061, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of diethanolammonium salts of undecafluorocyclohexylmethylphosphoric acid, bis-(undecafluorocyclohexylmethyl)-phosphate and bis-(undecafluorocyclohexylmethyl) - pyrophosphate for use as oil repellents in paper and paperboard in contact with aqueous and fatty foods.

Dated: October 21, 1971.

VIRGIL O. WODICKA,  
Director, Bureau of Foods.

[FR Doc.71-15911 Filed 11-1-71;8:45 am]

#### CELANESE FIBERS MARKETING CO.

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

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 2B2730) has been filed by Celanese Fibers Marketing Co., % TRW/Hazleton Laboratories, 9200 Leesburg Turnpike, Vienna, Va. 22180, proposing that § 121.2535 *Textiles and textile fibers* (21 CFR 121.2535) be amended to provide for the safe use of polyethylene terephthalate fibers, and of sodium nitrite and N-cetyl, N-ethyl morpholinium ethosulfate as adjuvants in the production of woven or unwoven articles or components of articles intended for use in manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food.

Dated: October 21, 1971.

VIRGIL O. WODICKA,  
Director, Bureau of Foods.

[FR Doc.71-15912 Filed 11-1-71;8:46 am]

#### MASON CHEMICAL CO.

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

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 2H2737) has been filed by Mason Chemical Co., 5253 West Belmont Avenue, Chicago, Ill. 60641, proposing that § 121.2547 *Sanitizing solutions* (21 CFR 121.2547) be amended to provide for the safe use of N-Alkyl (C<sub>12</sub>-C<sub>18</sub>) dimethyl ethylbenzyl ammonium chloride in combination with N-Alkyl (C<sub>12</sub>-C<sub>18</sub>) dimethyl benzyl ammonium chloride as a sanitizer on food processing and handling equipment.

Dated: October 21, 1971.

VIRGIL O. WODICKA,  
Director, Bureau of Foods.

[FR Doc.71-15913 Filed 11-1-71;8:46 am]

## CIVIL AERONAUTICS BOARD

[Docket No. 23716]

### AEROTRANSPORTES ENTRE RIOS S.R.L.

#### Foreign Air Carrier Permit; Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on November 23, 1971, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the Report of Prehearing Conference served October 20, 1971, and all other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., October 28, 1971.

[SEAL] EDWARD T. STODOLA,  
Hearing Examiner.

[FR Doc.71-15939 Filed 11-1-71;8:50 am]

[Docket No. 23333; Order 71-10-110]

### INTERNATIONAL AIR TRANSPORT ASSOCIATION

#### Order Relating to Rate Matters

Issued under delegated authority  
October 26, 1971.

By Order 71-10-44, dated October 12, 1971, action was deferred, with a view toward eventual approval, on a resolution adopted by the Traffic Conferences of the International Air Transport Association (IATA). The agreement amends the resolution governing the rounding-off of cargo rates by the inclusion of the currency of Equatorial Guinea.

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 71-10-44 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22725 be, and it hereby is, approved.

This order will be published in the  
FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,  
Secretary.

[FR Doc.71-15940 Filed 11-1-71;8:50 am]

[Docket No. 23944; Order 71-10-126]

### SUPPLEMENTAL RENEWAL PROCEEDING

#### Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of October 1971.

Twelve supplemental carriers hold certificates of public convenience and necessity authorizing them to engage in supplemental air transportation of persons and property between any point within any State or the District of Columbia and any other point in any State or the District of Columbia.<sup>1</sup> The authorizations granted by those certificates to operate inclusive tour charters expired on May 13, 1971. The same twelve carriers hold certificates to engage in overseas and foreign supplemental air transportation between points in any State or the District of Columbia, on the one hand, and points in various geographic areas, on the other hand.<sup>2</sup> These authorizations expire on November 26, 1971.

Except as noted in the margin, each of the carriers has filed timely applications for renewal of its domestic inclusive tour charter authority and its overseas and foreign (except transatlantic) supplemental charter authority and each carrier has invoked section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), pursuant to which its certificate authority will continue in effect until the Board takes final action on the applications for renewal.<sup>3</sup>

Several carriers have also filed applications seeking additional authority and seeking modifications of their existing authority, or of the manner in which that authority is defined and the terms, conditions, and limitations pursuant to which that authority can be exercised.

By this order we are instituting a proceeding in which to consider renewal of the aforementioned authority of the 12 supplemental carriers and we are consolidating for hearing herein the applications of the 12 carriers for renewal

<sup>1</sup> Capitol International Airways, Inc.; Johnson Flying Service, Inc.; McCulloch International Airlines, Inc.; Modern Air Transport, Inc.; Overseas National Airways, Inc.; Purdue Airlines, Inc.; Saturn Airways, Inc.; Southern Air Transport, Inc.; Standard Airways, Inc.; Trans International Airlines, Inc.; Universal Airlines, Inc.; and World Airways, Inc.

<sup>2</sup> The geographic areas are:

(a) Canada;

(b) Mexico;

(c) American Samoa, Guam, Johnston Island, the Marshall Islands, Okinawa, Wake Island, and points in Australasia, Indonesia, and Asia as far west at longitude 70 degrees east via a transpacific routing;

(d) points in Jamaica, the Bahama Islands, Bermuda, Haiti, the Dominican Republic, Puerto Rico, the Virgin Islands, Trinidad, Aruba, the Leeward and Windward Islands, and any other place located in the Gulf of Mexico or the Caribbean Sea; and

(e) points in British Honduras, the Canal Zone, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, and in the countries on the continent of South America.

No carrier presently holds authority to serve all five geographic areas.

<sup>3</sup> The application of Purdue Airlines, Inc., for renewal of its authority to serve points in Canada was filed approximately 60 days later than the 180-days-before-expiration requirement imposed by 14 CFR 377.10(c). As a matter of discretion we will waive the 180-day requirement for Purdue and accept its application as being in compliance with the requirements for timely filing prescribed by Part 377 of the Board's regulations.

and amendment of their existing authority insofar as those applications conform to the scope of the proceeding here instituted.

Specifically, we will consider herein the renewal of the domestic inclusive tour charter authority of the 12 carriers and also the renewal of the overseas and foreign supplemental charter authority (except transatlantic charter authority) presently held by each of the 12 carriers. We will also consider applications by each of the 12 carriers for authority to serve additional geographic areas which it is not presently authorized to serve. However, we do not intend to hear in this proceeding any applications for transatlantic charter authority (persons or property).<sup>4</sup>

We will also consider herein the award of authority limited to the provision of specific types of service, e.g., property only. Accordingly, it is our intention to consider herein Southern's application for certificate authority to carry out-size cargo to and from each of the geographic areas in issue in this proceeding.<sup>5</sup>

We will not freeze the specific wording of geographic areas as defined by the existing certificates<sup>6</sup> but will allow the carriers to argue that the wording should be modified in respects suitable to them.<sup>7</sup> Among other proposals, we will consider modifications which would make possible the operation of supplemental air transportation between U.S. territories and possessions within a geographic area (as, e.g., the U.S. Virgin Islands in the Caribbean area), on the one hand, and other points within the same geographic area, on the other hand. For that purpose we intend to consider herein the application of Southern Air Transport for a certificate authorizing operations within and between Puerto Rico and the U.S. Virgin Islands, and between points in Puerto Rico and the U.S. Virgin Islands, on the one hand, and other points in the Caribbean, on the other hand.<sup>8</sup>

We will consider herein any proposed

<sup>4</sup> Issues relating to transatlantic passenger charter authority are presently before the Board in the Transatlantic Supplemental Charter Authority Renewal Case, Docket 20569. The Board finds it more appropriate to consider the question of transatlantic cargo charter authority at the time when it considers applications for renewal of the temporary transatlantic cargo authority held by scheduled carriers which expires in 1973.

<sup>5</sup> Southern is put on notice that its application, as filed, is technically deficient as a request for a temporary extension of the exemption authority currently held. If the carrier desires to avail itself of the provisions of section 9(b) of the Administrative Procedure Act it must amend (and serve) its application so as to give notice in the caption of its application that it requests a pendente lite extension of its exemption authority. Cf: Board Regulations 302.909 and 377.10.

<sup>6</sup> See note 2, supra.

<sup>7</sup> However, we do not intend to consider in this proceeding the specific authorization of around-the-world charters.

<sup>8</sup> Our comments in note 5, supra, apply equally to Southern's request for a certificate to authorize operations covered by the exemption granted pursuant to Order E-26331.

changes in the standard terms, conditions, and limitations included in the certificates of the supplemental carriers and we will also consider any proposed changes in Parts 208 and 378 of the Board's regulations which, in the Board's opinion, can best be dealt with through the hearing process. In order to provide the Board with an opportunity to determine, at the outset, whether to conduct proceedings on a proposed amendment of the regulations and to determine whether such proceedings should be conducted as part of this hearing or through the normal rulemaking processes, we will require that each person intending to propose changes in Part 208 and/or Part 378 of the Board's regulations in connection herewith, file its proposed amendments with the Board in the form of a petition for rule making, together with a Motion to Consolidate the petition with this proceeding, no later than 30 days after the date of service of this order. No amendments to the Board's regulations will be considered in this proceeding unless they are presented in the fashion here described.

Accordingly, it is ordered, That:

1. A proceeding to be known as the "Supplemental Renewal Proceeding," Docket 23944, be and it hereby is instituted and shall be set down for hearing before an examiner of the Board at a time and place hereafter designated;

2. The proceeding instituted by paragraph "1" above shall include consideration of:

(a) whether the public convenience and necessity require the renewal of the certificates to engage in foreign and overseas supplemental air transportation (except transatlantic supplemental air transportation) held by the 12 supplemental carriers whose applications are consolidated herein by paragraph "3" hereof;

(b) whether the public convenience and necessity require the renewal of the certificates to engage in interstate supplemental air transportation held by the 12 carriers whose applications are consolidated herein by paragraph "3" insofar as those certificates authorize the operation of inclusive tour charters;

(c) whether the public convenience and necessity require that the authority, if any, granted to each carrier should be limited as to type (e.g., property only), should be modified to include greater or lesser authority than is now held, or should be modified to include authority to serve more, fewer, or other geographic areas (other than transatlantic);

3. Insofar as they conform to the scope of the proceeding set forth in paragraph "2" above, the applications of Capitol International Airways, Inc., in Dockets 22643, 23373, and 23374, Johnson Flying Service, Inc., Dockets 22752 and 23420, McCulloch International Airlines, Inc., Dockets 22756 and 23367, Modern Air Transport, Inc., Dockets 22711 and 23365, Overseas National Airways, Inc., Dockets 22722 and 23435, Purdue Airlines, Inc., Dockets 19549, 22757 and 23667, Saturn Airways, Inc., Dockets 22744 and 23388,

Southern Air Transport, Inc., Dockets 22728 and 23439, Standard Airways, Inc., Dockets 22753 and 23384, Trans International Airlines, Inc., Dockets 22759 and 23383, Universal Airlines, Inc., Dockets 22739 and 23453, and World Airways, Inc., Dockets 22723 and 23425, be and they hereby are consolidated with the proceeding instituted by paragraph "1" above; to the extent not consolidated herein, the foregoing applications be and they hereby are dismissed without prejudice;

4. The application of Purdue Airlines, Inc., Docket 23667, be and it hereby is accepted as being in compliance with the requirements for timely filing of renewal applications imposed in Part 377 of the Board's economic regulations; and

5. Applications, petitions for rulemaking, motions to consolidate, and petitions for reconsideration of this order shall be filed no later than 30 days after the date of service of this order, and answers to such pleadings shall be filed no later than 10 days thereafter.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,  
Secretary.

