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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.

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Title 3—The President

PROCLAMATION 4092

Modifying Proclamation No. 3279, Relating to Imports of Petroleum and Petroleum Products

By the President of the United States of America

A Proclamation

The Director of the Office of Emergency Preparedness, with the advice of the Oil Policy Committee, has found that the national security will not be adversely affected by changes in the oil import program which would

—extend indefinitely the provision permitting the importation of No. 2 fuel oil into District I,

—enable holders of allocations made pursuant to this program to obtain No. 2 fuel oil manufactured in Puerto Rico, and

—authorize the suspension, from time to time, of the requirement that such No. 2 fuel oil be manufactured in the Western Hemisphere from crude oil produced in that hemisphere.

The Director, with the advice of the Oil Policy Committee, has recommended that Proclamation No. 3279 [1], as amended, be further amended to adjust imports and to improve the administration of the program in conformity with these findings.

I agree with the findings and recommendations of the Director and deem it necessary and consistent with the security objectives of Proclamation No. 3279, as amended, to adjust the imports of petroleum and petroleum products, and to improve the administration of the program, as hereinafter provided.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and laws of the United States, including section 232 of the Trade Expansion Act of 1962, do hereby proclaim

[1] 24 F.R. 1781; 3 CFR, 1959–1963 Comp., p. 11.

that, effective as of the date of this Proclamation, Proclamation No. 3279, as amended, is further amended as follows:

1. Subparagraph (1) of paragraph (a) of section 2 is amended to read as follows:

"Except as otherwise provided in this proclamation, the maximum level of imports (exclusive of imports from Canada provided for in paragraph (a) of section 1A), subject to allocation, of crude oil, unfinished oils, and finished products (other than residual fuel oil to be used as fuel) into Districts I–IV for a particular allocation period, shall be an amount equal to the difference between (i) 960,000 barrels per day during that allocation period and (ii) the quantity of crude oil and unfinished oils which may be imported pursuant to paragraph (h) of section 1A of this proclamation during the particular allocation period plus the quantity estimated by the Secretary by which shipments of unfinished oils and finished products (other than residual fuel oil to be used as fuel) from Puerto Rico to Districts I–IV during that allocation period will exceed the quantity (as adjusted by the Secretary as he may determine to be consonant with the objectives of this proclamation) so shipped during a comparable base period in the year 1965. Within this maximum level, imports of unfinished oils and imports of finished products (other than residual fuel oil to be used as fuel) shall not exceed such levels as the Secretary may determine to be consonant with the objectives of this proclamation. In addition to the imports permitted under the first sentence of this paragraph, for the period January 1, 1971 through December 31, 1971, and for each allocation period thereafter, there may be imported into District I, an average of 45,000 barrels per day of No. 2 fuel oil, manufactured in the Western Hemisphere from crude oil produced in the Western Hemisphere, for allocation, under regulations of the Secretary, to persons in the business in District I of selling No. 2 fuel oil who do not have crude oil import allocations into Districts I–IV and who operate deep water terminals in District I or have through-put agreements with deep water terminal operators in District I who do not have crude oil import allocations into Districts I–IV, on a fair and equitable basis, to the extent possible, in relation to such persons' inputs of No. 2 fuel oil to such terminals, having regard to any product import allocations into Districts I–IV made to such persons. No person who manufactures in Puerto Rico No. 2 fuel oil from crude oil produced in the Western Hemisphere shall incur a reduction of an allocation or be deemed to have violated a condition of an allocation by reason of a shipment of such oil to a person who holds an allocation under the preceding sentence and who relinquishes an amount of the allocation equal to the amount so shipped, so long as the total of all such shipments from Puerto Rico during a particular allocation period does not exceed an average of 5,000 barrels per day. Whenever the Director of the Office of Emergency Preparedness, as a result of his surveillance under paragraph (a) of section 6, finds that because of supply, price or other considerations, the requirement that such No. 2

fuel oil be manufactured and produced in the Western Hemisphere is restricting the availability of such oil for importation into District I and is not required for the national security, he shall so advise the Secretary who may then suspend such requirement by appropriate regulation. No such suspension shall be renewed except upon a new finding by the Director of the Office of Emergency Preparedness as required under the preceding sentence. The Secretary may, by regulation, provide that a holder of an allocation for the importation of No. 2 fuel oil under the provisions of this subparagraph may import crude oil produced in the Western Hemisphere in lieu of No. 2 fuel oil, barrel for barrel, and exchange such crude oil for No. 2 fuel oil."

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of November, in the year of our Lord nineteen hundred and seventy one, and of the Independence of the United States of America the one hundred and ninety-sixth.

Richard Nixon

[FR Doc.71-16470 Filed 11-8-71;11:02 am]

PROCLAMATION 4093

Thanksgiving Day, 1971

By the President of the United States of America

A Proclamation

One of the splendid events which shape man's destiny occurred when a small band of people, believing in the essential sanctity of their own being, went in search of a land in which their individuality might be the highest national value, before any arbitrary limitation or duty placed upon some men by the whim or design of others.

They went in search of a land where they might live out their own commitment to their own ideal of human freedom. In the purpose of their search, the human spirit found its ultimate definition, and in the product of their search, its ultimate expression. They found the land they sought, and it was a difficult land, but it was rich. With their sacrifices they brought forth its riches, and laid the foundation for a new nation.

But more than that, they revealed a new possibility for the expression of man's spirit. In the sure unfolding of that possibility man has begun to experience a world in which he may do justice, love mercy and walk humbly with his God forever.

For what those early settlers established, we give thanks in a way which began with them. In their first years on the hard cold edge of man's bright golden dream, they were tried and their faith was tested. But when their bodies failed, their faith did not.

The stark simple words on a sarcophagus in a little village on the seacoast of Massachusetts tell the story well: "This monument marks the first burying-ground in Plymouth of the passengers of the Mayflower. Here, under cover of darkness, the fast dwindling company laid their dead; leveling the earth above them lest the Indians should learn how many were the graves."

Yet, because mankind was not created merely to survive, in the face of all hardship and suffering, these men and women—and those of the other early settlements—prevailed. And the settlers gathered to give thanks for God's bounty, for the blessings of life itself, and for the freedom which they so cherished that no hardship could quench it. And now their heritage is ours.

What they dared to imagine for this land came to pass.

What they planted here prospered.

And for our heritage—a land rich with the bountiful blessings of God, and the freedom to enjoy those rich blessings—we give thanks to God Almighty in this time, and for all time.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, in accordance with the wish of the Congress

as expressed in Section 6103 of Title 5 of the United States Code, do hereby proclaim Thursday, November 25, 1971, as a day of national thanksgiving. I call upon all Americans to share this day, to give thanks in homes and in places of worship for the many blessings our people enjoy, to welcome the elderly and less fortunate as special participants in this day's festivities and observances, thereby truly showing our gratitude to God by expressing and reflecting His love.

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

Richard Nixon

[FR Doc.71-16471 Filed 11-8-71;11:02 am]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VI—Soil Conservation Service, Department of Agriculture

PART 601—GREAT PLAINS CONSERVATION PROGRAM

Cost-Share Payments

The regulations governing the Great Plains Conservation Program, 22 F.R. 6851, as amended, are further amended as provided herein. As this amendment constitutes a mandate of Congress, notice of proposed rule making and public participation therein is not required. This amendment will become effective upon publication in the FEDERAL REGISTER (11-9-71).

Section 601.12, *Cost-share payment*, is amended by the addition of paragraph (c), as follows:

§ 601.12 Cost-share payments.

* * * * *

(c) No funds appropriated after June 30, 1971, for cost sharing under the Great Plains Conservation Program may be used to make production or other payments, to producers who after such date harvests, or knowingly permits to be harvested for illegal use, marihuana or other such prohibited drug-producing plant on any part of lands owned or controlled by such producer. For the purpose of the regulations in this part the following plants in addition to marihuana are prohibited: opium poppies, coco bushes, and cactii of the genus lophophra.

(Sec. 4, 49 Stat. 164, as amended, 16 U.S.C., 590d)

Done at Washington, D.C., this 2d day of November 1971.

KENNETH E. GRANT,
Administrator.

[FR Doc.71-16350 Filed 11-8-71;8:50 am]

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

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

Expenses, Rate of Assessment and Carryover of Unexpended Funds

On October 22, 1971, notice of rule making was published in the FEDERAL REGISTER (36 F.R. 20439) regarding proposed expenses and the related rate of assessment for the period August 1, 1971, through July 31, 1972, and the carryover of unexpended funds, pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This notice allowed interested persons 10 days during which they could submit written data, views, or arguments pertaining to these proposals. None were submitted. This regulatory program is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Texas Valley Citrus Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 906.211 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Texas Valley Citrus Committee during the period August 1, 1971, through July 31, 1972, will amount to $735,000.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 906.34, is fixed at $0.045 per seven-tenths bushel carton, or an equivalent quantity of oranges and grapefruit.

(c) *Reserve.* Unexpended assessment funds, in excess of expenses incurred during the fiscal period ended July 31, 1971, shall be carried over as a reserve in accordance with applicable provisions of § 906.35 (a) (2) of the said marketing agreement and order.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of oranges and grapefruit are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable fruit from the beginning of such period; and (3) the current fiscal period began on August 1, 1971, and the rate of assessment herein fixed will automatically apply to all assessable oranges and grapefruit beginning with such date.

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

Dated: November 4, 1971.

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

[FR Doc.71-16346 Filed 11-8-71;8:50 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. J]

PART 210—COLLECTION OF CHECKS AND OTHER ITEMS BY FEDERAL RESERVE BANKS

Designation of Federal Reserve District for American Samoa

The Board of Governors has amended footnote 1 in § 210.2 by adding the words "and American Samoa" immediately following the word "Guam". The purpose of the amendment is to designate American Samoa as being in or of the 12th Federal Reserve District for check collection purposes.

Effective date. October 26, 1971.

By order of the Board of Governors, October 26, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-16303 Filed 11-8-71;8:47 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71-SO-91]

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

Alteration of Transition Area

On September 4, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 17876) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Pensacola, Fla., transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Comments were received from the Air Transport Association of America (ATA) and the commanding officer, Naval Air Station, Ellyson Field, Pensacola, Fla.

The ATA's comment concurred with the proposal, while the comment received from the Navy requested an adjustment to the floor of the transition

area in the immediate vicinity of Helicopter Training Site 8A. The Navy expressed concern that the proposed uniform floor of 700 feet above the surface would have an adverse effect on the autorotation training conducted by helicopters at Training Site 8A.

A review and discussion by the FAA with Navy officials at Ellyson Field disclosed that all operations of the autorotation training are conducted only in visual flight rule conditions, accordingly, it has been determined that the designation of the transition area floor at 700 feet above the surface would have no adverse effect on the helicopter autorotation training.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 6, 1972, as hereinafter set forth.

In § 71.181 (36 F.R. 2140) "Pensacola, Fla." is amended to read:

PENSACOLA, FLA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Pensacola Regional Airport (lat. 30°28'25" N., long. 87°11'20" W.); within 3 miles each side of the ILS localizer north course, extending from the 8.5-mile radius area to 8.5 miles north of Brent LOM; within a 9-mile radius of Forrest Sherman Field (lat. 30°20'53" N., long. 87°19'04" W.); within 7 miles each side of Forrest Sherman Field Runways 6/24 and 18/36 extended centerlines, extending from the 9-mile radius area to 12 miles northeast, south and southwest of the airport; within a 6-mile radius of NAS Saufley Field (lat. 30°28'15" N., long. 87°20'30" W.); within 9.5 miles southeast and 4.5 miles northwest of the 214° bearing from NAS Saufley UHF RBN, extending from the RBN to 18.5 miles southwest; within 9.5 miles southeast and 4.5 miles northwest of NAS Saufley VOR 234° radial, extending from the VOR to 18.5 miles southwest.

(Sec. 307(a) and 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a) and 1510, Executive Order 10854, 24 F.R. 9565, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on November 1, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-16323 Filed 11-8-71;8:48 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Methocarbamol

The Commissioner of Food and Drugs has evaluated a new animal drug application (45-715V) filed by A. H. Robins Co., Research Laboratories, 1211 Sherwood Avenue, Richmond, VA 23220, proposing the safe and effective use of methocarbamol tablets for the treatment of dogs and cats. The application is approved.

To facilitate referencing, A. H. Robins & Co. is being assigned a code number and placed in the list of firms in § 135.501 (21 CFR 135.501).

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), Parts 135 and 135c are amended as follows:

1. Section 135.501 is amended in paragraph (c) by adding a new code number 060, as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

* * * * *

(c) * * *

Code No.	*Firm name and address*
* * *	* * *
060	A. H. Robins Co., Research Laboratories, 1211 Sherwood Avenue, Richmond, VA 23220.

2. Part 135c is amended by adding the following new section:

§ 135c.51 Methocarbamol tablets.

(a) *Chemical name.* 3-(O-Methoxyphenoxy)-1,2-propanediol 1-carbamate.

(b) *Specifications.* Each tablet contains 500 milligrams of methocarbamol.

(c) *Sponsor.* See code No. 060 in § 135.501(c) of this chapter.

(d) *Conditions of use.* (1) The drug is administered to dogs and cats as an adjunct to therapy for acute inflammatory and traumatic conditions of the skeletal muscles in order to reduce muscular spasms.

(2) Dosage is based upon severity of symptoms and response noted. The usual initial dose is 60 milligrams per pound of body weight in two or three equally divided doses followed by 30 to 60 milligrams per pound of body weight each following day, usually not to exceed 14 to 21 days.

(3) For use only by or on the order of a licensed veterinarian.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (11-9-71).

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

Dated: October 28, 1971.

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

[FR Doc.71-16317 Filed 11-8-71;8:47 am]

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

Neomycin Sulfate-Thiabendazole-Dexamethasone Solution, Veterinary.

The Commissioner of Food and Drugs has evaluated a new animal drug application (42-633V) filed by Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Inc., Rahway, N.J. 07065, proposing the safe and effective use of neomycin sulfate-thiabendazole-dexamethasone solution, veterinary, for topical use on dogs and cats. The 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), Part 135a is amended by adding the following new section:

§ 135a.18 Neomycin sulfate-thiabendazole-dexamethasone solution, veterinary.

(a) *Specifications.* Each cubic centimeter of neomycin sulfate-thiabendazole-dexamethasone solution, veterinary, contains: 40 milligrams of thiabendazole, 3.2 milligrams of neomycin (from neomycin sulfate), and 1 milligram of dexamethasone.

(b) *Sponsor.* See code No. 023 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is recommended for use as an aid in the treatment of bacterial, mycotic, and inflammatory dermatoses and otitis externa in dogs and cats.

(2) In treating dermatoses affecting areas other than the ear, the surface of the lesions should be well moistened (two to four drops per square inch) twice daily. In treating otitis externa, five to 15 drops of the drug should be instilled in the ear twice daily. The drug is limited to 7 days maximum duration of administration.

(3) For use only by or on order of a licensed veterinarian.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (11-9-71).

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

Dated: October 28, 1971.

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

[FR Doc.71-16297 Filed 11-8-71;8:46 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Sulfadimethoxine Injection

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (41-245V) filed by Hoffman-La Roche, Inc., Nutley, N.J. 07110, proposing the safe and effective use of sulfadimethoxine injection for the treatment of cats. 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), § 135b.15 is amended by revising paragraphs (b) and (c) as follows:

§ 135b.15 Sulfadimethoxine injection.

* * * * *

(b) *Sponsor.* See code No. 020 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) It is intended for use in dogs and cats for the treatment of respiratory, genitourinary tract, enteric, and soft tissue infections when caused by Streptococci, Staphylococci, Escherichia, Salmonella, Klebsiella, Proteus, or Shigella organisms sensitive to sulfadimethoxine.

(2) It is administered by intravenous or subcutaneous injection at an initial dose of 55 milligrams per kilogram of body weight followed by 27.5 milligrams per kilogram of body weight every 24 hours. Length of treatment depends upon the clinical response. In most cases, treatment for 3 to 5 days is adequate. Treatment should be continued until the patient is asymptomatic for 48 hours.

(3) For use only by or on the order of a licensed veterinarian.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (11–9–71).

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

Dated: October 28, 1971.

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

[FR Doc.71–16316 Filed 11–8–71;8:47 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Neomycin Sulfate Sterile Solution, Veterinary

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (11–953V) filed by The Upjohn Co., Kalamazoo, Mich. 49001, proposing the safe and effective use of neomycin sulfate sterile solution, veterinary, for parenteral injection in dogs and cats. 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), Part 135b is amended by adding the following new section:

§ 135b.40 Neomycin sulfate sterile solution, veterinary.

(a) *Specifications.* Neomycin sulfate sterile solution, veterinary, contains 50 milligrams of neomycin sulfate in each milliliter of solution (equivalent to 35 milligrams neomycin base). The neomycin sulfate used in preparing the drug conforms to the standards of identity, strength, quality, and purity prescribed by § 1481.1(a)(1) of this chapter.

(b) *Sponsor.* See code No. 037 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is used in dogs and cats in the treatment of acute and chronic bacterial infections due to organisms susceptible to neomycin.

(2) It is administered intramuscularly or intravenously for a period of 3 to 5 days in a total daily dosage of 5 milligrams per pound of body weight. The total daily dosage is divided into portions that are administered every 6 to 8 hours.

(3) Its label shall bear an appropriate expiration date and the statement that neomycin must not be used parenterally in food-producing animals because of prolonged residues of the antibiotic in edible tissues.

(4) For use only by or on the order of a licensed veterinarian.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (11–9–71).

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

Dated: October 28, 1971.

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

[FR Doc.71–16296 Filed 11–8–71;8:46 am]

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

Levamisole Hydrochloride (Equivalent)

The Commissioner of Food and Drugs has evaluated a new animal drug application (44–015V) filed by American Cyanamid Co., Post Office Box 400, Princeton, NJ 08540, proposing an amendment to the regulations to provide for safe and effective use of levamisole hydrochloride (equivalent) as an anthelmintic in cattle feed. The application is approved.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under the authority delegated to the Commissioner (21 CFR 2.120), Part 135e is amended by adding a new § 135e.59 as follows:

§ 135e.59 Levamisole hydrochloride (equivalent).

(a) *Chemical name.* (–)-2,3,5,6-Tetrahydro-6-phenylimidazo [2,1-*b*] thiazole monohydrochloride.

(b) *Specifications.* Assay of not less than 98 percent of nonaqueous titration with 0.1*N* potassium isopropoxide; 1 isomer minimum 95 percent pure by optical rotation.

(c) *Approvals.* Premix level 227 grams per pound granted to code No. 004 in § 135.501(c) of this chapter.

(d) *Assay limits.* Finished feed 95–125 percent of labeled amount.

(e) *Related tolerances.* See § 135g.63 of this chapter.

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

Principal ingredient	Grams per pound	Limitations	Indications for use
1. Levamisole hydrochloride (equivalent).	3.6 (0.8%)	For cattle, withhold feed from cattle overnight then administer medicated feed mixed thoroughly in one half the daily ration the following morning; when medicated feed is consumed resume normal feeding; medicated feed is to be fed at the rate of 0.1 pound per 100 lbs. of body weight; conditions of constant helminth exposure may require retreatment within 2 to 4 weeks after the first treatment; do not slaughter for food within 48 hours of treatment; consult veterinarian before using in severely debilitated animals; do not administer to dairy animals of breeding age; for use in pelleted feeds only; the label shall bear the warning, "Muzzle foam may be observed. However, this reaction will disappear within a few hours. If this condition persists, a veterinarian should be consulted. Follow recommended dosage carefully."	For treating cattle infected with the following gastrointestinal worms and lungworms: stomach worms (*Haemonchus, Trichostrongylus, Ostertagia*), intestinal worms (*Trichostrongylus Cooperia, Nematodirus, Bunostomum, Oesophagostomum*), and lungworms (*Dictyocaulus*).

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (11–9–71).

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

Dated: October 28, 1971.

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

[FR Doc.71–16295 Filed 11–8–71;8:46 am]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

PART 81—PROCEDURES FOR IDENTIFICATION OF REPRESENTATIVES OF MINERS AT MINES

Pursuant to the authority vested in the Secretary of the Interior under sections 5(f)(1), 101(c), 101(d), 101(k), 103(g), 103(h), 104(d)(3), 104(h)(1), 105(a), 107(b), 109(a)(4), 110(b)(1), 110(b)(2), 301(c), 301(d), 302(a), 305(b), 312(b), and 505 of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91–173), and in accordance with section 508 of the Act, there was published in the FEDERAL REGISTER for April 21, 1971 (36 F.R. 7513–14), a notice of proposed rule making setting forth a proposal to add Part 81, to Subchapter O, Chapter I, Title 30, Code of Federal Regulations, which shall apply to all coal mines and which provide procedures for the identification of persons or organizations representing miners at a coal mine.

Interested persons were afforded a period of 45 days from the date of publication of the notice in which to submit written comments, suggestions, or objections to the proposed Part 81. All comments, suggestions, and objections received have been fully considered. Several comments were received stating

that the United Mine Workers of America is the collective bargaining representative for the employees of most of the coal mines throughout the United States on wages, hours, and other conditions of employment including safety and the United Mine Workers of America should be recognized as the representative of the miners under the act. Part 81 does not preclude the United Mine Workers of America from being a representative of the miners under the act. On the other hand, however, in the Conference Report (H.R. Rept. No. 91-761, p. 67), Congress indicated, "[I]t should be noted that, as used there and throughout the act, the term 'representative of the miners' includes any individual or organization that represents any group of miners at a given mine and does not require that the representative be a recognized representative under other labor laws."