[FR Doc.71-15941 Filed 11-1-71;8:50 am]

## CIVIL SERVICE COMMISSION

### CIVIL AERONAUTICS BOARD

#### 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 Executive Director to Managing Director.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc.71-15881 Filed 11-1-71;8:47 am]

### DEPARTMENT OF AGRICULTURE

#### 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 non-

career executive assignment has been changed from "Assistant Administrator (Insured Loan Funds), Farmers Home Administration" to "Assistant Administrator (Insured Note Marketing), Farmers Home Administration".

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc.71-15880 Filed 11-1-71;8:47 am]

### DEPARTMENT OF COMMERCE

#### Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary, Office of the Secretary, Immediate Office.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc.71-15878 Filed 11-1-71;8:47 am]

### DEPARTMENT OF COMMERCE

#### 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 "Director, Bureau of Commercial Fisheries, Fish and Wildlife Service" to "Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration".

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc.71-15882 Filed 11-1-71;8:47 am]

### DEPARTMENT OF DEFENSE

#### Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Technical Director and Principal Assistant to the Deputy Assistant Secretary (Production Engi-



neering and Materiel Acquisition), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
*Executive Assistant to the Commissioners.*

[FR Doc.71-15872 Filed 11-1-71;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

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 the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Special Assistant to the Secretary for Civil Rights and Deputy Director, Office for Civil Rights, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
*Executive Assistant to the Commissioners.*

[FR Doc.71-15873 Filed 11-1-71;8:46 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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 the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Director, Office of Program Support, Office of the Assistant Secretary for Community Development, Immediate Office.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
*Executive Assistant to the Commissioners.*

[FR Doc.71-15874 Filed 11-1-71;8:46 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Revocation 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 revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Office of Renewal Assistance, Office of the Director.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
*Executive Assistant to the Commissioners.*

[FR Doc.71-15879 Filed 11-1-71;8:47 am]

DEPARTMENT OF JUSTICE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Staff Assistant, Criminal Division, Office of Assistant Attorney General.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
*Executive Assistant to the Commissioners.*

[FR Doc.71-15876 Filed 11-1-71;8:47 am]

DEPARTMENT OF JUSTICE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Administrator, Law Enforcement Assistance Administration.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
*Executive Assistant to the Commissioners.*

[FR Doc.71-15875 Filed 11-1-71;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the National Foundation on the Arts and the Humanities to fill by noncareer executive assignment in the excepted service the position of Director of Performing Arts and Public Media Programs, Office of Performing Arts and Public Media Programs, National Endowment for the Arts.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
*Executive Assistant to the Commissioners.*

[FR Doc.71-15877 Filed 11-1-71;8:47 am]

ENVIRONMENTAL PROTECTION AGENCY

CALIFORNIA STATE MOTOR VEHICLE POLLUTION CONTROL STANDARDS

Notice of Intention To Waive Federal Preemption and Opportunity for Public Hearing

Whereas section 209(a) of the Clean Air Act, as amended (42 U.S.C.

1857f-6a(a); 81 Stat. 501; Public Law 90-148), provides: "No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines subject to this title. No State shall require certification, inspection, or any other approval relating to the control of emissions from any new motor vehicle or new motor vehicle engine as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment"; and

Whereas section 209(b) of said Act directs the Administrator of EPA, after notice and opportunity for public hearing, to waive application of the prohibitions of said section 209 to any State which had adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, unless he finds that such State does not require standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions or that such State standards and accompanying enforcement procedures are not consistent with section 202(a) of the Clean Air Act;

Now therefore, I hereby give notice (1) that the State of California, being eligible for a waiver pursuant to section 209(b), has requested waiver of the application of the prohibitions of section 209(a) with respect to California fuel evaporative emission standards and approval procedures for 1973 and subsequent model year gasoline powered motor vehicles over 6,000 pounds gross vehicle weight (sections 1951 and 2509 of Title 13 of the California Administrative Code); (2) that, based on information available at this time, I intend to waive the provisions of section 209(a) of the Clean Air Act with respect to the above standard and procedures; (3) that notice granting such waiver will be published within 30 days of the date of this notice unless, within 20 days of such date, a written request for a public hearing on the intended action is received; and (4) that any such written request shall be addressed to the Administrator, Environmental Protection Agency, Washington, D.C. 20460. Upon receipt of such request, public notice of a hearing regarding the intended waiver will be published in the FEDERAL REGISTER.

Dated: October 28, 1971.

WILLIAM D. RUCKELSHAUS,  
*Administrator.*

[FR Doc.71-15952 Filed 11-1-71;8:53 am]

FARM CREDIT ADMINISTRATION  
PUBLIC PARTICIPATION IN RULE MAKING

Statement of Policy

Notice is hereby given of a statement of policy on public participation in rule making by the Farm Credit Administration. As a matter of policy adopted by the Federal Farm Credit Board, the Administration will use notice of proposed

rule making procedures even though not now required by law. Effective immediately, proposed rules and regulations issued by the Farm Credit Administration relating to public property, grants, loans, and contracts will be published and interested persons will be given reasonable opportunity to participate in the rule making through the submission in writing of data, views, and arguments. In certain situations, notice and public participation with respect to proposed regulations may be impracticable, unnecessary, contrary to the public interest, or otherwise not required, or there may be reason or good cause in the public interest why the effective date should not be deferred. Some examples of situations in which advance notice or deferred effective date, or both, will ordinarily be omitted in the public interest are the review and determination of the Farm Credit Administration with respect to discount rates, or interest rates, or the handling of securities by the banks and associations of the Farm Credit System.

E. A. JAENKE,  
Governor,  
Farm Credit Administration.

[FR Doc.71-15870 Filed 11-1-71;8:46 am]

## FEDERAL MARITIME COMMISSION

[Docket No. 71-82; Agreement No. 9950]

### TRANSPORTATION OF MAIL

#### Rates and Other Matters; Order of Investigation and Hearing

Agreement relating to rates and other matters to be used as basis for negotiating arrangements with the United States Postal Service for transportation of mail.

Pursuant to section 15 of the Shipping Act, 1916, an agreement between Farrell Lines Incorporated and Moore-McCormack Lines, Inc., has been filed for approval and assigned Federal Maritime Commission No. 9950. This agreement covers an arrangement for the discussion of mail transportation costs, space availability, sailing schedules and related matters, and agreement as to rates, terms and conditions for use as a basis for the negotiation of arrangements with the U.S. Postal Service for the transportation of mail in the U.S. Atlantic and Gulf/South and East Africa trade.

Notice of the filing of Agreement No. 9950 was published in the FEDERAL REGISTER on June 3, 1971. Pursuant to such publication, the Postmaster General, through counsel, has filed a Motion to Strike the agreement urging as a basis for such motion that the Commission has no jurisdiction to approve the agreement or any other arrangement that concerns the transportation of mail for the U.S. Postal Service. Counsel for the parties to the agreement has replied to the motion, taking issue with the position advanced by the Postmaster General and with the arguments and cases cited in support thereof. In addition to the fore-

going matters, the Postmaster General, through counsel, has indicated that if this agreement is approved, a judicial review will be sought and that the Postal Service may, for economic reasons, direct the mail to other carriers if the parties, with or without the approval of the Commission institute any joint action with respect to the carriage of mail.

*It is, therefore, ordered.* That pursuant to sections 15 and 22 of the Shipping Act, 1916, a proceeding is hereby instituted to determine whether Agreement No. 9950 should be approved, disapproved or modified.

*It is further ordered.* That Farrell Lines, Inc., and Moore-McCormack Lines, Inc., are hereby made respondents in this proceeding.

*It is further ordered.* That the Postmaster General of the U.S. Postal Service is hereby made a petitioner in this proceeding.

*It is further ordered.* That a public hearing be held in this proceeding before an examiner of the Commission's Office of Hearing Examiners at a date and place to be hereafter determined and announced by the presiding examiner.

*It is further ordered.* That notice of this order be published in the FEDERAL REGISTER, and that a copy thereof and notice of hearing be served upon respondents and petitioner, as shown in the Appendix.

*It is further ordered.* That any person other than respondents and petitioner, having an interest and desiring to participate in this proceeding, shall file a petition for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) of the Commission's rules of practice and procedure.

*And it is further ordered.* That all future notices, orders and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or pre-hearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,  
Secretary.

#### APPENDIX

Farrell Lines, Inc., 1 Whitehall Street, New York, NY 10004.

Moore-McCormack Lines, Inc., 2 Broadway, New York, NY 10004.

The Postmaster General, Attention: Thomas F. Meagher, Jr., Esq., Assistant General Counsel, Transportation, Law Department, U.S. Postal Service, Room 4226, Washington, DC 20260.

Baldwin Einerson, Esq., Kirilin, Campbell & Keating, 120 Broadway, New York, NY 10005 (Attorney for parties to Agreement).

[FR Doc.71-15955 Filed 11-1-71;8:51 am]

[General Order 27]

### FINANCIAL RESPONSIBILITY FOR OIL POLLUTION CLEANUP

#### Rescission of Notice of Substantial Compliance

On March 26, 1971, the Federal Maritime Commission published notice in the

FEDERAL REGISTER (36 F.R. 5751) that pending further notice, any vessel subject to the financial responsibility provisions of section 11(p)(1) of the Federal Water Pollution Control Act, as amended, and the provisions of Part 542 of 46 CFR (Commission General Order 27), for which an application for a Certificate of Financial Responsibility (Oil Pollution) had been filed and required evidence of financial responsibility submitted, but which did not have its certificate aboard, would be deemed to be in substantial compliance with section 11(p)(1) of the Act and the Commission's implementing regulations. Masters of vessels which did not have certificates aboard were asked to have available the following information: (1) Registered name of the vessel; (2) Name of owner or operator having applied for the certificate; and (3) Control or certificate number which had been assigned to each application or certificate by the Federal Maritime Commission.

The purpose of the aforementioned notice was to assure that vessels which had complied with the Commission's financial responsibility requirements, but had not received certificates because of unforeseen events such as the prolonged British postal strike, would not be denied use of U.S. waters, including the Panama Canal.

In the opinion of the Commission, sufficient time has now elapsed for all subject vessels to have issued certificates aboard. All properly filed applications are being processed, and certificates issued, within the 45 day time period allotted by § 542.4(b) of 46 CFR.