Part 81, Subchapter O, Chapter I, Title 30, Code of Federal Regulations is hereby adopted as set forth below and shall be effective upon date of publication in the FEDERAL REGISTER (11-9-71).

HOLLIS M. DOLE,
Assistant Secretary of the Interior.

NOVEMBER 1, 1971.

Sec.
81.1 Definitions.
81.2 Filing procedures.
81.3 Posting of certificate at mine.
81.4 Withdrawal of certificate.
81.5 Effect of filing of certificate.
81.6 Multiple representatives.

AUTHORITY: The provisions of this Part 81 issued under sections 5(f)(1), 101(c), 101(d), 101(k), 103(g), 103(h), 104(d)(3), 104(h)(1), 105(a), 107(b), 109(a)(4), 110(b)(1), 110(b)(2), 301(c), 301(d), 302(a), 305(b), 312(b), 505, and 508 of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173).

§ 81.1 Definitions.

As used in this Part 81:

(a) "Act" means the Federal Coal Mine Health and Safety Act of 1969.

(b) "Representative of the miners" means any person or organization which represents two or more miners at a coal mine for purpose of the Act.

§ 81.2 Filing procedures.

(a) Any person or organization which desires to be a representative of miners shall file with the Director, Bureau of Mines, Department of the Interior, Washington, D.C. 20240, and serve upon the operator of the coal mine a notarized certificate setting forth:

(1) The name and mailing address of the person or organization.

(2) The name and address of the coal mine in which the miners represented are working and the Bureau of Mines' identification number for the mine, if known.

(3) A statement that he is the representative of the miners at the mine for purposes of collective bargaining or that he has written authorization from two or more miners at the mine to represent them under the Act.

(4) A statement that a copy of the certificate was served upon the operator.

(b) Each certificate shall be kept by the Bureau of Mines in an open file for public inspection. The Bureau of Mines shall maintain a complete and current list of the names and mailing address of each representative of the miners and the mine in which the miners are working.

(c) The Bureau of Mines may require a representative of the miners to submit evidence of representation, including authorization from the miners.

§ 81.3 Posting of certificate at mine.

Each certificate shall be permanently posted by the operator on the mine bulletin board until withdrawn under § 81.4.

§ 81.4 Withdrawal of certificate.

(a) A certificate shall be withdrawn by a representative of the miners who is no longer able to comply with the requirements of § 81.2. A certificate may be withdrawn by a representative of the miners at any time. Notice of withdrawal shall be given to the Bureau, in writing, and a copy furnished to the operator by the representative of the miners.

(b) The Bureau may strike a certificate from its files for noncompliance with these procedures.

§ 81.5 Effect of filing of certificate.

Representatives who file the certificate under this part shall be entitled to receive notice and exercise the rights of a representative of miners under the Act.

§ 81.6 Multiple representatives.

More than one representative of miners at a particular mine may file a certificate of representation. Where the presence of multiple representatives at an inspection, investigation or administrative proceeding may impair performance of the enforcement responsibilities of the Department of the Interior, the representatives may be required to designate a single representative.

[FR Doc.71-16301 Filed 11-8-71;8:46 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

DEFICIENCY AND/OR REMEDIAL COURSES

This regulation allows the service education officer to certify as to the need of a serviceman for deficiency and/or remedial courses in basic English language skills and mathematic skills under PREP and defines such courses.

In § 21.4235, paragraph (e) is amended and paragraphs (f) and (g) are added so that the amended and added material reads as follows:

§ 21.4235 Predischarge education program (PREP) and special assistance for educationally disadvantaged veterans; chapter 34.

* * * * *

(e) *Certifications.* Certifications as to the serviceman's need for deficiency and/or remedial courses in basic English language skills and mathematic skills under paragraph (a)(1) of this section may be made by either the service education officer or by the educational institution administering the course, or to which the student has made application for admission. Certifications as to other course requirements under paragraph (a)(1), (2), and (3) of this section are to be made by the educational institution administering the course, or to which the student has made application for admission.

(f) *Basic skills.* Basic English language courses or mathematic courses will be authorized when it is found by accepted testing methods that the serviceman is lacking in basic reading, writing, speaking or essential mathematics.

(g) *Deficiency course.* A deficiency course is any secondary level course or subject not previously completed satisfactorily which is specifically required for pursuit of a postsecondary program of education.

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

This VA Regulation is effective the date of approval.

Approved: October 28, 1971.

[SEAL] DONALD E. JOHNSON,
Administrator.

[FR Doc.71-16337 Filed 11-8-71;8:49 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5A-2.2—Solicitation of Bids

BID SAMPLES

Section 5A-2.202-4 is revised as follows:

§ 5A-2.202-4 Bid samples.

(a) As provided in § 1-2.202-4(b), bid samples shall be required only when certain characteristics of the item to be procured cannot be adequately described in the applicable specification or purchase description such as workmanship, balance, and finish. However, where it has been determined that bid samples are to be required, the invitation for bids may list any required characteristics, whether or not such characteristics are adequately described in the specification.

(b) Invitations for bids shall list and clearly set forth those characteristics for which bid samples will be examined. Normally only subjective characteristics

will be listed. Objective characteristics may be listed when it has been determined, on the basis of past procurement experience or other valid considerations, that examination of such characteristics is essential in the procurement of an acceptable product. Where objective characteristics are listed in the invitation for bids, the listed characteristics shall be separately shown under the following two headings: (1) Subjective Characteristics and (2) Objective Characteristics. Products furnished under any resultant contract shall strictly comply with the listed subjective characteristics of the approved bid sample and shall conform to the specifications as to all other characteristics whether or not listed.

(c) When bid samples are to be required, the following provision shall be included in the invitation for bids. This provision may be modified to cover special circumstances, such as those described in § 1–2.202–4.

BID SAMPLES

(a) Bid samples, in the quantities, sizes, etc., required for the items so indicated in this invitation for bids, must be (1) furnished as a part of the bid, (2) from the production of the manufacturer whose product is to be supplied, and (3) received before the time set for opening bids. Samples will be evaluated to determine compliance with all characteristics listed for examination in the Invitation.

(b) Failure of samples to conform to all such characteristics will require rejection of the bid. Failure to furnish samples by the time specified in the invitation for bids will require rejection of the bid, except that a late sample transmitted by mail will be considered under the provisions for considering late bids, as set forth elsewhere in this invitation for bids.

(c) Products delivered under any resulting contract shall strictly comply with the approved sample as to the subjective characteristics listed for examination and shall conform to the specifications as to all other characteristics.

(d) Samples received with bids being considered for award must be from the production of the manufacturer whose product is to be supplied and shall be evaluated with respect to the characteristics listed in the solicitation by the buying activity and the appropriate quality control activity. A written record of the evaluation findings shall be made. If the samples do not meet the listed characteristics, the bid shall be rejected.

(e) If the samples meet the listed characteristics but there is doubt as to whether the sample meets all of the characteristics required by the specifications, arrangements shall be made for technical evaluation and/or testing by the appropriate Quality Control Division. A report of the evaluation of the sample, showing results with respect to all characteristics examined, shall be furnished promptly to the contracting officer.

(f) If the bid sample is found to conform to the characteristics listed in the solicitation, determination of the prospective contractor's responsibility shall be made in accordance with normal procedures.

(g) If the bid sample has been found to conform to all of the characteristics listed in the solicitation, but found deficient with respect to one or more of the unlisted characteristics, a plant facilities report shall be requested as provided in § 5A–1.310–7. A copy of the sample evaluation report shall be attached to the GSA Form 353 which shall include a request that special attention be given to the prospective contractor's ability (notwithstanding the deficiencies noted in the bid sample with respect to the characteristics not listed in the solicitation which were evaluated) to produce supplies fully conforming to applicable specifications. For example, can the noted deficiencies be corrected by fairly simple production or process control adjustments or would expensive and time-consuming retooling be involved? The plant facilities report shall include a specific statement regarding the prospective contractor's ability or inability to correct each noted deficiency as well as an overall appraisal of his capability.

(h) If the plant facilities report is not favorable, a determination of nonresponsibility shall be made based upon the facts and evaluation contained in the report together with any other evidence that may be obtained in a given case bearing on the bidder's inability to meet the standards of responsibility in Subpart 1–1.12.

(i) If the plant facilities report is favorable, award may be made if otherwise proper to the low bidder whose samples conform to the characteristics listed in the solicitations. However, concurrently with award the contracting officer shall specifically, in writing, call to the attention of the contractor the inadequacies of the sample with respect to unlisted characteristics and advise him of his responsibilities to furnish items conforming to all of the requirements of the specification. A letter format for this purpose is illustrated in § 5A–76.119. A copy of such letter shall be furnished to the appropriate Quality Control Division, for use when making subsequent inspection.

(j) For instructions regarding disposition of samples, see § 5A–2.407–76.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5–1.101(c))

Effective date. These regulations are effective 30 days after the date shown below but may be observed earlier.

Dated: November 2, 1971.

L. E. SPANGLER,
Acting Commissioner,
Federal Supply Service.

[FR Doc. 71–16335 Filed 11–8–71;8:48 am]

Chapter 5B—Public Buildings Service, General Services Administration

PART 5B–2—PROCUREMENT BY FORMAL ADVERTISING

PART 5B–18—PROCUREMENT OF CONSTRUCTION

Charges and Deposits for Bidding Documents

Pursuant to the requirements of § 1–18.105 relating to time of performance and to the requirements for charges and deposits for bidding documents, Subpart 5B–2.2 is amended and Subpart 5B–18.2 is added as set forth below.

The table of contents for Part 5B–2 is amended to delete § 5B–2.202–75.

Subpart 5B–2.2 Solicitation of Bids

Sec.
5B–2.202–75 [deleted].

A new Part 5B–18, Procurement of Construction is added as follows:

Subpart 5B–18.2 Formal Advertising

Sec.
5B–18.203 Invitations for bids.
5B–18.203–70 Charges and deposits for bidding documents.

AUTHORITY: The provisions of this Part 5B–18 issued under Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c)

Subpart 5B–18.2 Formal Advertising

§ 5B–18.203 Invitations for bids.

§ 5B–18.203–70 Charges and deposits for bidding documents.

(a) Generally, a nonrefundable bid document charge or a bid document deposit will be required for advertised construction contracts estimated to exceed $100,000. The amount will be determined by the contracting officer. There will be no charge or deposit on documents for any negotiated construction contract regardless of the amount of the estimate.

(b) Bidding documents will be furnished at no charge to plan rooms, contractor service facilities, and other similar places where the documents are made available for review.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER (11–9–71).

Dated: October 29, 1971.

A. F. SAMPSON,
Commissioner,
Public Buildings Service.

[FR Doc.71–16300 Filed 11–8–71;8:46 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Necedah National Wildlife Refuge, Wis.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (11–9–71).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WISCONSIN

NECEDAH NATIONAL WILDLIFE REFUGE

Sport fishing on the Necedah National Wildlife Refuge, Necedah, Wis., is permitted from December 15, 1971, through

December 31, 1971, but only on that area designated as open to fishing. The open area, comprising approximately 38,000 acres, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing on the entire Necedah National Wildlife Refuge, Necedah, Wis., is permitted from January 1, 1972 through March 15, 1972. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through March 15, 1972.

GERALD H. UPDIKE,
Refuge Manager, Necedah National Wildlife Refuge, Necedah, Wis.

NOVEMBER 1, 1971.

[FR Doc.71-16334 Filed 11-8-71;8:48 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
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	Contra Costa	Walnut Creek	I 06 013 4070 16 through I 06 013 4070 38	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Public Works Department, 1501 North California Blvd., Walnut Creek, CA 94596.	November 5, 1971.
Do	Santa Barbara	Carpinteria				Do.
Do	Riverside	San Jacinto				Do.
Florida	Palm Beach	Jupiter Inlet Colony.				Do.
Illinois	Alexander	Cairo				Do.
Kentucky	Harlan	Cumberland				Do.
Maryland	Caroline	Federalsburg				Do.
Minnesota	Washington	Stillwater				Do.
Missouri	Scotland	Memphis				Do.
New Jersey	Essex	Livingston Township.				Do.
North Dakota	Stark	Unincorporated areas.	I 38 089 0000 03 through I 38 089 0000 06	State Water Commission, Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, ND 58501.	City Auditor's Office, Stark County Courthouse, Dickinson, N. Dak. 58601.	
Oklahoma	Rogers	do	I 40 131 0000 02 through I 40 131 0000 27	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, OK 73112. Oklahoma Insurance Department, Room 408 Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Metropolitan Area Planning Commission City of Claremore-Rogers County, Rogers County Courthouse, Post Office Box 904, Claremore, OK 74017	Do.
Pennsylvania	Cumberland	New Cumberland				Do.
Do	Berks	Shillington Borough.				Do.
Do	Chester	West Whiteland Township.				Do.
South Carolina	Horry	North Myrtle Beach.				Do.
Tennessee	Sevier	Gatlinburg	I 47 155 0020 02 through I 47 155 0020 05	Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	City Hall, 175 Airport Rd., Gatlinburg, Tenn. 37738.	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: November 2, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-16223 Filed 11-8-71;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
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	Contra Costa	Walnut Creek	H 06 013 4070 16 through H 06 013 4070 38	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Public Works Department, 1501 North California Blvd., Walnut Creek, CA 94596.	February 9, 1971
Do	Santa Barbara	Carpinteria				November 5, 1971.
Do	Riverside	San Jacinto				Do.
Florida	Palm Beach	Jupiter Inlet Colony.				Do.
Illinois	Alexander	Cairo				Do.
Kentucky	Harlan	Cumberland				Do.
Maryland	Caroline	Federalsburg				Do.
Minnesota	Washington	Stillwater				Do.
Missouri	Scotland	Memphis				Do.
New Jersey	Essex	Livingston Township.				Do.
North Dakota	Stark	Unincorporated areas.	H 38 089 0000 03 through H 38 089 0000 06	State Water Commission, Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, ND 58501.	City Auditor's Office, Stark County Courthouse, Dickinson, N. Dak. 58601.	January 15, 1971.
Oklahoma	Rogers	do	H 40 131 0000 02 through H 40 131 0000 27	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, OK 73112. Oklahoma Insurance Department, Room 408 Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Metropolitan Area Planning Commission, City of Claremore-Rogers County, Rogers County Courthouse, Post Office Box 904, Claremore, OK 74017.	November 6, 1970.
Pennsylvania	Cumberland	New Cumberland				November 5, 1971.
Do	Berks	Shillington Borough.				Do.
Do	Chester	West Whiteland Township.				Do.
South Carolina	Horry	North Myrtle Beach.				Do.
Tennessee	Sevier	Gatlinburg	H 47 155 0920 02 through H 47 155 0920 05	Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	City Hall, 175 Airport Rd., Gatlinburg, Tenn. 37738.	October 30, 1970.

(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: November 2, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-16224 Filed 11-8-71;8:45 am]

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 249—AMOUNT, DURATION, AND SCOPE OF MEDICAL ASSISTANCE

Early and Periodic Screening, Diagnosis, and Treatment of Individuals Under Age 21

Notice of proposed regulations was published in the FEDERAL REGISTER of December 11, 1970 (34 F.R. 18878) pertaining to early and periodic screening, diagnosis, and treatment of individuals under 21 years of age provided for under a State plan for medical assistance under title XIX of the Social Security Act. After consideration of the views presented by interested persons, the regulation retains all proposed requirements on screening and diagnosis, and has been changed as follows: (1) States must provide only the amount, duration, and scope of treatment included under the State plan, and in addition, (a) eyeglasses, hearing aids, and other kinds of treatment for visual and hearing defects, and (b) at least such dental care as is necessary for relief of pain and infection and for restoration of teeth and maintenance of dental health, must be provided, whether or not otherwise included under the State plan, subject, however, to such utilization controls as may be imposed by the State agency. (2) The existing regulation on Federal financial participation has been changed to make clear that States may provide and obtain Federal matching for all services recognized under title XIX for individuals under age 21, without regard to the amount, duration, and scope of care and services made available to individuals 21 years of age or older.

Section 249.10 of Chapter II of Title 45 of the Code of Federal Regulations is amended by redesignating paragraphs (a)(3)–(9), inclusive, as paragraphs (a)(4)–(10), inclusive. Paragraph (a)(7) as herein redesignated is amended by striking out "subparagraph (5)" and inserting in lieu thereof "subparagraph (6)"; and by adding paragraph (a)(3); and by revising paragraph (b)(4)(ii), to read as follows:

§ 249.10 Amount, duration, and scope of medical assistance.

(a) * * *

(3) In carrying out the requirements in subparagraphs (1) and (2) of this paragraph with respect to the item of care set forth in paragraph (b)(4)(ii) of this section, provide:

(i) For establishment of administrative mechanisms to identify available screening and diagnostic facilities, to assure that individuals under 21 years of age who are eligible for medical assistance may receive the services of such facilities, and to make available such services as may be included under the State plan;

(ii) For identification of those eligible individuals who are in need of medical or remedial care and services furnished throughout title V grantees, and for assuring that such individuals are informed of such services and are referred to title V grantees for care and services, as appropriate;

(iii) For agreements to assure maximum utilization of existing screening, diagnostic, and treatment services provided by other public and voluntary agencies such as child health clinics, OEO Neighborhood Health Centers, day care centers, nursery schools, school health programs, family planning clinics, maternity clinics, and similar facilities;

(iv) That early and periodic screening and diagnosis to ascertain physical and mental defects, and treatment of conditions discovered within the limits of the State plan on the amount, duration, and scope of care and services, will be available to all eligible individuals under 21 years of age; and that, in addition, eyeglasses, hearing aids, and other kinds of treatment for visual and hearing defects, and at least such dental care as is necessary for relief of pain and infection and for restoration of teeth and maintenance of dental health, will be available, whether or not otherwise included under the State plan, subject, however, to such utilization controls as may be imposed by the State agency. If such screening, diagnosis, and such additional treatment are not available by the effective date of these regulations to all eligible individuals under 21 years of age, the State plan must provide that screening, diagnosis, and such additional treatment will be available to all eligible children under 6 years of age, and must specify the progressive stages by which screening, diagnosis, and such additional treatment will be available to all eligible individuals under 21 no later than July 1, 1973.

(b) * * *

(4) * * *

(ii) *Early and periodic screening and diagnosis of individuals under 21 years of age, and treatment of conditions found.* Early and periodic screening and diagnosis of individuals under the age of 21 who are eligible under the plan to ascertain their physical or mental defects, and health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby. Federal financial participation is available for any item of medical or remedial care and services included under this section for individuals under the age of 21. Such care and services may be provided under the plan to individuals under the age of 21, even if such care and services are not provided, or are provided in lesser amount, duration or scope to individuals 21 years of age or older.

* * * * *

(Section 1102, 49 Stat. 647, 42 U.S.C. 1302)

Effective date. These regulations shall become effective 90 days following the date of publication in the FEDERAL REGISTER.

Dated: November 4, 1971.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: November 4, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-16398 Filed 11-8-71;8:50 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 32]

AREAS OPEN TO HUNTING OF BIG GAME

Proposed Addition of Catahoula National Wildlife Refuge, La.

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927 as amended; 16 U.S.C. 668dd), it is proposed to amend 50 CFR part 32 by the addition of Catahoula National Wildlife Refuge, La., to the list of areas open to the hunting of big game as legislatively permitted.

It has been determined that regulated hunting of big game may be permitted as designated on the Catahoula National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objection, with respect to the proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 32.31 is amended by the following addition:

§ 32.31 **List of open areas; big game.**

* * * * *

LOUISIANA

Catahoula National Wildlife Refuge

* * * * *

J. P. LINDUSKA,
Acting Director, Bureau of Sport Fisheries and Wildlife.

NOVEMBER 4, 1971.

[FR Doc.71-16336 Filed 11-8-71;8:49 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 929]

CRANBERRIES GROWN IN CERTAIN DESIGNATED STATES

Notice of Proposed Rule Making

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, of § 929.105 *Reporting* (Subpart—Rules and Regulations 7 CFR 929.100—929.150) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 929), regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington and Long Island in the State of New York, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment of said rules and regulations was proposed by the Cranberry Marketing Committee, established under said amended marketing agreement and order, as the agency to administer the terms and provisions thereof. The amendment is designed to remove obsolete filing dates and provide for the continued submission of current reports and information from handlers.

Therefore, it is proposed that paragraph (b) of § 929.105 be amended to read as follows:

§ 929.105 **Reporting.**

* * * * *

(b) Certified reports shall be submitted to the committee by each handler not later than the 11th day of November, February, May, and August of each fiscal period showing (1) the total quantity of cranberries the handler acquired and the total quantity of cranberries the handler handled during the 3-month period ending the last day of the month preceding the date the report is due, and (2) the respective quantities of cranberries and cranberry products held by the handler on the first day of each of the specified months.

All persons who desire to submit written data, views, or arguments in connection with the proposed amendment should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112–A, 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 will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: November 4, 1971.

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

[FR Doc.71-16347 Filed 11-8-71;8:49 am]

[7 CFR Part 982]

[Docket No. AO-205-A3]

FILBERTS GROWN IN OREGON AND WASHINGTON

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amendment of the Marketing Agreement, as Amended, and Order, as Amended

Pursuant to the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk, U.S. Department of Agriculture, of this recommended decision with respect to a proposed amendment of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington (hereinafter collectively referred to as the "order"). The order is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), hereinafter referred to as the "act," and any amendment which may result from this proceeding also will be effective pursuant to the act.

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the close of business on the 10th day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate. 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)).

Preliminary statement. The public hearing on the record of which the proposed amendment is formulated was held in Portland, Oreg., on July 8, 1971. Notice of the hearing was published in the FEDERAL REGISTER on June 23, 1971 (36 F.R. 11942). The proposals in the notice of hearing were submitted by the Filbert Control Board and by the Consumer and Marketing Service, U.S. Department of Agriculture.