Accordingly, the Commission's "Notice of Substantial Compliance," published in the FEDERAL REGISTER on March 26, 1971, is hereby rescinded, effective November 30, 1971. Therefore, on and after December 1, 1971, every vessel subject to the Commission's oil pollution financial responsibility requirements must maintain on board and make available to U.S. Government officials the original or copy of its certificate, pursuant to the provisions of § 542.6(a) of 46 CFR.

By order of the Commission.

[SEAL] FRANCIS C. HURNEY,  
Secretary.

[FR Doc.71-15954 Filed 11-1-71;8:53 am]

### INTER-AMERICAN FREIGHT CONFERENCE—PUERTO RICO AND U.S. VIRGIN ISLANDS AREA AGREEMENT

#### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New

York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

**Notice of agreement filed by:**

Capt. Frank R. A. Levier, Executive Administrator, Section C, Inter-American Freight Conference, Av. Rio Branco, 156-27\*, Andar—Grupos 2707/2711, Rio de Janeiro, Brazil.

Agreement No. 9968, between: Booth/Lamport Joint Service, The Booth Steamship Co., Ltd., as one member only, Lamport & Holt Line, Ltd.; CIA. Agropecuaria Y Maritima Santa Rosa (Lineas Agromar); CIA. De Navegacao Lloyd Brasileiro (Lloyd Brasileiro); CIA. De Navegacao Maritima Netumar; Delta Steamship Lines, Inc. (Delta Line); Empresa Lineas Maritimas Argentinas (E.L.M.A.); High Seas Co. Ltd.; Ivaran Lines (A/S Ivarans Rederi); L. Figueiredo Navegacao S.A.; Montemar S.A. Comercial Y Maritima; Trans-Caribbean Steamship Co. Ltd.; and Westfal-Larsen Line (Westfal-Larsen & Co. A/S), provides for the creation of the Inter-American Freight Conference—Puerto Rico and Virgin Islands Area Agreement, for the establishment and maintenance of rates, rules and regulations to apply on the movement of cargo in the trades, both northbound and southbound, between Brazilian ports and ports in Puerto Rico and the U.S. Virgin Islands.

Dated: October 27, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.71-15956 Filed 11-1-71; 8:51 am]

**PACIFIC WESTBOUND CONFERENCE  
AND STATES MARINE LINES**

**Notice of Agreement Filed**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

**Notice of agreement filed by:**

Mr. W. C. Galloway, Chairman, Pacific Westbound Conference, 635 Sacramento Street, San Francisco, CA 94111.

Agreement No. 57-94 reflects a request for a change of membership status of States Marine Lines from that of a regular member to that of an associate member.

Dated: October 27, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.71-15957 Filed 11-1-71; 8:51 am]

**THAI MERCANTILE MARINE, LTD., AND  
P. T. SAMUDERA INDONESIA**

**Notice of Agreement Filed**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce

evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

**Notice of agreement filed by:**

Stanley O. Sher, Esq., Bechtick, Sher & Kushnick, 919 18th Street NW., Washington, DC 20006.

Agreement No. 9967 is a joint service Agreement between Thai Mercantile Marine, Ltd., and P. T. Samudera Indonesia operating in the trades between the U.S. Atlantic, gulf, and west coast ports and ports in Singapore, Thailand, Vietnam, Cambodia, Indonesia, Malaysia, Laos, Burma, Ceylon, India, Pakistan, the Philippines, Taiwan, Hong Kong, Australia, New Guinea, Korea, Japan and "all other ports in the Far East." The parties will confer with each other and file with the Commission tariffs of rates, charges and practices in accordance with the provisions of section 18(b) of the Shipping Act, 1916, in those trades where they are not members of a conference. The parties will discuss and agree on all matters necessary to operate the joint service in an efficient and economical manner including the tonnage to be contributed by each. They shall share the expenses, revenues, profits, and losses of the joint service in such a manner as they shall determine.

Dated: October 27, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.71-15958 Filed 11-1-71; 8:51 am]

**FEDERAL POWER COMMISSION**

[Docket No. CP72-85]

**ARKANSAS LOUISIANA GAS CO.**

**Notice of Application**

OCTOBER 21, 1971.

Take notice that on September 27, 1971, Arkansas Louisiana Gas Co. (applicant), Post Office Box 1734, Shreveport, LA 71151, filed in Docket No. CP 72-85 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under said Act, for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1972, and operation of certain natural gas facilities to enable applicant to take into its pipeline system supplies of natural gas which will be purchased from producers in the general area of said system, all as more fully set forth

in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting supplies of natural gas to its pipeline system. The total cost of the facilities proposed herein will not exceed \$6,245,100, with no single project costing in excess of \$1 million. Applicant states that these costs will be financed from cash on hand, cash generated from normal operations and from short-term borrowing.

Any person desiring to be heard or to make any protest with reference to said application 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.

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.71-15892 Filed 11-1-71;8:48 am]

[Docket No. CP72-78]

## EL PASO NATURAL GAS CO.

### Notice of Application

OCTOBER 21, 1971.

Take notice that on September 22, 1971, El Paso Natural Gas Co. (applicant), Post Office Box 1492, El Paso, TX 79978, filed in Docket No. CP72-78 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing: (1) the construction during

the calendar year 1972, and limited-term operation of natural gas sales facilities or the limited-term operation of existing sales facilities, where available, to be utilized for its Southern Division System sales, on a direct basis, of natural gas for uses associated with the production of oil or gas other than such uses permitted under § 157.22(b) of the regulations under the Natural Gas Act; and (ii) the Southern Division System sale, on a limited-term basis, during the calendar year 1972, of natural gas for resale for uses associated with the drilling of oil or gas wells; all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The applicant states that it anticipates, during the calendar year 1972, requests for short-term direct gas service for such purposes as pumping, injection, pressure maintenance, equipment fuel, various lease and camp uses and emergency standby service. Applicant also anticipates, during the calendar year 1972, requests for both direct and resale gas service for use in drilling oil or gas wells. In addition to the certificate authorizations requested, applicant states that it will file annually with the Commission data required by § 157.7(c) (8) of the Commission's regulations under the Natural Gas Act with respect to each new project supplied with gas pursuant to the instant authorization sought herein.

Under the budget-type construction authorizations requested, applicant would not, during the term thereof, install more than 25 separate sales facility installations, and their aggregate installed cost would not exceed \$42,500.

Any person desiring to be heard or to make any protest with reference to said application 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.

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 its 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.71-15893 Filed 11-1-71;8:48 am]

[Docket No. CP69-251]

## MICHIGAN WISCONSIN PIPE LINE CO. AND NATURAL GAS PIPELINE COMPANY OF AMERICA

### Notice of Petition To Amend

OCTOBER 21, 1971.

Take notice that on September 22, 1971, Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin), 1 Woodward Avenue, Detroit, MI 48226, and Natural Gas Pipeline Company of America (Natural), 112 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP69-251, a petition to amend the orders of the Commission heretofore issued in said docket pursuant to section 7(c) of the Natural Gas Act, on May 20, 1969 (41 FPC 655), as amended on April 21, 1970 (43 FPC 556), and on August 20, 1971 (46 FPC —), by authorizing the exchange of additional volumes of natural gas between the parties and the construction and operation of an additional exchange point in Cameron Parish, La., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of May 20, 1969, as amended, authorized, inter alia, the construction and operation of facilities and the exchange of natural gas by petitioners. Petitioners propose herein to construct and operate an additional exchange point on Natural's 30-inch pipeline in Cameron Parish, Michigan Wisconsin will deliver up to 10,000 Mcf per day to Natural at this point. This volume will be in excess of the presently authorized delivery of up to 125,000 Mcf per day at the existing delivery points. Natural will redeliver equivalent volumes to Michigan Wisconsin at one or both of the exchange points in Wheeler and Hansford Counties, Tex.

Petitioners state that the proposed facilities and exchange will reduce the facilities required and the costs incurred by Michigan Wisconsin in connecting reserves in the Deep Bayou Field, Cameron Parish, La., and will afford Natural additional operating flexibility. The estimated cost of the facilities necessary for the additional delivery point is \$15,300, which cost will be reimbursed to Natural by Michigan Wisconsin.

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.71-15894 Filed 11-1-71;8:48 am]

[Docket No. CS72-302 etc.]

### PETRODYNAMICS, INC., ET AL.

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

OCTOBER 22, 1971.

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

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

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

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

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.

MARY B. KIDD,  
Acting Secretary.

Docket No.	Date filed	Name of applicant
CS72-302...	10-4-71	PetroDynamics, Inc. (Operator), et al., Post Office Box 10006, Amarillo, TX 79106.
CS72-303...	10-4-71	John J. Redfern, Jr., Post Office Box 1747, Midland, TX 79701.
CS72-304...	10-4-71	W. M. Galloway, 101-2 Petroleum Plaza Bldg., Farmington, N. Mex. 87401.
CS72-305...	10-4-71	Kenneth C. English, 4815 Republic National Bank Tower, Dallas, TX 75201.
CS72-306...	10-4-71	Don C. Rider, 104 West Lockwood St., Medicine Lodge, KS 67104.
CS72-307...	10-5-71	Western Petroleum Co., Operator, Post Office Box 149, Sapulpa, OK 74906.
CS72-308...	10-5-71	George W. Moran, 9836 Shadydale Lane, Dallas, TX 75238.
CS72-309...	10-5-71	Gary R. Reagan, Post Office Box 52491 OCS, Lafayette, LA 70501.
CS72-310...	10-5-71	Morris E. Pyle, Post Office Box 51691 OCS, Lafayette, LA 70501.
CS72-311...	10-4-71	Husky Producing Co., Post Office Box 380, Cody, WY 82414.
CS72-312...	10-7-71	Dwight E. Hutchison, Post Office Box 38, Spearman, TX 79081.
CS72-313...	10-8-71	The Pardee Co., Post Office Box 209, Minden, LA 71055.
CS72-314...	10-12-71	Damson Exploration Funds, Inc., 366 Madison Ave., New York, NY 10017.
CS72-315...	10-8-71	Waymon G. Peavy, 3330 Republic National Bank Tower, Dallas, TX 75201.
CS72-316...	10-8-71	John C. Pickett, Box 842, Aztec, NM 87410.
CS72-317...	10-12-71	J. Glenn Turner, 1700 Mercantile Bank Bldg., Dallas, TX 75201.
CS72-318...	10-12-71	R. P. Brandenburg, 313 Hightower Bldg., Oklahoma City, Okla. 73102.

[FR Doc.71-15836 Filed 11-1-71;8:45 am]

### FEDERAL RESERVE SYSTEM ASSOCIATED BANK SERVICES, INC.

#### Notice of Applications for Approval of Acquisition of Shares of Banks

Notice is hereby given that two separate applications have been made, as listed below, pursuant to section 3(a) (3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Associated Bank Services, Inc., which is a bank holding company located in Green Bay, Wis.

1. Application for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of American National Bank of Green Bay, Wis.

2. Application for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of Neenah West National Bank, Neenah, Wis.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisitions may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The applications may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Chicago.

Board of Governors of the Federal Reserve System, October 26, 1971.

[SEAL]

TYNAN SMITH,  
Secretary of the Board.

[FR Doc.71-15895 Filed 11-1-71;8:48 am]

### BANKS OF IOWA, INC.

#### Notice of Applications for Approval of Acquisition of Shares of Banks

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 Banks of Iowa, Inc., which is a bank holding company located in Cedar Rapids, Iowa, for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of Council Bluffs Savings Banks, Council Bluffs, Iowa.

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 Chicago.

Board of Governors of the Federal Reserve System, October 27, 1971.

[SEAL] TYNAN SMITH,  
Secretary of the Board.  
[FR Doc.71-15896 Filed 11-1-71;8:48 am]

#### FIRST CHICAGO CORP.

##### Proposal To Engage in Real Property Leasing

First Chicago Corp., Chicago, Ill., 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(a) of the Board's Regulation Y, for permission to engage, through its subsidiary, First Chicago Leasing Corp., in certain activities involving the leasing of real property to McDonald's Corp., Chicago, Ill. Notice of the application to engage in certain real property leasing activities was published on August 4, 1971, in the Chicago Daily News, a newspaper circulated in Chicago. Such notice described the activities as follows: "Leasing real property, or acting as agent, broker, or adviser in leasing of such property, where at the inception of the initial lease the expectation is that the effect of the transaction and reasonably anticipated future transactions with the same lessee as to the same property will be to compensate the lessor for not less than the lessor's full investment in the property."

The Board has determined that leasing personal property under substantially similar conditions as those proposed is so closely related to banking or managing or controlling banks as to be a proper incident thereto (§ 222.4(a)(6) of the Board's Regulation Y) but has made no such determination with respect to the leasing of real property.

Interested persons may express their views on whether such real property leasing

activities, under the circumstances described, are so closely related to banking or managing or controlling banks as to be a proper incident thereto.

Interested persons may also 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 requests for a hearing on this question, or on the question whether the proposed activities 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 that 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.

The application may be inspected in Room 1020 of the Board's building or at the Federal Reserve Bank of Chicago.

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 26, 1971.

Board of Governors of the Federal Reserve System, October 26, 1971.

[SEAL] TYNAN SMITH,  
Secretary.  
[FR Doc.71-15897 Filed 11-1-71;8:48 am]

#### FIRSTBROOK CORP.

##### Notice of Applications for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Firstbrook Corp., Chicago, Ill., for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of 80 percent or more of the outstanding voting shares of Northbrook Trust & Savings Bank, Northbrook, Ill.

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 out-

weighed 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 Chicago.

Board of Governors of the Federal Reserve System, October 27, 1971.

[SEAL] TYNAN SMITH,  
Secretary of the Board.  
[FR Doc.71-15898 Filed 11-1-71;8:48 am]

#### NORTRUST BANK

##### Order Approving Application for Merger of Banks Under Bank Merger Act

In the matter of the application of Nortrust Bank, Chicago, Ill., for approval of merger with The Northern Trust Co., Chicago, Ill.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Nortrust Bank, a proposed member State bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank with The Northern Trust Co., Chicago, Ill., under the charter of the former and the name of the latter. Notice of the proposed merger, in form approved by the Board, has been published as required by said Act.

In accordance with the Act, the Board requested reports on competitive factors involved from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered all relevant material contained in the record in the light of the factors set forth in the Act, including the effect of the proposal on competition, the financial and managerial resources and prospects of the banks concerned, and the convenience and needs of the communities to be served.

It is hereby ordered, On the basis of the record, that said application be and hereby is approved for the reasons summarized in the Board's order of this date relating to the application of Nortrust Corp. to become a bank holding company: *Provided*, That said merger shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period

is extended for good cause by the Board or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,<sup>1</sup>  
October 26, 1971.

[SEAL]

TYNAN SMITH,  
Secretary of the Board.

[FR Doc.71-15899 Filed 11-1-71;8:48 am]

### NORTRUST CORP.

#### Order Approving Action To Become Bank Holding Company

In the matter of the application of Nortrust Corp., Chicago, Ill., for approval of action to become a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The Northern Trust Co., Chicago, Ill.

There has come before the Board of Governors, pursuant to section 3(a) (1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a) (1)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Nortrust Corp., Chicago, Ill., for the Board's prior approval of action whereby applicant would become a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The Northern Trust Co., Chicago, Ill. (Bank).

The bank into which Bank is to be merged has no significance except as a means of acquiring the voting shares of Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banks and Trust Companies for the State of Illinois and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on September 30, 1971 (36 F.R. 19195), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

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

Applicant is a newly organized corporation formed for the purpose of becoming a bank holding company. Bank, with deposits of \$1.4 billion as of December 31, 1970, is the fourth largest bank in the city of Chicago and the State of Illinois.

Inasmuch as the proposal constitutes a corporate reorganization and reflects no expansion of corporate interest or significant change in the character of the banking facilities involved, consummation of the proposal would eliminate neither existing nor potential competition, nor does it appear that there would be any adverse effects on any bank in the area.

The financial and managerial resources and prospects of applicant and Bank are regarded as generally satisfactory and consistent with approval of the application. The convenience and needs of the communities involved would not be immediately affected by consummation of this proposal but improved services may be provided in the future under the more flexible corporate structure of the holding company. It is the Board's judgment that the transaction would be in the public interest, and that the application should be approved.

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

By order of the Board of Governors,<sup>1</sup>  
October 26, 1971.

[SEAL]

TYNAN SMITH,  
Secretary of the Board.

[FR Doc.71-15900 Filed 11-1-71;8:48 am]

### MOUNTAIN BANKS, LTD.

#### Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made, pursuant to section 3(a) (1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a) (1)), by Mountain Banks, Ltd., Englewood, Colo., for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of at least 51 percent of the voting shares of The First National Bank of Pueblo, Pueblo; Park National Bank of Pueblo, Pueblo; The Exchange National Bank of Colorado Springs, Colorado Springs; Cherry Creek National Bank, Denver; and South Denver National Bank, Glendale (Post Office Denver), all in Colorado.

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

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 Kansas City.

Board of Governors of the Federal Reserve System, October 26, 1971.

[SEAL]

TYNAN SMITH,  
Secretary of the Board.

[FR Doc.71-15901 Filed 11-1-71;8:49 am]

### UNITED JERSEY BANKS

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

In the matter of the applications of United Jersey Banks, Hackensack, N.J., for approval of acquisition of 100 percent of the voting shares of Peoples Bank of South Bergen County, Carlstadt, Peoples Bank of Montvale, Montvale, and Peoples Bank of Ridgewood, Ridgewood, all in New Jersey.

There have come before the Board of Governors pursuant to section 3(a) (3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a) (3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), applications by United Jersey Banks, Hackensack, N.J., for the Board's prior approval of the acquisition of 100 percent of the voting shares of Peoples Bank of South Bergen County, Carlstadt (Peoples Carlstadt), Peoples Bank of Montvale, Montvale (Peoples Montvale), and Peoples Bank of Ridgewood, Ridgewood (Peoples Ridgewood), all in New Jersey.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the applications to the New

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

Jersey Commissioner of Banking and requested his views and recommendation. The Commissioner recommended approval of the applications.

Notice of receipt of the application was published in the FEDERAL REGISTER on August 19, 1971 (36 F.R. 16146, 16147), providing an opportunity for interested persons to submit comments and views with respect to the proposal. Copies of the applications were forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the applications in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisitions 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, with six subsidiary banks holding aggregate deposits of \$856 million, is the second largest banking organization in New Jersey with 5.7 percent of the commercial bank deposits in the State. (All banking data are as of December 31, 1970, and reflect holding company formations and acquisitions approved through August 31, 1971.) The three proposed subsidiaries Peoples Carlstadt, Peoples Montvale, and Peoples Ridgewood, with deposits of \$4.7 million, \$4 million, and \$1 million, respectively, and applicant's lead bank, Peoples Trust of New Jersey, Hackensack, N.J. (Peoples Trust) with deposits of \$652 million, are all located in the Paterson banking market which is approximated by Passaic and Bergen Counties. Applicant presently ranks as the largest banking organization in the market with control of 18.8 percent of deposits. Acquisition of the proposed subsidiaries would increase control by only 0.1 percent of market deposits. Although the separate and distinct service areas of the proposed subsidiaries are within the service area of Peoples Trust, there is no real existing competition between them because the three banks were sponsored by principals of Peoples Trust and have been affiliated with Peoples Trust or applicant since their formation. On the same basis and because the likelihood of disaffiliation appears to be remote, significant potential competition does not appear to be foreclosed by approval of the applications. Nevertheless, unconditional approval of these applications would appear to have an adverse competitive impact in that home office protection could be perpetuated in two of the three communities, Carlstadt and Montvale, both of which are growing rapidly and should be attractive for future branch entry. Charter restrictions imposed by the New Jersey Commissioner of Banking prohibit merger by the three banks for a period of 5 years from their respective dates of charter. These restrictions will expire in 1973 and 1974. However, possible anticompetitive effects of approval

could be eliminated if home office protection were not perpetuated. Consequently, approval of the applications is conditioned upon applicant filing merger applications and, subject to supervisory approval, merging the three banks with Peoples Trust within 5 years of the date of this order so as to remove or aid in removing home office protection from the respective communities unless, within such 5-year period, there is a change in New Jersey law which would accomplish the same result. On that basis and after consideration of the record, the Board concludes that no significant adverse competitive effects are likely to result from approval of the applications.

The financial and managerial resources and future prospects of applicant, its subsidiaries, and the proposed subsidiaries appear to be satisfactory. Although approval of the applications is not expected to result in any significant new services, considerations related to convenience and needs of the communities involved as well as to financial and managerial resources are consistent with approval.

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

*It is further ordered*, That applicant shall file merger applications and, subject to supervisory approval, merge the three banks with Peoples Trust of New Jersey, Hackensack, N.J., within 5 years of the date of this order so as to remove or aid in removing home office protection from the respective communities unless, within such 5-year period, there is a change in New Jersey law which would accomplish the same result.

By order of the Board of Governors,<sup>1</sup>  
October 26, 1971.

[SEAL] TYNAN SMITH,  
Secretary of the Board.

[FR Doc.71-15902 Filed 11-1-71; 8:49 am]

[Regs. G, T, and U]

## OTC MARGIN STOCK

### Changes in List

The following changes have been made, effective October 27, 1971, in the List of OTC Margin Stocks, as of July 12, 1971, published in the FEDERAL REGISTER on July 17, 1971.

1. Deletions: (stocks now registered on national securities exchanges) American Medicorp, Inc., \$0.01 par common; Capital Holding Corp., \$1 par common;

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

Continental Investment Corp., \$1 par common; General Medical Corp., \$1 par common; International Multifoods Corp., \$1 par common; Lane Wood, Inc., no par common; and Mohawk Rubber Co., \$1 par common; (stocks of companies acquired by other firms) Eastern Life Insurance Company of New York, \$1 par common; and Water Treatment Corp., common.