Material issues. The material issues presented on the record of the hearing involve amendatory actions relating to:

(1) Making reference to the proper State of Oregon publication which contains grade and size standards for Oregon filberts;

(2) Providing that handlers who fail to pay their assessments within a prescribed time may be subjected to a late payment or interest charge, or both;

(3) Providing for transfer, among handlers, of credits in excess of the transferring handler's restricted obligation; and

(4) Expressing the right of the Secretary to have access to handler's premises, filberts, and records.

Findings and conclusions. The findings and conclusions on the aforementioned material issues (1) to (4), inclusive, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

(1) The grade and size requirements for inshell filberts prescribed in §§982.45(a) and 982.51 of the order refer to the "Oregon Grades and Standards for Walnuts and Filberts." However, effective November 1, 1970, such standards for inshell filberts have been set forth in a publication entitled "Oregon Grade Standards Filberts In Shell". So as to refer to the proper State of Oregon publication containing the official grade and size standards for filberts effective under the order, §§ 982.45(a) and 982.51 should be amended by revising the parenthetical references therein "(as defined in the Oregon Grades and Standards for Walnuts and Filberts)" to read "(as defined in the Oregon Grade Standards Filberts In Shell)."

(2) Section 982.61 should be revised by adding at the end of such section the following sentences:

"The Board shall impose a late payment charge on any handler who fails to pay his assessment within the time prescribed by the Board. In the event the handler thereafter fails to pay the amount outstanding, including the late payment charge, within the prescribed time, the Board shall impose an additional charge in the form of interest on such outstanding amount. The rate of such charges shall be prescribed by the Board, with the approval of the Secretary." Under the order there is no provision whereby handlers may be charged a late payment or interest charge on delinquent assessments. The evidence of record states that recent high interest rates have caused a considerable amount of assessment money to be paid late. As a consequence, handlers who pay their assessments promptly are placed in an unfair situation relative to other handlers. That is, delinquent handlers can invest money which should be paid to the Board as assessments and receive interest thereon.

Handlers are normally billed weekly during the peak shipping season and monthly thereafter. If a handler does not pay all of his assessments within a reasonable time to be prescribed by the Board, with approval of the Secretary, the unpaid portion of the account should be considered past due and under the order be subjected to a late payment charge. The Board should then advise the handler of the late payment charges under the order. The Board should also advise the handler that failure to pay the assessment and late payment charge prior to a date specified will result in an interest charge of a certain percent on the unpaid balance being applicable each month thereafter. Hence, handlers should first be charged a late payment charge and then a monthly interest charge until the total obligation is paid. However, no specific amount or rate of either late payment charge or interest charge should be included in the order to permit needed flexibility in determining charges according to the then existing conditions. The Board, with the approval of the Secretary, should establish rules and regulations to implement this provision so as to provide for uniformity in applicability to handlers and to assure that handlers are aware of the manner in which such charges are to be made, thereby tending to maximize prompt payments of assessments during the fiscal year. The amount of late payment or interest charge should, in part, reflect the current interest rate on money. These charges are not intended as a substitute for the Board's authority and obligation to collect assessments from handlers. Instead these charges are intended to encourage handlers to pay their assessments to the Board promptly, thereby avoiding the necessity for the Board to incur additional and unnecessary costs in seeking their payment. Such rates should continue in effect from fiscal year to fiscal year, but may be modified yearly but once such rates are established, they should not be changed during the applicable fiscal year so as to avoid inequities among handlers.

(3) A new paragraph (d) should be added to § 982.52 to provide that during a fiscal year, the Board shall transfer any or all of a handler's restricted credits in excess of his restricted obligation to such other handler or handlers as he may designate upon receipt of the written request of such handler. This would permit any handler who during a fiscal year disposes of, in restricted outlets, a quantity of certified merchantable filberts in excess of his restricted obligation, to have any or all of such excess transferred to such other handler or handlers as he may designate for crediting such other handler's restricted obligation incurred in the same fiscal year.

Such a provision would authorize credits arising from excess disposition of certified merchantable filberts in restricted outlets (i.e., export and shelling) during a particular fiscal year and make such credits transferrable among handlers during the fiscal year. This would better relate the filbert supply position of the individual handler to his respective outlets and demand for filberts, and would contribute to increased total sales and consumption of filberts. Some handlers have little or no export or shelling business and at times could be forced to have their filberts custom shelled in order to meet their restricted obligation. Usually, this outlet does not return as much money as the inshell market. The same is applicable to the export market.

Certain handlers have shelling facilities and export business and may at times dispose of more shelled filberts in such restricted outlets than are necessary to meet their restricted obligations. Hence, the provision hereinafter set forth would enable handlers with an excess of such disposition to increase their returns from such disposition in the export and shelled outlets by transferring such credits to handlers who do not have sufficient outlets to dispose of all of their restricted filberts. The handlers to whom credits are transferred could apply the credits to their restricted obligations in lieu of diverting filberts to lower return outlets and could ship such filberts to high-return in-shell markets. Furthermore, handlers would have greater flexibility in meeting the commercial requirements of their individual markets and could increase their sales returns. This would also result in greater financial benefits to producers.

These credits should only be effective during the fiscal year in which they are accrued. If such procedure is not followed, no meaningful volume control percentages could be established for the next fiscal year because any carryover credits would distort the allocation of filberts to the various outlets.

The handler desiring to transfer such excess credits should make a written request to the Board so as to enable the Board to adjust the respective accounts of the buying and selling handlers. Since the Board will receive written requests for transfer of credits, it could act as a clearinghouse and inform handlers as to which handlers have excess credits for transfer and which handlers desire to secure such credits. The Board, with the approval of the Secretary, should establish procedural rules and regulations for the transfer of such excess credits.

No price should be established under the order for excess credits nor should the Board make any charge for their transfer. Maximum flexibility should be obtained by leaving the determination of any value and payment therefor to the discretion of participating handlers.

(4) Section 982.69 should be revised by inserting in the first sentence in lieu of "the Board" the words "the Secretary, and the Board" and by inserting in the second sentence immediately prior to "the Board" the words "the Secretary or." This revision would expressly state the Secretary's right, for the purpose of checking compliance with recordkeeping requirements and verifying reports filed by handlers, to have access to any premises where filberts are held, and, at any time during reasonable business hours, to be permitted to examine any filberts held and any and all records with respect to matters within the purview of this part. The Secretary's right is vested in him by the act, is implicit in the current provisions of the order which confer such a right on the Board—the Secretary's agency for administration of the regulatory program—and has been so construed since the inception of the order.

Ruling on proposed findings and conclusions. The Presiding Officer announced at the hearing that interested persons would be allowed to and including August 4, 1971, to file with the Hearing Clerk proposed findings and conclusions, and written arguments or briefs, based upon evidence received at the hearing. A brief was filed by Norpac Growers, Inc. Every point in the brief has been

considered carefully, in light of the scope of the notice and the evidence of record, in making the findings and reaching the conclusions herein set forth. To the extent that any suggested findings and conclusions contained in the brief are inconsistent with the findings and conclusions set forth herein, they are denied on the basis of the facts found and stated in connection with this recommended decision.

General findings. (1) The findings hereinafter set forth are supplementary, and in addition to the previous findings and determinations which were made in connection with the issuance of the marketing agreement and order and each subsequent amendment thereof; and all of the said previous findings and determinations are hereby ratified and affirmed except insofar as such previous findings and determinations may be in conflict with the findings and determinations set forth herein (for prior findings and determinations see 14 F.R. 5964; 19 F.R. 1163; 24 F.R. 6185);

(2) The marketing agreement and order, as amended and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(3) The marketing agreement and order, as amended and as hereby proposed to be further amended, regulate the handling of filberts grown in Oregon and Washington in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(4) The marketing agreement and order, as amended and as hereby proposed to be further amended, are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several marketing agreements and orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(5) There are no differences in the production and marketing of filberts in the production area covered by the marketing agreement and order, as amended and as hereby proposed to be further amended, which require different terms applicable to different parts of such area; and

(6) All handling of filberts grown in Oregon and Washington is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended further amendment of the marketing agreement and order. The following further amendment of the marketing agreement and order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

§§ 982.45(a) and 982.51 [Amended]

1. Sections 982.45(a) and 982.51 are amended by revising the parenthetical references therein "(as defined in the Oregon Grades and Standards for Walnuts and Filberts)" to read "(as defined in the Oregon Grade Standards Filberts In Shell)."

2. A new paragraph (d) is added to § 982.52 to read:

§ 982.52 Disposition of restricted filberts.

* * * * *

(d) *Restricted credits.* During any fiscal year, handlers who dispose of a quantity of certified merchantable filberts, in restricted outlets, in excess of their restricted obligation, may transfer such excess credits to another handler or handlers. Upon a handler's written request to the Board during a fiscal year, the Board shall transfer any or all of such excess restricted credits to such other handler or handlers as he may designate. The Board, with the approval of the Secretary, shall establish rules and regulations for the transfer of excess restricted credits.

§ 982.61 [Amended]

3. Section 982.61 is revised by adding the following sentences after the last sentence:

The Board shall impose a late payment charge on any handler who fails to pay his assessment within the time prescribed by the Board. In the event the handler thereafter fails to pay the amount outstanding, including the late payment charge, within the prescribed time, the Board shall impose an additional charge in the form of interest on such outstanding amount. The rate of such charges shall be prescribed by the Board, with the approval of the Secretary.

§ 982.69 [Amended]

4. Section 982.69 is revised by inserting in the first sentence in lieu of "the Board", the words "the Secretary, and the Board" and by inserting in the second sentence immediately prior to the words "the Board" the words "the Secretary or."

Dated: November 4, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-16348 Filed 11-8-71;8:50 am]

[7 CFR Part 1030]

MILK IN CHICAGO REGIONAL MARKETING AREA

Notice of Proposed Temporary Revision of Shipping Percentage

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the provisions of § 1030.11(b)(6) of the order, the temporary revision of a certain provision of the order regulating the handling of milk in the Chicago regional marketing area is being considered for the month of November 1971.

All persons who desire to submit written data, views, or arguments in connection with the proposed revision should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provision proposed to be revised is the supply plant shipping percentage of 40 percent set forth in § 1030.11(b)(4), that is applicable during the month of November. Pursuant to the provisions of § 1030.11(b)(6) the supply plant shipping percentages set forth in § 1030.11(b)(4) shall be increased or decreased by up to 10 percentage points during the months of August–December, if necessary to obtain needed shipments or to prevent uneconomic shipments.

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

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

During October 1971 distributing plants utilized 37.8 percent of the milk associated with this group of supply plants. However, the October supply plant shipping percentage was reduced from 40 percent to 30 percent to prevent handlers from engaging in uneconomic marketing practices for the purpose of qualifying such plants. The agent estimates that for November shipments of milk from such plants to pool distributing plants will also fall below 40 percent of the receipts at the supply plants.

In this circumstance handlers might engage in uneconomic marketing practices to meet the 40 percent shipping requirement for November. For instance, a handler might route direct receipts of producer milk at his distributing plant through his supply plant to insure the proportion of milk shipped from the supply plant is sufficient to qualify the supply plant.

Preliminary investigation shows that it may be appropriate to decrease the shipping percentage by 10 percentage points

for the month of November 1971 to prevent uneconomic shipments.

Signed at Washington, D.C., on November 4, 1971.

JOHN R. HANSON,
Acting Director,
Dairy Division.

[FR Doc.71-16349 Filed 11-8-71;8:50 am]

[9 CFR Part 309]

MEAT INSPECTION REGULATIONS

Diethylstilbestrol

Notice is hereby given in accordance with the administrative provisions in 5 U.S.C. 553, that the Consumer and Marketing Service is considering amending Part 309 of the Federal meat inspection regulations (9 CFR Part 309) as indicated below, pursuant to the authority contained in the Federal Meat Inspection Act, as amended (21 U.S.C. sec. 601 et seq.).

Statement of considerations: This proposed amendment of the regulations would revise the provisions of the regulations that now specify requirements for handling livestock suspected of being adulterated with biological residues on ante-mortem inspection.

The slaughter of livestock whose edible tissues may be adulterated because of a biological residue must be prevented until the residue is reduced to a level where the tissues are again fit for use as human food and otherwise not adulterated.

In view of the recent findings in the Meat and Poultry Inspection's monitoring program of residues of the synthetic hormonelike substance diethylstilbestrol (DES) in the livers of several steer and sheep carcasses, and to strengthen consumer protection from biological residues in meat, § 309.16 of the regulations would be amended to read as set forth below.

§ 309.16 Biological residues.

(a) Except as provided in paragraph (b) or (c) of this section, no cattle or sheep shall be slaughtered at any official establishment until they have been held thereat as described in this paragraph for a minimum of 7 days before slaughter and the following conditions are met:

(1) The animals must be fed a ration free of diethylstilbestrol (DES) throughout the holding period.

(2) Suitable facilities as specified in § 307.2(a) of this chapter must be provided for holding the animals.

(3) During such period the animals shall be identified as "U.S. Condemned."

(b) In lieu of holding as required by paragraph (a) of this section, cattle or sheep may be handled as provided in this paragraph (b).

(1) Cattle or sheep may, subject to other restrictions under this subchapter, be slaughtered at any official establishment if they are accompanied by a certificate or certificates as prescribed in this paragraph, signed by the owner, feedlot manager, feeder, or other person, who had custody of the animals prior to their delivery to the official establishment. The certificates must accompany the animals and be delivered to a Program inspector at the official establishment prior to their presentation for slaughter. Each certificate must show:

(i) The number and kind of animals covered by the certificate;

(ii) Whether the animals did or did not receive feed containing DES while in the custody of the person making the certification;

(iii) The date of withdrawing from DES if the animals received feed containing DES; and

(iv) A statement that the regulations under the Federal Food, Drug, and Cosmetic Act were followed when feed containing DES was used in the production of the animals.

If it appears from such certifications that there was compliance with the condition specified in subdivision (iv) of this subparagraph and that the animals were held for the period of time specified in paragraph (a) of this section immediately prior to their presentation for slaughter, without receiving any feed containing DES, they may be slaughtered subject to any other restrictions in this subchapter. The Administrator may, in specific cases, require the collection by Program employees and analysis by a Department laboratory of tissue samples from such animals to determine whether they contain any DES residue. Any person who knowingly makes a false statement in any such certificate is subject to criminal prosecution.

(2) In those instances where such certificates indicate that the animals had been fed feed containing DES and, upon arrival at an official establishment, had not been held for the time period specified in paragraph (a) of this section, the animals shall be held as described in paragraph (a) of this section until the entire time period has elapsed.

(c) In lieu of holding as prescribed in paragraph (a) of this section or of certification as prescribed in paragraph (b) of this section, cattle or sheep may be slaughtered at any official establishment upon the condition that all the carcasses and edible organs and other parts thereof shall be designated as "U.S. Retained" and held until samples of the tissues have been subjected to laboratory analyses for DES residues in accordance with the following procedure and the results of the analyses have been furnished to the Program inspector, and the articles have been released by the inspector from retention or condemned under paragraph (e) of this section.

(1) A specified number of random samples as prescribed in the Manual of Meat Inspection Procedures must be collected by the Program inspector. A sufficient quantity of tissue must be collected to provide a duplicate of each sample.

(2) The operator of the official establishment must submit one set of the duplicate samples to a laboratory, other than a Department laboratory, that is acceptable to the Administrator and have such sample analyzed for DES residue. Expenses incurred in connection with such analyses shall be paid by the official establishment.

(3) The Program inspector must submit one set of the duplicate samples to a Department laboratory for monitoring.

(d) Livestock suspected of having been treated with or exposed to any substance that may impart a biological residue which would make the edible tissues unfit for human food or otherwise adulterated shall comply with the provisions of this paragraph in addition to any applicable requirements of paragraph (a) of this section. They shall be identified at official establishments as "U.S. Condemned." These livestock may be held under the custody of a Program employee or other official designated by the Administrator until metabolic processes have reduced the residue sufficiently to make the tissues fit for human food and not otherwise adulterated. When the required time has elapsed, the livestock, if returned for slaughter, must be reexamined on ante-mortem inspection. To aid in determining the amount of residue present in the tissues, officials of the Program may permit the slaughter of any such livestock to collect tissues for analysis for the residue.

(e) All carcasses and edible organs and other parts thereof, in which are found any biological residues which render such articles adulterated, shall be marked as "U.S. Condemned" and disposed of in accordance with § 314.1 or § 314.3 of this chapter.

* * * * *

Any person who wishes to submit data, views, or arguments concerning the proposed amendments may do so by filing them, in writing, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions shall be made available for public inspection at the office of the Hearing Clerk during the regular business hours (7 CFR 1.27(b)). 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 November 5, 1971.

G. R. GRANGE,
Acting Administrator.

[FR Doc.71-16433 Filed 11-8-71;8:51 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 47]

[Docket No. 11480; Notice 71-36]

IDENTIFICATION NUMBER FOR AIRCRAFT LAST PREVIOUSLY REGISTERED IN A FOREIGN COUNTRY

Proposed Aircraft Registration

The Federal Aviation Administration is considering amending Part 47 of the

Federal Aviation Regulations to provide for the assignment of a U.S. identification number for an aircraft last previously registered in a foreign country before the issue of a Certificate of Aircraft Registration, and to allow the operation of that aircraft under temporary authority.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC–24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before January 10, 1972, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The U.S. identification number for an aircraft last previously registered in a foreign country is now issued with the Certificate of Aircraft Registration (§ 47.15(a)(3)). This delays the owner's placing the identification number on the aircraft and generates additional workload for the FAA Aircraft Registry. Recognizing the owner's problem, the FAA Aircraft Registry handles certificate applications for such an aircraft and the accompanying documents required by § 47.37, on a priority basis. Special handling is required because the documents do not show an identification number. It is necessary to check cross-reference serial card files, and maintain a separate file system for the documents until registration is completed.

The proposed amendments would permit the FAA Aircraft Registry to issue an identification number upon receipt of the owner's request with either the owner's affidavit that the number will not be used on the aircraft until foreign registration has ended, or either evidence of termination of foreign registration in accordance with § 47.37(b) (statement of termination or invalidity by a foreign official or foreign court judgment or decree) or the applicant's affidavit showing that foreign registration has ended. This would eliminate the delay inherent under the current rule and reduce the workload of the FAA Aircraft Registry. To insure proper control of the number, authority to use the identification number would expire 90 days after it is issued, unless the applicant both submits an Aircraft Registration Application, AC Form 8050–1, and complies with § 47.37 within that period of time.

These amendments would also change § 47.31(b) to authorize the use of the pink copy of the application under § 47.37 for registration of an aircraft last previously registered in a foreign country, as temporary authority to operate the aircraft without registration until the certificate of registration is received but not to exceed 90 days. Section 47.31(b) now specifically excludes this use. This also causes additional workload for the FAA Aircraft Registry and possibly unauthorized operation of an aircraft. Since there is no authority to operate the aircraft, even for the purpose of obtaining an airworthiness certificate, until the aircraft is registered and the registration certificate issued, the FAA Aircraft Registry provides priority handling of the registration documents, and also prepares the registration certificate separately by typewriter instead of by the usual computer method. Unauthorized operation of an aircraft can result where the owner, not familiar with the regulations, places a reserved identification number on his aircraft and application, and unknowingly uses the pink copy as authority to operate the aircraft.

These amendments would also provide for the expiration of authority to use an identification number issued for an aircraft not previously registered anywhere 90 days after the date it is issued, unless the applicant both submits an Aircraft Registration Application, AC Form 8050–1, and complies with § 47.33 within that period of time. Under § 47.15(a)(1), the FAA Aircraft Registry has difficulty in maintaining proper control of the identification numbers issued for aircraft not previously registered anywhere. Thus, an amateur builder may obtain a number during the building of his aircraft, and if he decides to abandon his project the number assignment will continue indefinitely in the records unless he notifies the FAA Aircraft Registry. At the present time, there actually are many identification numbers issued for amateur-built aircraft that are still not registered.

In consideration of the foregoing, it is proposed to amend Part 47 of the Federal Aviation Regulations as follows:

1. Section 47.15 is amended by amending the first sentence in paragraph (a); by adding a sentence at the end of paragraph (a)(1) and by amending paragraph (a)(3) to read as follows:

§ 47.15 Identification number.

(a) *Number required.* An applicant for Aircraft Registration must place a U.S. identification number (registration mark) on his Aircraft Registration Application, AC Form 8050–1, and on any evidence submitted with the application. * * *

(1) *Aircraft not previously registered anywhere.* * * * Authority to use the identification number expires 90 days after it is issued unless the applicant submits an Aircraft Registration Application, AC Form 8050–1, and complies with § 47.33 within that period of time.

* * * * *

(3) *Aircraft previously registered in a foreign country.* The applicant must obtain a U.S. identification number from the FAA Aircraft Registry by submitting a request in writing describing the aircraft by make, model, and serial number, accompanied by—

(i) Evidence of termination of foreign registration in accordance with § 47.37(b) of this part or the applicant's affidavit showing that foreign registration has ended; or

(ii) If foreign registration has not ended, the applicant's affidavit stating that the number will not be placed on the aircraft until foreign registration has ended.

Authority to use the identification number expires 90 days after the date it is issued unless the applicant submits an Aircraft Registration Application, AC Form 8050–1, and complies with § 47.37 within that period of time.

* * * * *

2. By striking out the last sentence in paragraph (b) of § 47.31.

These amendments are proposed under sections 313(a), 501, and 503 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1401, 1403), section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)), and § 1.47(a) of the Regulations of the Office of the Secretary of Transportation.