2. Changes: Eastern Shopping Centers, Inc., \$5 par common is changed to Mortgage Growth Investors, \$5 par common; First City National Bank of Houston, \$10 par common-capital now reads as First City Bancorporation of Texas, Inc., \$10 par common; International Book Corp., \$.02 par common because IBC Industries Inc., \$0.02 par common; and Tassette, Inc., Class A, \$0.10 par common is renamed Tassaway, Inc., Class A, \$0.10 par common.

Board of Governors of the Federal Reserve System, by its Director of Supervision and Regulation pursuant to delegated authority (12 CFR 265.2(c)(13)),  
October 27, 1971.

[SEAL] TYNAN SMITH,  
Secretary of the Board.

[FR Doc.71-15903 Filed 11-1-71; 8:49 am]

## INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

### CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MAURITIUS

#### Entry or Withdrawal From Warehouse for Consumption

OCTOBER 23, 1971.

On August 25, 1971, the U.S. Government requested the Government of Mauritius to enter into consultations concerning exports to the United States of cotton textile products in Category 39 produced or manufactured in Mauritius. Public notice of this request was published in the FEDERAL REGISTER on September 18, 1971 (36 F.R. 18681). In that request the U.S. Government indicated the specific level at which it considered that exports in this category from Mauritius should be restrained for the 12-month period beginning August 25, 1971, and extending through August 24, 1972. Since no solution has been mutually agreed upon the U.S. Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 3, paragraph 3 and Article 6(c) which relates to nonparticipants, is establishing a restraint at the level indicated in that request for the 12-month period beginning August 25, 1971, and extending through August 24, 1972. This restraint does not apply to cotton textile products in Category 39, produced or manufactured in Mauritius exported to the United States prior to the beginning of the designated 12-month period.



There is published below a letter of October 23, 1971, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textile products in Category 39, produced or manufactured in Mauritius, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning August 25, 1971, be limited to the designated level.

**STANLEY NEHMER,**  
Chairman, *Interagency Textile Administrative Committee,*  
and *Deputy Assistant Secretary for Resources.*

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY  
COMMITTEE

COMMISSIONER OF CUSTOMS,  
*Department of the Treasury,*  
Washington, D.C. 20226.

OCTOBER 23, 1971.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipating, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning August 25, 1971, and extending through August 24, 1972, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 39, produced or manufactured in Mauritius, in excess of a level of restraint for the period of 21,680 dozen pairs.<sup>1</sup>

In carrying out this directive, entries of cotton textile products in Category 39, produced or manufactured in Mauritius and which have been exported to the United States from Mauritius prior to August 25, 1971, shall not be subject to this directive.

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of Category 39, in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 9, 1971 (36 F.R. 19722).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Mauritius and with respect to imports of cotton textile products from Mauritius have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

**MAURICE H. STANS,**  
Secretary of Commerce, Chairman,  
President's Cabinet Textile Ad-  
visory Committee.

[FR Doc.71-15914 Filed 11-1-71; 8:52 am]

<sup>1</sup>This level has not been adjusted to reflect any entries made on or after Aug. 25, 1971.

## INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

### WATER POLLUTION IN THE NIAGARA RIVER AREA

#### Notice of Public Meeting

Notice is hereby given that the International Joint Commission will convene a public international meeting on December 16, 1971, at 9 a.m., in the Council Chambers, City Hall, Niagara Falls, N.Y., to inquire into the progress made in the United States and Canada since 1967 in abatement of pollution of the Niagara River from municipal and industrial sources and to ascertain why the water quality objectives for the river are not being met. A summary report on pollution abatement progress in the Niagara River Area from 1967 to August 1971 has been prepared for the Commission by its Lakes Erie-Ontario Advisory Board and is being made available to those interested.

At the meeting, the Commission will invite water pollution control agencies and enforcement authorities in both countries to describe the progress in abatement programs they have underway and their timetables for achievement of the established water quality objectives in the Niagara River.

The Commission will also receive written statements from others who may wish to submit them and will entertain requests for time for oral presentations. Depending on the number of persons wishing to be heard, the Commission may have to limit the time allotted each witness. While not mandatory, written statements are desirable to supplement oral testimony and 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 hearings for distribution to the news media and others interested.

Copies of the report Niagara River Pollution Abatement Progress 1971 may be obtained free of charge from the Secretaries of the Commission at either of the addresses noted below.

**W. A. BULLARD,**  
Secretary, U.S. Section, Inter-  
national Joint Commission,  
Washington, D.C.

**D. G. CHANCE,**  
Secretary, Canadian Section,  
International Joint Commission,  
Suite 850, Ottawa, ON,  
Canada.

OCTOBER 28, 1971.

[FR Doc.71-15936 Filed 11-1-71; 8:52 am]

## SECURITIES AND EXCHANGE COMMISSION

[70-5108]

### KENTUCKY POWER CO.

#### Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

OCTOBER 26, 1971.

Notice is hereby given that Kentucky Power Co. (Kentucky Power), 15th Street and Carter Avenue, Ashland, KY 41011, an electric utility subsidiary company of American Electric Power Co., Inc. (AEP), 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 Rules 42 and 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.

Kentucky Power proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, \$50 million aggregate principal amount of first mortgage bonds. The proposed series of bonds will bear a single maturity date within the range of from 5 to 30 years, such maturity date to be determined not less than 72 hours prior to the opening of the bids. The interest rate of the bonds (which shall be a multiple of one-eighth of 1 percent) and the price to be paid to Kentucky Power (which shall not be less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under and pursuant to the provisions of the Mortgage and Deed of Trust, dated as of May 1, 1949, between Kentucky Power and Bankers Trust Co., as trustee, as heretofore supplemented and amended and as to be further supplemented and amended by a Supplemental Indenture to be dated as of the first day of the month in which the bonds are issued and which includes a prohibition until December 1, 1976, against refunding the issue with the proceeds of funds borrowed at a lower interest cost.

Kentucky Power will apply the proceeds from the sale of the bonds, together with other available funds, to prepay short-term notes to banks outstanding in the amount of \$9,200,000 to prepay to the extent available long-term notes due December 31, 1972, outstanding in the amount of \$92 million issued in connection with Kentucky Power's construction program, to reimburse its treasury for money actually expended for such purposes, and for working capital. It is estimated that Kentucky Power's construction program for the last quarter of 1971 and for 1972 will cost approximately \$12 million.

It is stated that the Public Service Commission of Kentucky has jurisdiction over the issue and sale of the bonds and that no other State commission and no Federal commission, other than this

Commission, has jurisdiction over the proposed transaction. The fees and expenses to be incurred by Kentucky Power in connection with the proposed issue and sale of the bonds will be supplied by amendment.

Notice is further given that any interested person may, not later than November 24, 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.71-15922 Filed 11-1-71;8:50 am]

[File Nos. 2-31416; 22-5354]

### OWENS-CORNING FIBERGLAS CORP. Notice of Application and Opportunity for Hearing

Notice is hereby given, that Owens-Corning Fiberglas Corp. (the company) has filed an application pursuant to section 310(b) (1) (ii) of the Trust Indenture Act of 1939, as amended (the Act) for a finding by the Securities and Exchange Commission (the Commission) that the trusteeship of Morgan Guaranty and Trust Company of New York (Morgan) under an indenture heretofore qualified under the Act, and a new indenture not qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Morgan from acting as Trustee under both indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in such section) it shall within 90

days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same obligor are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the same obligor are outstanding, if the obligor shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under both indentures.

That company alleges that:

(1) It has issued an outstanding \$30 million principal amount of 6% percent Sinking Fund Debentures due February 1, 1994 under an Indenture, dated as of February 1, 1969 ("the 1969 Indenture") between the company and Morgan and qualified under the Act.

(2) Morgan has entered into an Indenture dated as of August 1, 1971 ("the 1971 Indenture") with Owens-Corning Fiberglas Finance N.V. (Finance) and the company pursuant to which there have been issued \$20 million principal amount of Finance's 9 percent Guaranteed Sinking Fund Debentures due August 1, 1986. The company is a party to the 1971 Indenture solely as a guarantor of the Debentures issued thereunder. Inasmuch as the Debentures issued under the 1971 Indenture have been offered and sold outside the United States, its territories and possessions to persons who are not nationals or residents thereof, the 1971 Indenture has not been qualified under the Act and the Debentures issued thereunder have not been registered under the Securities Act of 1933.

(3) The 1969 Indenture and the 1971 Indenture are wholly unsecured and the company is not in default under either Indenture. All debentures issued under the 1969 Indenture rank equally with the guarantee of the company of the Debentures issued under the 1971 Indenture. Except for variations as to amounts, dates, and interest rates and certain other figures, with certain exceptions set forth in the application, the provisions of the 1969 Indenture and the 1971 Indenture are substantially identical.

(4) Such differences as exist between the 1969 Indenture and the 1971 Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Morgan from acting as Trustee under both Indentures.

The company has waived notice of hearing, and hearing, in connection with

the matter referred to in this application.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to the application, which is a public document on file in the offices of the Commission at 500 North Capitol Street, NW., Washington, D.C. 20549.

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. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,  
Secretary.  
[FR Doc.71-15923 Filed 11-1-71;8:50 am]

## TENNESSEE VALLEY AUTHORITY

### ENVIRONMENTAL QUALITY MANAGEMENT

#### Policy, Delegations, Reservations, and Procedures

The following statement of policy and procedure for environmental quality management has been approved by the Board of Directors in accordance with requirements of the National Environmental Quality Act of 1969, Executive Order 11514, and requests from and guidelines issued by the Council on Environmental Quality. The text of the code reported herein was approved after consultation with the Council on Environmental Quality and revises and supersedes a policy statement on environmental quality management approved by the Board on February 25, 1971, and instructions issued thereunder.

In accordance with 5 U.S.C. section 553, a general preliminary notice and public procedure is unnecessary.

The Board of Directors approved the following policy, delegations, reservations, and procedures on October 15, 1971. They supersede the "Policy" and "Reservations" approved on February 25, 1971.

**Policy.** TVA recognizes that maintenance of a quality environment is of major importance to the Nation.

Protection and enhancement of environmental quality is an integral part of TVA's concept of unified development of the resources of the region. The TVA

program relating to environmental quality is carried on through ongoing programs related to development of particular resources, such as water resources, recreation resources, and electric power production resources, and a diverse environmental quality control research and development program. These programs are conducted so as to provide, for both the present and future, a wide range of beneficial uses of the environment.

At the earliest possible stage in planning its activities, TVA considers their environmental impact in a broad, interdisciplinary manner, which includes the natural and social sciences and the environmental design arts. TVA consults with other Federal agencies, at the regional and national levels according to the preferences of the agency, and coordinates with State, regional, and local governmental agencies when preliminary overall plans and analyses are available. TVA also consults with other interested groups and individuals regarding TVA activities which may have a significant impact on the quality of the human environment. To the fullest extent practicable, TVA assesses potential environmental impacts to avoid or minimize adverse effects and to restore or enhance environmental quality.

**Reservations.** The Board of Directors determines TVA policies relating to programs for protection and enhancement of environmental quality and to major TVA actions which may have a significant adverse impact on environmental quality.

**Delegations.** The General Manager:

1. Coordinates implementation of the policy, approves and issues supplemental procedures, and insures agency compliance with all applicable laws and regulations.

2. Approves environmental statements.

3. Determines at what stage or stages of a series of actions relating to a particular matter the environmental statement procedures under this code will be applied.

4. Insures that appropriate assistance is given to the Council on Environmental Quality.

5. Consults with the Board as he deems appropriate.

**The Division of Law:**

1. Determines and advises the General Manager and interested offices and divisions as to applicable legal requirements relating to environmental matters and reviews documents for legal significance and conformity with such requirements.

2. Conducts public hearings and conducts or coordinates TVA's presentations at hearings conducted by other agencies.

**The Office of Health and Environmental Science:**

1. In cooperation with interested offices and divisions, recommends to the General Manager supplemental procedures relating to environmental statements.

2. In cooperation with interested offices and divisions, plans, formulates, and recommends policies and programs

relating to protection and enhancement of the environment. Specifically, it:

a. Collaborates with other offices and divisions in considering the environmental implications of major actions being planned by TVA.

b. Provides technical guidance and assistance to other TVA offices and divisions in planning and implementing the environmental aspects of their activities.

c. Maintains liaison with the Council on Environmental Quality and in coordination with other offices and divisions, consults with the Council on Environmental Quality concerning the identification and development of methods and procedures which will insure that presently unquantified environmental amenities and values are given appropriate considerations in TVA planning processes along with economic and technical considerations.

d. Makes available, in cooperation with other offices and divisions to States, counties, municipalities, institutions, and individuals advice and information useful in restoring, maintaining, and enhancing the quality of the environment.

e. Initiates and coordinates the utilization of ecological information in the planning and development of resource oriented projects.

f. Administers cooperative relationships, as appropriate, with Federal, regional, State, and local agencies and other groups and individuals concerned with environmental quality management.

g. Monitors, conducts primary research on, and assesses the impact on environmental quality of TVA actions.

3. Throughout the formulative stages of proposals for TVA actions and in cooperation with other TVA offices and divisions, reviews and balances environmental and nonenvironmental considerations (including unquantified as well as quantified environmental amenities and values along with economic and technical considerations) and advises the initiating office or division of the results thereof. It advises the General Manager of TVA proposals for major actions having a significant environmental impact where, at its discretion, a review and balancing of environmental and nonenvironmental considerations should be undertaken by the General Manager at a stage in the planning process earlier than that at which he would normally do so.

**Offices and Divisions:**

1. In collaboration with the Office of Health and Environmental Science, evaluate the environmental impact of potential TVA actions at the earliest possible stage in planning and as an integral part of the feasibility, technical, and/or other evaluations.

2. Carry out the responsibilities assigned to them by procedures issued by the General Manager. They consider environmental quality implications at the earliest possible stage in planning their actions. Where significant environmental implications exist, they forward appropriate information to the Office of

Health and Environmental Science. Based on their expertise or interest, they provide advice and assistance to the Office of Health and Environmental Science and cooperate with that office in its studies and evaluations of potential environmental impacts.

3. Use a systematic, interdisciplinary approach incorporating the natural and social sciences and the environmental design arts in the planning and consideration of major TVA actions which may have an impact on man's environment.

4. Study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.

5. Identify and analyze worldwide and long-range character of environmental problems arising out of TVA actions or proposed actions, and coordinate with the Office of Health and Environmental Science the lending of TVA support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment.

**Procedures. A. Definitions.**

1. The term "action" as used herein includes projects; programs; continuing activities; approvals under section 26a of the TVA Act and regulations issued thereunder; sales, leases, and licenses of real property; legislative proposals; regulations; procedures; classes of action; or changes in any of the foregoing.

2. The term "action" as used herein may include both proposed actions and ongoing actions.

3. The term "class of action" means a type of action undertaken frequently, or a program which involves numerous similar types of acts, as for example, TVA's coal procurement program, or an action having other actions as included components, as for example, the construction of a dam and reservoir.

**B. Initial Environmental Evaluations.**

At the earliest possible stage in planning for potential TVA actions, and as an integral part of the feasibility, technical and/or other evaluations, the initiating office or division, in collaboration with the Office of Health and Environmental Science and other appropriate offices and divisions, evaluates the environmental impacts involved. In doing so, it utilizes ecological and other pertinent information and examines:

1. Compatible uses of the environment;

2. Unavoidable adverse environmental impacts;

3. Alternative means for achieving the intended benefits of the Proposal and the environmental impacts thereof;

4. Cumulative and long-range impacts;

5. Unquantified values and amenities;

6. The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity;

7. Irreversible and irretrievable commitments of resources; and

8. Economic effects of the proposed action (including cost benefit analyses where appropriate).

**C. Determination of Applicability of National Environmental Policy Act section 102(2) (C).**

1. During, or at the earliest practicable stage following, the evaluation described in section B hereof, the initiating office or division promptly notifies the Office of Health and Environmental Science and the Division of Law if the evaluation discloses that the action may affect the quality of the human environment.

2. Actions which may affect the quality of the human environment and which require notice to the Office of Health and Environmental Science and the Division of Law include but are not limited to:

- a. Water resource and other natural resource development or reclamation projects;
- b. New power-generating facilities, or significant modifications to existing facilities;
- c. Transmission system facilities;
- d. Urban and industrial development proposals;
- e. Weed and vector control methods;
- f. Major recreation facilities;
- g. Proposals for and policies related to the use and disposal of TVA lands and land rights;
- h. Effluent-producing facilities or any use of TVA land which may result in the production or deposit of effluent;
- i. Recommendations or reports relating to legislation or appropriations;
- j. Permits under section 26a of the TVA Act;
- k. TVA policy-, procedure-, and regulation-making; and
- l. Any action, the environmental impact of which is anticipated to be highly controversial.

3. At the same time the notice required by section C(1) is given, the initiating office or division forwards a preliminary determination as to whether the action is a major action significantly affecting the quality of the human environment.

4. The initiating office or division promptly requests the concurrence of the Office of Health and Environmental Science and the Division of Law in its determination. Forwarded with the request for concurrence is a description of the proposed action and a discussion of the basis for the determination.

5. If the Office of Health and Environmental Science and the Division of Law both concur, the determination is a final determination.

6. If either the Office of Health and Environmental Science or the Division of Law does not concur, the matter is decided by the General Manager consistent with legal determinations made by the General Counsel.

7. The General Manager is notified of all determinations that an action is a major action significantly affecting the quality of the human environment.

8. Where an action is determined to be a major action significantly affecting the quality of the human environment, an

environmental statement will be prepared in accordance with the procedures described below. The General Manager may direct that a statement be prepared having a different scope from that dealt with in the determination described above. For example, he may direct that a statement be prepared dealing with a program or policy rather than an individual action.

9. The General Manager may also determine that preparation of a statement should be delayed while further study is made of the action or its potential environmental consequences.

**D. Review Preceding Preparation of Draft Environmental Statements.**

1. Subject to and consistent with any determinations made by the General Manager under sections C (8) and (9), the initiating office or division provides the Office of Health and Environmental Science and other interested offices and divisions with detailed information concerning the action, including proposed implementation dates, if possible.

2. The initiating office or division requests from other offices and divisions comments relating to the environmental impacts of the action as they relate to the expertise or program interests of the respective offices and divisions.

3. Offices and divisions send their comments to the initiating office or division with a copy to the Office of Health and Environmental Science.

4. The initiating office or division reviews the proposal with the Office of Health and Environmental Science. This review includes a discussion of the comments received and the alternatives evaluated.

5. The Office of Health and Environmental Science advises the initiating office or division of changes which it deems environmentally desirable and assists in further evaluation of the action.

**E. Preparation of Preliminary Draft Environmental Statements.**

1. The initiating office or division is responsible for preparation of a preliminary draft environmental statement.

2. The preliminary draft is prepared upon completion of necessary investigations and analysis, including engineering or technical feasibility, economic analysis, environmental studies, and investigations of alternatives.

3. The statement is prepared either prior to or simultaneously with the planning report, if any. If no planning report is to be prepared, the statement is prepared as early as practicable.

4. In all cases, the statements are prepared in sufficient time to meet the requirements of the CEQ guidelines, these procedures and other applicable requirements. Normal time schedules may be modified as provided in section 10(d) of the CEQ guidelines.

5. Draft statements prepared after the effective date of this instruction will include:

- a. A summary sheet;

b. A detailed description of the proposed action;

c. A description of the environmental impacts of the proposed action, including impacts on unquantified environmental values and amenities;

d. A description of the adverse environmental effects which cannot be avoided should the proposal be implemented;

e. A discussion of alternatives to the proposed action;

f. A discussion of the relationship between local short-term uses of man's environment and the maintenances and enhancement of long-term productivity;

g. A discussion of any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented; and

h. A discussion of the economic effects of the action.

**F. Review of Preliminary Draft Environmental Statements.**

1. The preliminary draft is reviewed by the Office of Health and Environmental Science, the Division of Law, and other interested offices and divisions, including all of those involved in earlier planning.

2. The initiating office or division, with the advice and assistance of the Office of Health and Environmental Science, reviews all comments received, modifies the statement as appropriate, and submits it to the Office of Health and Environmental Science.

3. Completion deadlines for handling of the statements are established by the initiating office or division in consultation with the Office of Health and Environmental Science and other interested offices and divisions.

4. The Office of Health and Environmental Science obtains approval of the draft statement from the Division of Law and transmits it to the General Manager.

5. Accompanying the statement when it is sent to the General Manager are recommendations, made in consultation with the initiating office or division, the Division of Law, and the Division of Navigation Development and Regional Studies, regarding formal consultation and review with Federal, State, regional, and local governmental agencies and regarding the holding of public hearings. The General Manager determines whether a public hearing is to be held and makes such other determinations regarding consultation and review as he deems appropriate.

**G. External Review of Draft Environmental Statements.**

1. The General Manager transmits the draft statement to the Council on Environmental Quality.

2. The Office of Health and Environmental Science, by requesting comments on the draft environmental statement, consults with Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved.

3. The Division of Navigation Development and Regional Studies requests review by State and local agencies authorized to develop and enforce relevant environmental standards.

4. All action described in items G(1) through (3) will be undertaken in accordance with the CEQ guidelines, procedures established pursuant to the Office of Management and Budget Circular A-95 (revised) and Bulletin 72-6, as hereafter amended or supplemented, and special requests of agencies relating to review by their regional, district, or local offices.

5. The Office of Health and Environmental Science, in consultation with the initiating office or division, establishes the time limits for the receipt of comments. Except in emergency situations, the minimum review period will be 30 days or, in the case of statements sent to the Environmental Protection Agency under item G(7), 45 days.

6. In addition to formal consultation and review, the Office of Health and Environmental Science and the Division of Navigation Development and Regional Studies may consult directly with other agencies, with the concurrence of the initiating office or division and the Division of Law, where such consultation is deemed to be appropriate.