Issued in Oklahoma City, Okla., on October 22, 1971.

STAN HENCEROTH,
Acting Director,
Aeronautical Center.

[FR Doc.71–16330 Filed 11–8–71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71–GL–10]

TRANSITION AREA

Proposed Alteration

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

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018.

Three new public use instrument approach procedures have been developed for the Eau Claire Municipal Airport, Eau Claire, Wis., utilizing the Eau Claire VORTAC as a navigational aid. Accordingly, it is necessary to alter the Eau Claire transition area to adequately protect the aircraft executing the new approach procedures.

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

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

EAU CLAIRE, WIS.

That airspace extending upward from 700 feet above the surface within a 11½-mile radius of Eau Claire Municipal Airport (latitude 44°51'54" N., longitude 91°29'02" W.); and within 2 miles each side of the 202° radial of the Eau Claire VORTAC extending from the 11½-mile-radius area to 14 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Eau Claire VORTAC; and within 9½ miles northwest and 4½ miles southeast of the 45° bearing from the Colburn LOM extending from the 20-mile-radius area to 18½ miles northeast of the Colburn LOM; and within 9½ miles east and 4½ miles west of the 202° radial of the Eau Claire VORTAC extending from the 20-mile-radius area to 24½ miles southwest of the VORTAC; and that airspace extending upward from 4,000 feet MSL southwest of Eau Claire bounded on the east by V-129, on the southwest by V-2N, and on the north by V-265.

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

Issued in Des Plaines, Ill., on October 21, 1971.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.71-16331 Filed 11-8-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-GL-11]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Pontiac, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018.

A new public use instrument approach procedure has been developed for the Oakland-Pontiac Airport, Pontiac, Mich., utilizing the Pontiac VORTAC as a navigational aid. Accordingly, it is necessary to alter the Pontiac, Mich., control zone and transition area to adequately protect aircraft executing the new procedure.

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

In § 71.171 (36 F.R. 2055), the following control zone is amended to read:

PONTIAC, MICH.

Within a 5-mile radius of the Oakland-Pontiac Airport (latitude 42°39'53" N., longitude 83°25'01" W.); within 3 miles each side of the Pontiac VORTAC 116° and 272° radial, extending from the 5-mile-radius zone to 8.5 miles west of the VORTAC. This control zone is effective from 0600 to 2400 hours local time daily.

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

PONTIAC, MICH.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Oakland-Pontiac Airport (latitude 42°39'53" N., longitude 83°25'01" W.); within 4.5 miles each side of the 112° radial of the Pontiac VORTAC extending from the 10-mile-radius area to 22.5 miles southeast of the VORTAC; within 3.5 miles each side of the 272° radial of Pontiac VORTAC extending from the 10-mile-radius area to 11.5 miles west of the VORTAC.

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

Issued in Des Plaines, Ill., on October 21, 1971.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.71-16332 Filed 11-8-71;8:48 am]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circular; Public Debt Series No. 13-71]

4⅞ PERCENT TREASURY NOTES OF SERIES D–1973

Offering of Notes

NOVEMBER 5, 1971.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders at a price not less than 99.76 percent of their face value for $2,750 million, or thereabouts, of notes of the United States, designated 4⅞ percent Treasury Notes of Series D–1973. An additional amount of the notes will be allotted by the Secretary of the Treasury to Government accounts and Federal Reserve banks at the average price of accepted tenders in exchange for Treasury notes and bonds maturing November 15, 1971. Tenders will be received up to 1:30 p.m., e.s.t., Tuesday, November 9, 1971, under competitive and noncompetitive bidding, as set forth in section III hereof. The 5⅜ percent Treasury Notes of Series B–1971, 7¾ percent Treasury Notes of Series G–1971, and 3⅞ percent Treasury Bonds of 1971 maturing November 15, 1971, will be accepted at par in payment, in whole or in part, to the extent tenders are allotted by the Treasury.

II. *Description of notes.* 1. The notes will be dated November 15, 1971, and will bear interest from that date at the rate of 4⅞ percent per annum, payable on a seminannual basis on February 15 and August 15, 1972, and February 15, 1973. They will mature February 15, 1973, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1 million. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing U.S. notes.

III. Tenders and allotments. 1. Tenders will be received at Federal Reserve banks and branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220, up to the closing hour, 1:30 p.m., e.s.t., Tuesday, November 9, 1971. Each tender must state the face amount of notes bid for, which must be $1,000 or a multiple thereof, and the price offered, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a price. In the case of competitive tenders, the price must be expressed on the basis of 100, with two decimals, e.g., 100.00. Tenders at a price less than 99.76 will not be accepted. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $400,000. It is urged that tenders be made on the printed forms and forwarded in the special envelopes marked "Tender for Treasury Notes," which will be supplied by Federal Reserve banks on application therefor.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others than commercial banks will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign states, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, Federal Reserve banks and Government accounts. Tenders from others must be accompanied by payment (in cash or the securities referred to in section I which will be accepted at par) of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and price range of accepted bids. Those submitting tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those at the highest prices will be accepted to the extent required to attain the amount offered. Tenders at the lowest accepted price will be prorated if necessary. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $400,000 or less without stated price from any one bidder will be accepted in full at the average price [1] (in two decimals) of accepted competitive tenders.

4. All bidders are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after 1:30 p.m., e.s.t., Tuesday, November 9, 1971.

5. Commercial banks in submitting tenders will be required to certify that they have no beneficial interest in any of the tenders they enter for the account of their customers, and that their customers have no beneficial interest in the banks' tenders for their own account.

IV. *Payment.* 1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before November 15, 1971, at the Federal Reserve bank or branch or at the Office of the Treasurer of the United States, Washington, D.C. 20220, in cash, securities referred to in section I (interest coupons dated November 15, 1971, should be detached) or other funds immediately available by that date. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. When payment is made with eligible securities a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities submitted and the amount payable on the notes allotted.

V. *Assignment of registered securities.* 1. Registered securities tendered as deposits and in payment for notes allotted hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Department of the Treasury, in one of the forms hereafter set forth. Securities tendered in payment should be surrendered at the Federal Reserve bank or branch or at the Office of the Treasurer of the United States, Washington, D.C. 20220. The securities must be delivered at the expense and risk of

[1] Average price may be at, or more or less than 100.00.

the holder. If the notes are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for 4⅞ percent Treasury Notes of Series D–1973;" if the notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for 4⅞ percent Treasury Notes of Series D–1973 in the name of _____;" if notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for 4⅞ percent Treasury Notes of Series D–1973 in coupon form to be delivered to _____."

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve banks.

[SEAL] CHARLS E. WALKER,
Acting Secretary of the Treasury.

[FR Doc.71–16376 Filed 11–8–71;8:50 am]

DEPARTMENT OF THE INTERIOR

National Park Service

BADLANDS NATIONAL MONUMENT, SOUTH DAKOTA

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1131, 1132), and in accordance with departmental procedures as identified in 43 CFR 19.5 that a public hearing will be held beginning at 1 p.m. on January 12, 1972, at the Wall High School Auditorium, Wall, S. Dak., for the purpose of receiving comments and suggestions as to the appropriateness of a proposal for the establishment of wilderness comprising about 41,000 acres within the Badlands National Monument. The monument is located in Pennington, Jackson, and Shannon Counties in southwestern South Dakota.

A packet containing a draft master plan, preliminary wilderness study report, and draft environmental impact statements, and providing additional information about the proposal may be obtained from the Superintendent, Badlands National Monument, Box 72, Interior, SD 57750, or from the Director, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, NE 68102.

A description of the preliminary boundaries and a map of the area proposed for establishment as wilderness are available for review in the above offices and in Room 1013 of the Department of the Interior Building at 18th and C Streets NW., Washington, D.C.

Interested individuals, representatives of organizations and public officials are invited to express their views in person at the aforementioned public hearing, provided they notify the Hearing Officer, in care of the Superintendent, Badlands National Monument, Box 72, Interior, SD 57750, by January 10, of their desire to appear. Those not wishing to appear in person may submit written statements to the Hearing Officer, at that address for inclusion in the official record, which will be held open for 30 days following conclusion of the hearing.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the Hearing Officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the transcribed hearing record. However, all materials so presented at the hearing shall be subject to determinations that they are appropriate for inclusion in the transcribed hearing record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Hearing Officer will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the Hearing Officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements.

1. Governor of the State or his representative.
2. Members of Congress.
3. Members of the State Legislature.
4. Official representatives of the counties in which the proposed wilderness is located.
5. Officials of other Federal agencies or public bodies.
6. Organizations in alphabetical order.
7. Individuals in alphabetical order.
8. Others not giving advance notice, to the extent there is remaining time.

Dated: October 22, 1971.

THOMAS FLYNN,
Deputy Director, National Park Service.

[FR Doc.71–16073 Filed 11–8–71;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

REGIONAL FORESTER FOR ALASKA

Delegation of Authority

Pursuant to (a) the Delegation of Authority and Assignment of Functions by the Secretary of Agriculture, dated November 27, 1964 (29 F.R. 16210), and (b) the delegation of authority by the Chief, Forest Service, dated June 5, 1968 (33 F.R. 8552), authority is hereby delegated to the Regional Forester for Alaska to perform the functions granted to the Secretary of Agriculture by the Act of July 7, 1958 (72 Stat. 339, 340), as amended by the Act of October 8, 1963 (77 Stat. 223). However, said delegation of authority to the Regional Forester shall be limited to performing only those functions granted to the Secretary of Agriculture for the selection of an approximate 802-acre industrial site in the vicinity of the Port of Valdez, Alaska.

Effective date. This delegation of authority shall be effective upon publication in the FEDERAL REGISTER (10–9–71).

EDWARD W. SCHULTZ,
Deputy Chief, Forest Service.

NOVEMBER 2, 1971.

[FR Doc.71–16310 Filed 11–8–71;8:47 a.m.]

Office of the Secretary

MISSOURI

Designation of Area for Emergency Loan

For the purpose of making Emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91–606), it has been determined that in the following county in the State of Missouri, a natural disaster has caused a general need for agricultural credit:

COUNTY
Butler.

Emergency loans will not be made in the above-named county under this designation pursuant to applications received after June 30, 1972, except subsequent loans to qualified borrowers who received initial loans under this designation.

The urgency of the need for an Emergency loan in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 4th day of November 1971.

J. PHIL CAMPBELL,
Under Secretary.

[FR Doc.71–16311 Filed 11–8–71;8:47 am]

NORTH CAROLINA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91–606), it has been determined that in the following counties in the State of North Carolina,

natural disasters have caused a general need for agricultural credit:

COUNTIES

Beaufort.	Jones.
Bertie.	Lenoir.
Bladen.	Martin.
Brunswick.	Moore.
Camden.	Nash.
Carteret.	New Hanover.
Chowan.	Northampton.
Columbus.	Onslow.
Craven.	Pamlico.
Cumberland.	Pasquotank.
Currituck.	Pender.
Dare.	Perquimans.
Duplin.	Pitt.
Edgecombe.	Robeson.
Franklin.	Sampson.
Gates.	Tyrrell.
Granville.	Vance.
Greene.	Wake.
Halifax.	Warren.
Hertford.	Washington.
Hoke.	Wayne.
Hyde.	Wilson.
Johnston.	