7. When required and as prescribed by section 309 of the Clean Air Act and section 8 of the CEQ guidelines, the General Manager also transmits the statement to the Administrator of the Environmental Protection Agency for review. In any case in which review is required under section 309 of the Clean Air Act but for which no statement is being prepared, the Office of Health and Environmental Science will obtain the necessary review as soon as practicable, but in all cases well enough in advance of submission of the proposed action for authorization to allow 45 days for review by the Environmental Protection Agency.

8. Copies of comments received from both official and private sources are forwarded upon receipt to the initiating office or division, the Office of Health and Environmental Science, and the Division of Law.

9. The Office of Health and Environmental Science forwards copies of comments to offices and divisions having pertinent responsibility or expertise.

10. The Office of Health and Environmental Science will forward all Federal, State, regional, and local governmental agencies' comments to the Council on Environmental Quality as necessary. Comments on draft statements from private groups will also be forwarded to CEQ where in TVA's judgment they raise significant environmental issues not raised in the official review process.

#### H. Public Notification.

1. At the same time the draft environmental statement is circulated for comment and furnished to the Council on Environmental Quality, it is also made available to the public through the Information Office, except where advance public disclosure within the meaning of

section 10(d) of the CEQ guidelines would result in significantly increased costs of procurement.

2. With respect to recommendations or reports on proposals for legislation, such information is made available to the public at the same time it is furnished to Congress.

3. The Division of Law, as it deems appropriate, arranges for publication of notice of the availability of statements in the FEDERAL REGISTER.

4. Whenever a public hearing is to be held, the Division of Law schedules and conducts any hearing held by TVA, in such manner that the hearing process meets the requirements of section 10(e) of the CEQ guideline and any other applicable requirements.

5. The Information Office disseminates to the public information concerning public hearings.

6. The Division of Law obtains a transcript of the public hearing and forwards it, along with a summary of points raised in cases where the Division of Law believes such a summary would be helpful, to the Office of Health and Environmental Science and initiating office or division.

7. The Division of Law also handles or coordinates the presentation by TVA at any hearing held by another agency.

8. The Office of Health and Environmental Science requests from other appropriate offices and divisions their review of comments made at the public hearing related to points not previously raised.

#### I. Evaluation of Comments.

1. The initiating office or division evaluates the comments, in consultation with the Office of Health and Environmental Science and other appropriate offices and divisions.

2. This evaluation includes a reexamination of the matters considered in the original evaluation to the extent the comments or the evaluation process raise significant issues along with a reexamination of the economic and technical benefits of the proposed action and alternatives in relation to both quantified and unquantified environmental considerations.

#### J. Preparation of Final Statements.

1. Following completion of evaluation of comments, the Office of Health and Environmental Science prepares a draft of the final statement or requests another office or division to do so.

2. The final statement consists of either a new statement or the draft statement together with separate indication of any corrections or changes therein deemed to be desirable. It includes the text of the comments received in the Federal, State, and local review process; the text or a summary of comments from private organizations and individuals to the extent they raise significant issues not raised by the Federal, State, or local comments; and a discussion of the comments. A copy of the draft statement may be appended to the final statement.

3. The draft is reviewed by the initiating office or division and the offices and divisions which reviewed previous drafts.

4. Each reviewing office and division forwards any comments it has to the Office of Environmental Science and to the initiating office or division. In consultation with the initiating office or division the Office of Health and Environmental Science makes revisions in the statement which it deems desirable.

5. The Office of Health and Environmental Science obtains approval of the proposed final environmental statement from the Division of Law and transmits the statement to the General Manager along with the comments of reviewing offices and divisions and information concerning any unresolved internal comments.

#### K. Review and Balancing; Authorization.

1. The General Manager, or the Assistant General Manager when designated by the General Manager, with the assistance of such members of the staff as he may select, conducts an independent review and balancing of environmental and nonenvironmental considerations (including unquantified as well as quantified environmental amenities and values along with economic and technical considerations) involved in all proposed actions for which a proposed final environmental statement has been prepared. This includes a review of staff recommendations concerning the proposed action, of alternatives thereto, and of the proposed final environmental statement.

2. Following such review and balancing, the General Manager may approve, modify, or disapprove the final statement. Where he disapproves a statement, he may return it for revision and may also request the suspension of further planning work on an action pending preparation of a revised statement.

3. In all cases in which under the TVA Code the proposed action is one which will require Board approval, the General Manager forwards to the Board a report concerning his or the Assistant General Manager's review and balancing and conclusions concerning the proposed action, and a copy of the final environmental statement if he or the Assistant General Manager has approved one.

4. In all cases in which the proposed action is one which under the TVA Code can be approved by the General Manager without Board approval, the General Manager employs results of the foregoing review and balancing as part of his consideration of the request for authorization.

5. In all cases in which the proposed action is one which under the TVA Code could otherwise be approved by an office or division, the General Manager's approval is required prior to the authorization if the action is one for which a proposed final environmental statement has been prepared.

6. The General Manager may consult with the Board as he deems appropriate

on proposed actions which do not require Board approval.

7. The initiating office or division in consultation with the Office of Health and Environmental Science, the Division of Law, and other appropriate offices and divisions, determines and informs the General Manager of time limitations applicable to the authorization process.

8. The General Manager submits the final statement to the Council on Environmental Quality.

9. Copies of the final statement are forwarded by the Office of Health and Environmental Science to the Division of Navigation Development and Regional Studies, which makes them available to appropriate State, regional, and metropolitan clearinghouses, and to the Information Office, which makes them available to the public.

10. The Office of Health and Environmental Science maintains a file on all environmental statements.

#### L. Review of Statements Prepared by Other Agencies.

1. The Office of Health and Environmental Science reviews, in consultation with other interested TVA offices and divisions, environmental statements submitted to TVA by other Federal agencies and prepares a response, which after review by the Division of Law and the Office of the General Manager is forwarded to the initiating agency.

2. Where another Federal agency is preparing a statement in connection with a TVA action, the procedures outlined in this instruction may be utilized to such extent and with such modifications as the General Manager deems appropriate.

#### M. Review of Existing Projects and Programs.

To the maximum extent deemed by the General Manager to be practicable, the procedure described above should be applied to actions having a significant impact on the environment even though such actions arise from policies, projects, programs, or classes of action which were initiated prior to January 1, 1970.

#### N. Modifications of These Procedures.

1. The assignments to offices and divisions in these procedures may be modified by agreement of the offices or divisions involved, or by special instructions from the General Manager.

2. The procedures also may be modified by the Office of Health and Environmental Science, with the concurrence of the General Manager and the concurrence of the Division of Law as to legal propriety, where the action involves TVA policies, where it involves changes necessary or desirable to conform with the policies, procedures, or preferences of another agency also involved in the proposed action, as in the case of a proposed nuclear powerplant project, where it involves actions planned or in progress prior to July 1, 1971, or where modification is necessary or desirable because of a change in the CEQ guidelines or other similar regulations.

#### O. Substantial Compliance.

Because of unforeseen situations or emergencies, or through inadvertence, or for other reasons, some of the steps outlined in these procedures may be consolidated, modified, or omitted by offices or divisions. The Division of Law shall be promptly asked to approve any such consolidation, modification, or omission, and may do so if such change would conform to legal requirements and substantially comply with the intent of this code. The Division of Law shall consult with the Council on Environmental Quality as it deems appropriate before approving any such changes.

#### P. Application of These Procedures to Actions in Progress.

These procedures apply to the fullest extent practicable to further work in connection with actions in progress as of the effective date of the procedures.

These procedures are issued for publication in the FEDERAL REGISTER in compliance with a request of the Council on Environmental Quality, dated May 14, 1971.

Dated at Knoxville, this the 26th day of October 1971, for the Tennessee Valley Authority.

LYNN SEEGER,  
General Manager.

[FR Doc.71-15930 Filed 11-1-71;8:52 am]

## INTERSTATE COMMERCE COMMISSION ASSIGNMENT OF HEARINGS

OCTOBER 28, 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 12426 Sub 1, Groups Unlimited, Inc., assigned December 6, 1971, in Room F-2220, 26 Federal Plaza, New York, NY.

MC 134356, Gale Delivery, Inc., assigned December 8, 1971, in Room F-2220, 26 Federal Plaza, New York, NY.

MC 101186 Sub 11, Arledge Transfer, Inc., now being assigned hearing December 6, 1971, in Room 271, Federal Building, 210 Walnut Street, Des Moines, IA.

MC 110563 Sub 58, Coldway Food Express, Inc., now assigned November 2, 1971, at Washington, D.C., postponed to January 26, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 109397 Sub 252, Tri-State Transit Co., now assigned November 10, 1971, at Washington, D.C., postponed to January 26, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 105997 Sub 11, Oil-Ways, Co., assigned November 2, 1971, at New York, N.Y., postponed to January 24, 1972, at a hearing room to be later designated in New York, NY.

MC 124211 Sub 179, Hilt Truck Line, now assigned November 29, 1971, in Room 106, Federal Office Building, 106 South 15th Street, Omaha, NE.

MC 124211 Sub 175, Hilt Truck Line, now assigned November 30, 1971, in Room 106, Federal Office Building, 106 South 15th Street, Omaha, NE.

MC 124174 Sub 82, Momsen Trucking, now assigned December 1, 1971, in Room 106, Federal Office Building, 106 South 15th Street, Omaha, NE.

MC 133436 Sub 6, Dudden Elevator, Inc., now assigned December 3, 1971, in Room 106, Federal Office Building, 106 South 15th Street, Omaha, NE.

MC 16682 Sub 81, Mural Transport, MC 35358 Sub 25, Berger Transfer & Storage, MC 107012 Sub 111, North American Van Lines, now assigned December 6, 1971, in Room 106, Federal Office Building, 106 South 15th Street, Omaha, NE.

MC-F-11155, Worster-Iowa, Inc.—Merge—Powers Transportation, Inc., assigned January 19, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11171, Cook Motor Lines, Inc.—Purchase (Portion)—Epperly Motor Freight, Inc., MC 106451 Sub 8, Cook Motor Lines, Inc., MC-F-11172, Overnight Transportation Co.—Purchase (Portion)—Epperly Motor Freight, Inc., MC 109533 Sub 47, Overnite Transportation Co., assigned January 19, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 127042 Sub 72, Hagen, Inc., now assigned Nov. 3, 1971, at Chicago, Ill., postponed to February 2, 1972, at Chicago, Ill., at a hearing room to be later designated. MC 115841 Sub 4, Inter-County Motor Coach, now assigned November 8, 1971, at New York City, N.Y., postponed to January 17, 1972, at New York, N.Y., at a hearing room to be later designated.

MC 113651 Sub 136, Indiana Refrigerator Lines, now assigned November 4, 1971, at Kansas City, Mo., canceled and application dismissed request of Dillon for applicant. MC-C-7297, Suwak Trucking Co., Revocation of certificate (Portion) assigned January 17, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 34975 Sub 5, Tredways Express, Inc., now assigned January 12, 1972, at New York, N.Y., hearing room to be later designated.

MC 133265 Sub 3, Consolidated Carriers Corp., now assigned January 10, 1972, at New York, N.Y., in a hearing room to be later designated.

MC 69275 Sub 41, M & M Transportation Co., now assigned December 6, 1971, in Courtroom A, Room 238, U.S. Court of Claims, 26 Federal Building, New York, N.Y.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.71-15948 Filed 11-1-71;8:51 am]

### [Rev. S.O. No. 994; ICC Order 61; Amdt. 2] NEW YORK, SUSQUEHANNA AND WESTERN RAILROAD CO.

#### Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 61 (New York, Susquehanna and Western Railroad Co.) and good cause appearing therefor:

*It is ordered, That:*

ICC Order No. 61 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1971, unless otherwise modified, changed, or suspended.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., October 31, 1971, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 27, 1971.

INTERSTATE COMMERCE  
COMMISSION,  
[SEAL] R. D. PFAHLER,  
Agent.

[FR Doc.71-15950 Filed 11-1-71;8:51 am]

[S.O. 1082]

### STAR FORWARDERS, INC.

#### Authorization To Operate Through Halifax, Nova Scotia, and Montreal, Quebec, Canada, and Other Ports

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 26th day of October, 1971.

It appearing, that Star Forwarders, Inc., Kansas City, Mo., is authorized, under permit No. FF-53 et al., to operate as a freight forwarder of commodities generally, consigned for export, from certain named points of the United States to specified ports and points on the Atlantic and Gulf coasts of the United States, as specified in the appendix hereto; that such Atlantic and Gulf coast ports are effectively closed by a strike of the International Longshoremen's Association; that this labor disturbance has rendered it impossible for said freight forwarder to handle the traffic offered to so as promptly to serve the public; that this emergency condition affecting said freight forwarder is a matter beyond its control calling for immediate and interim relief; that the authorization granted herein is required to best promote service in the interest of the public and the commerce of the people; that notice and subject procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days notice; wherefore:

*It is ordered,* That pursuant to sections 1(16) and 420 of the Interstate Commerce Act, 49 U.S.C. 1(16) and 1020, Star Forwarders, Inc., be and it is hereby, authorized to operate to Halifax, Nova Scotia, and Montreal, Quebec, Canada, insofar as such movement is in the United States, and to any port on the Atlantic and Gulf coasts of the United States not effectively closed by the strike

of the International Longshoremen's Association, in the forwarding of the commodities it otherwise is authorized to handle as a freight forwarder under the above described portion of permit Nos. FF-53 et al.;

*It is further ordered,* That said freight forwarder be, and it is hereby, directed promptly to print and file with the Commission tariffs showing its rates and charges for the service authorized herein and otherwise to comply with the provisions of the Interstate Commerce Act;

*It is further ordered,* That this order be, and it is hereby, made effective at 12:01 a.m., October 27, 1971, and shall expire at 11:59 p.m., November 26, 1971, unless otherwise modified, changed or suspended, and

*It is further ordered,* That copies of this order shall be served upon said freight forwarder; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,  
Secretary.

#### APPENDIX

(1) From Sioux Falls, S. Dak., Omaha, Nebr., Louisville, Ky., and all points in Illinois, Missouri, Indiana, Iowa, Michigan, Minnesota, Wisconsin, Ohio, Pennsylvania, New York, and West Virginia, to the ports of New York, N.Y., Pensacola, Fla., and New Orleans, La., when consigned for export, (2) from all points in Illinois, Kentucky, Tennessee, Mississippi, Texas, Oklahoma, Arkansas, Missouri, Iowa, Kansas, and Colorado, to all points in Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Maryland, New York, Delaware, and the District of Columbia, for export, except as specified in (1) above, and (3) from points in Michigan, Ohio, Indiana, Wisconsin, Minnesota, and Omaha, Nebr., to Baltimore, Md., for export.

[FR Doc.71-15951 Filed 11-1-71;8:51 am]

[Notice 773]

### MOTOR CARRIER TRANSFER PROCEEDINGS

October 28, 1971.

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

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

No. MC-FC-73104. By order of October 27, 1971, the Motor Carrier Board approved the transfer to Lessard Bus

Lines, Inc., 4 Massawippi St., Lennoxville, P.Q. Canada, of the operating rights in certificate No. MC-119538 issued October 12, 1965, to Mrs. Hilda Dillon Lessard, doing business as Lessard Bus Lines Registered, 4 Massawippi St., Lennoxville, P.Q. Canada, authorizing the transportation of passengers and their baggage, in round trip charter operations, beginning and ending at specified ports of entry on the United States-Canada boundary line in Vermont and extending to points in Vermont, New Hampshire, Maine, Massachusetts, New York, North Carolina, and Florida.

No. MC-FC-73116. By order of October 26, 1971, the Motor Carrier Board approved the transfer to Kearney's Inc., Portland, Pa., of certificate No. MC-134616, issued June 28, 1971, to Kearney's Trucking Service, Inc., Portland, Pa., authorizing the transportation of slag, sandblasting sand, sand, gravel, and stone, from and to various specified points in Pennsylvania, New York, and New Jersey. Kenneth R. Davis, ICC Practitioner, 999 Union Street, Taylor, PA 18517.

No. MC-FC-73215. By order of October 27, 1971, the Motor Carrier Board approved the transfer to Raymond Woodson, doing business as Woodson's Trucking Service, Wellsville, Mo., of the operating rights in certificate No. MC-90847 issued September 9, 1970, to Hazel Kersting and Benton Lowry, a partnership, doing business as Kersting & Lowry Trucking Service, Martinsburg, Mo., authorizing the transportation of coal, from Belleville, Ill., to Auxvasse, Mo., serving specified intermediate and off-route points; washing machines, coffins, and stoves, from St. Louis, Mo., to Auxvasse; livestock and hay, from Auxvasse, Mo., to East St. Louis, Ill., serving specified intermediate and off-route points; wire fence and fence materials, shingles, livestock, feed, and fertilizer, from East St. Louis, Ill., to Auxvasse, Mo., serving specified intermediate and off-route points; and dry fertilizer, from East St. Louis, Ill., to specified counties in Missouri, subject to restrictions. Herman W. Huber, 101 East High Street, Jefferson City, MO 65101, attorney for applicants.

No. MC-FC-73217. By order of October 26, 1971, the Motor Carrier Board approved the transfer to Anthony Tamaro, Inc., Robbinsville, N.J., of the operating rights in certificate No. MC-118213 issued May 14, 1969, to Richard Parker, Inc., Cranbury, N.J., authorizing the transportation of bananas from and to specified points in New York, New Jersey, Pennsylvania, Maryland, and South Carolina. Robert Watkins, 170 South Broad Street, Trenton, NJ 08608, attorney for applicants.

No. MC-FC-73222. By order of October 21, 1971, the Motor Carrier Board approved the transfer to I-88 Express Lines, Inc., Cobleskill, N.Y., of the operating rights in certificate No. MC-4306 issued October 5, 1949, to La Grange Motor Express, Inc., Cobleskill, N.Y., authorizing the transportation of general

commodities, with exceptions, between Albany, N.Y., and various specified points in New York. John J. Brady, 75 State Street, Albany, NY 12207, attorney for applicants.

No. MC-FC-73229. By order of October 26, 1971, the Motor Carrier Board approved the transfer to Frank Rose, Jr., doing business as Union Transportation, Gloucester, Mass., of certificate of registration No. MC-98164 (Sub-No. 1), issued January 10, 1964, to David Elton McCabe, doing business as McCabe Transportation, Wellesley Hills, Mass., evidencing a right to engage in transportation in interstate commerce corresponding in scope to irregular route common carrier certificate No. 1726, dated October 11, 1951, issued by the Massachusetts Department of Public Utilities. Frederick T. O'Sullivan, 372 Granite Avenue, Milton, MA 02186, attorney for applicants.

No. MC-FC-73232. By order of October 26, 1971, the Motor Carrier Board approved the transfer to J & K Trucking, Inc., Wawaka, Ind., of certificates Nos. MC-126224 (Sub-No. 1) and MC-126224 (Sub-No. 3), issued August 27, 1964, and December 15, 1966, respectively, to James F. Bailey, doing business as Bailey Trucking, Garrett, Ind., authorizing the transportation of: Fertilizer, hog feeders, and hog houses, animal and poultry feeds, salt, agricultural lime, grain and hay

seeds, grain, baled hay and straw, livestock, alfalfa meal, picket cribbing, fence posts and poles, and roofing, soybean meal, meat scraps and tankage, from, to, or between specified points and places in Illinois, Ohio, Indiana, and Michigan. Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204, attorney for applicants.

No. MC-FC-73235. By order of October 26, 1971, the Motor Carrier Board approved the transfer to Hi-Lo Transportation Corp., Baltimore, Md., of the operating rights in certificate No. MC-69183 issued November 15, 1949 to Forster Transfer and Rigging Co., Inc., 518 South Gilmore Street, Baltimore, MD 21223, authorizing the transportation of specified commodities between Baltimore, Md. and points within 25 miles thereof, on the one hand, and, on the other, Martinsburg, W. Va., New York, N.Y., and points in Virginia, Maryland, Pennsylvania, Delaware, New Jersey, and the District of Columbia. Robert H. Griswold, Post Office Box 1166, Harrisburg, PA 17108, Sigmund R. Kallins, 900 Garrett Building, Baltimore, Md. 21202, attorneys for transferee.

No. MC-FC-73238. By order of October 27, 1971, the Motor Carrier Board approved the transfer to Font Transport Corp., New York, N.Y., of certificate No. MC-134104 (Sub No. 2) issued July 12, 1971, to Gilbert Font and Peter J. Betz,

doing business as B & F Transport Co., Central Islip, N.Y., authorizing the transportation of: Industrial refuse containers, and lampshades, from specified points in New York, to points in Delaware, Florida, Iowa, Illinois, Indiana, Louisiana, Maryland, Michigan, Minnesota, New Jersey, New York, Nebraska, Ohio, Oklahoma, Pennsylvania, Texas, Virginia, Wisconsin, and the District of Columbia. Arthur J. Piken, Attorney, 1 Lefrak City, Rego Park, N.Y. 11373.

No. MC-FC-73258. By order of October 27, 1971, the Motor Carrier Board approved the transfer to C. L. Wright, Inc., South Charleston, W. Va., of the operating rights in certificates Nos. MC-7576 and MC-7576 (Sub-No. 4) issued August 21, 1950, to E. B. Harter, doing business as C. L. Wright Trucking, South Charleston, W. Va., authorizing the transportation of various commodities from and to specified points and areas in West Virginia, Pennsylvania, Virginia, and Ohio, and specified points and areas in North Carolina, Virginia, Tennessee, Kentucky, Ohio, and Pennsylvania. Henry C. Bias, Jr., Post Office Box 188, 603 Virginia Street, East, Charleston, WV 25321, attorney for applicants.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.71-15949 Filed 11-1-71; 8:51 am]

## FEDERAL REGISTER

## LIST OF FEDERAL REGISTER PAGES AND DATES—NOVEMBER

Pages	Date
20925-21016.....	Nov. 1