Emergency loans will not be made in the above-named counties under this designation pursuant to applications received after June 30, 1972, except subsequent loans to qualified borrowers who received initial loans under this designation.

The urgency of the need for emergency loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 4th day of November 1971.

J. PHIL CAMPBELL,
Under Secretary.

[FR Doc.71-16312 Filed 11-8-71;8:47 am]

VIRGINIA

Designation of Areas for Emergency Loans

For the purpose of making Emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91-606), it has been determined that in the following counties in the State of Virginia natural disasters have caused a general need for agricultural credit:

COUNTIES

Dinwiddie.	Prince George.
Greensville.	Southampton.
Isle of Wight.	Surry.
Nansemond.	Sussex.

Emergency loans will not be made in the above-named counties under this designation pursuant to applications received after June 30, 1972, except subsequent loans to qualified borrowers who received initial loans under this designation.

The urgency of the need for Emergency loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 4th day of November 1971.

J. PHIL CAMPBELL,
Under Secretary.

[FR Doc.71-16313 Filed 11-8-71;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

FOOD ADDITIVES

Removal of New Animal Drugs From Food Additive Listing

The New Animal Drug Amendments of 1968 provided among other things that a food additive as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act does not include a new animal drug. Prior to enactment of the new animal drug amendments, certain new drug applications submitted for approval of drugs for use in animals were also considered to be petitions for the issuance of food additive regulations and under the provisions of section 409 of the act appropriate notices of filing were published in the FEDERAL REGISTER.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 201(s), 72 Stat. 1784 as amended, 21 U.S.C. 321(s)) and under authority delegated to the Commissioner (21 CFR 2.120), notice is given that the following submissions are no longer considered as pending under section 409 of the act:

Additive	Petitioner	Date of filing publication
Amprolium, ethopabate, arsanilic acid, chlortetracycline.	American Cyanamid Co.	Mar. 22, 1967 (32 F.R. 4366).
Buquinolate, 3-nitro-4-hydroxyphenylarsonic acid, and bacitracin methylene disalicylate.	Norwich Pharmacal Co.	Aug. 22, 1969 (34 F.R. 13559).
Chlortetracycline.	American Cyanamid Co.	Mar. 17, 1966 (31 F.R. 4529).
Chlortetracycline and sulfamethazine.	do.	June 25, 1969 (34 F.R. 9819).
Clopidol, 3-nitro-4-hydroxyphenylarsonic acid, and penicillin (as procaine penicillin).	Dow Chemical Co.	June 10, 1969 (34 F.R. 9139).
Copper from copper sulfate or copper oxide.	Ralston Purina Co.	Jan. 18, 1968 (33 F.R. 651).
Decoquinate and procaine penicillin.	Hess & Clark.	Jan. 22, 1969 (34 F.R. 946).
Diethylstilbestrol.	Amdal Co.	Apr. 17, 1969 (34 F.R. 6625).
Do.	Hess & Clark.	Oct. 10, 1969 (34 F.R. 15725).
Erythromycin thiocyanate.	Amdal Co.	Feb. 21, 1970 (35 F.R. 3302).
Erythromycin phosphate.	do.	Apr. 9, 1966 (31 F.R. 5643).
Famphur.	American Cyanamid Co.	Sept. 17, 1969 (34 F.R. 14482).
Furazolidone.	Hess and Clark.	Nov. 7, 1964 (29 F.R. 15096). Dec. 7, 1965 (30 F.R. 15108).
Hexachlorophene, Phenothiazine.	William Cooper & Nephews, Inc.	Apr. 21, 1966 (31 F.R. 6142).
Melengestrol acetate.	Upjohn Co.	Nov. 6, 1968 (33 F.R. 16307).
Nifursol.	Salsbury Laboratories.	Aug. 9, 1969 (34 F.R. 12969).
Nihydrazone.	Hess & Clark.	Oct. 1, 1968 (33 F.R. 14658).
Nitromide and Roxarsone.	Salsbury Laboratories.	July 24, 1968 (33 F.R. 10536).
4-Nitrophenyl-arsonic acid.	do.	May 5, 1965 (30 F.R. 6283).
Roxnel.	Dow Chemical Co.	Apr. 8, 1969 (34 F.R. 6259).
Spectinomycin.	Amdal Co.	Oct. 1, 1969 (34 F.R. 15814).
Sulfamethazine.	American Cyanamid.	Mar. 15, 1966 (31 F.R. 4424).
Testosterone propionate estradiol benzoate.	Syntex Laboratories, Inc.	July 18, 1969 (34 F.R. 12114).
0-(4-Tert-Butyl-2-Chloro-phenyl) 0-Methyl N-Methylphosphoramidate.	Dow Chemical Co.	Oct. 30, 1965 (30 F.R. 13836).

Dated: October 27, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-16298 Filed 11-8-71;8:46 am]

[Docket No. FDC-D-394; NADA No. 7-477V]

M & M LIVESTOCK PRODUCTS CO.

M & M Noctol 600; Notice of Opportunity for Hearing

Notice is hereby given to M & M Livestock Products Co., Eagle Grove, Iowa 50533, and to any interested persons who may be adversely affected that the Commissioner of Food and Drugs proposes to issue an order under section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of NADA (new animal drug application) No. 7-477V, M & M Noctol 600 (a product containing sodium arsanilate).

Data available to the Commissioner fails to establish the absence of unsafe residues of this product in the edible tissue of swine when this product is administered in accordance with conditions of use prescribed, recommended, or suggested in its labeling.

The Commissioner, on the basis of an evaluation of new information before him with respect to such drug together with evidence available to him when the application was approved, concludes that the drug is not shown to be safe under the conditions of use upon the basis of which the application was approved.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner hereby gives the applicant and any interested person who would be adversely affected by an order withdrawing such approval an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of NADA No. 7-447V should not be withdrawn. Promulgation of the order will cause any drug similar in composition to the above-listed drug product and recommended for similar conditions of use to be a new animal drug for which an approved new animal drug application is not in effect. Any such drug then on the market would be subject to appropriate regulatory action.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health,

Education, and Welfare, Office of the General Counsel, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

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

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

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

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why approval of the new animal drug application should not be withdrawn together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to the grounds for this notice of opportunity for a hearing. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that there is a genuine and substantial issue of fact requiring a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order stating his findings and conclusions upon such data. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence. The time shall not more than 90 days after the expiration of said 30 days unless the hearing examiner and the applicant otherwise agree.

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

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

Dated: October 27, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-16299 Filed 11-8-71;8:46 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-71-129]

ACTING REGIONAL ADMINISTRATOR REGION VII (KANSAS CITY)

Designation

The following persons are hereby designated to serve as Acting Regional Administrator, Region VII (Kansas City), during the present vacancy in that position, with all of the powers, functions, and duties designated or assigned to the Regional Administrator: *Provided*, That no official named herein is authorized to serve as Acting Regional Administrator unless all other officials whose names precede his in this designation are unable to act by reason of absence or vacancy in the position:

1. Harry I. Sharrott, Deputy Regional Administrator.
2. P. A. Townsend, Regional Counsel.
3. Thomas Lawler, Assistant Regional Administrator for Administration.

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

Effective date. This designation shall be effective as of August 19, 1971.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.71-16302 Filed 11-8-71;8:47 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED OR DENIED

NOVEMBER 3, 1971.

Pursuant to Docket No. HM-1, rule making procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277) 49 CFR Part 170, following is a list of new DOT special permits upon which Board action was completed during October 1971:

Special permit No.	Issued to—Subject	Mode or modes of transportation
6530	Shippers registered with this Board to ship hydrogen in DOT 3A, 3AA, 3AX or 3AAX cylinders charged to a pressure 10% in excess of their marked service pressure.	Rail, Highway.
6531	Shippers registered with this Board to ship nitrogen or air in non-DOT specification, non-refillable steel inside containers.	Rail, Highway, Cargo-only Aircraft.
6538	Shippers registered with this Board to ship butane in inside metal containers complying with DOT specification 2P except for excessive inside diameter.	Highway, Water.
6539	Independent Supply Co., Oklahoma City, Oklahoma to ship certain compressed gases in DOT-3A, 3AA cylinders having a 10-year hydrostatic retest.	Rail, Highway.
6540	Apex Welding Gases & Supplies, Inc., Muskegon Heights, Michigan to ship certain compressed gases in DOT-3A & 3AA cylinders having a 10-year hydrostatic retest.	Rail, Highway.
6541	Fuhrman Welding Supply Co., Inc., Erie, Pa., to ship certain compressed gases in DOT-3A, 3AA cylinders having a 10-year hydrostatic retest.	Rail, Highway.
6542	Consolidated Edison Co. of New York, Inc., Astoria, N.Y., to ship certain compressed gases in DOT-3A, 3AA cylinders having a 10-year hydrostatic retest.	Rail, Highway.
6544	Shippers registered with this Board to ship hydraulic accumulators in strong outside wooden or fiberboard boxes or installed, as an integral part, on vehicle equipment under certain exemptions.	Rail, Highway, Water, Cargo-only Aircraft.
6547	Babcock & Wilcox Co., Lynchburg, Va., to make five shipments of radioactive material, described as plutonium contaminated gloveboxes, under specified conditions.	Highway.
6548	Shippers registered with this Board to ship Type B quantities of fissile radioactive materials in the National Lead Co. Model 6502 shipping cask.	Highway.
6549	Shippers registered with this Board to ship fissile radioactive material in the "Nuclear Furnace" shipping container.	Highway.
6550	Shippers registered with this Board to ship Type B quantities of radioactive material, n.o.s. in Model 6-GS-1 Neutron Shipping Container System.	Rail, Highway, Cargo-only Aircraft.
6552	U.S. Atomic Energy Commission, Argonne, Illinois, to make one shipment of metallic sodium in an insulated, non-DOT specification stainless steel tank.	Highway.
6553	Shippers registered with this Board to ship fissile radioactive material shipped in a ten-ton, heavy wall, Type P, Model 48A cylinder.	Highway.
6554	Shippers registered with this Board to ship certain oxidizing materials, n.o.s., in single-trip, open-head, molded polyethylene containers without overpack, not exceeding 5 gallons capacity.	Rail, Highway.

Following is a list of requests for special permits which were denied during October, 1971:

Denied—Subject:

1. Request from Inmont Corp., New York, N.Y., for authorization to ship certain flammable liquids in 55 gallon specification 17E metal drums converted to comply with specification 17H except for top head gauge and corrugation features.

2. Bureau of Mines, U.S. Department of Interior, Washington, D.C., for authorization to extend the periodic hydrostatic retest interval for certain 3AA and 3AAX cylinders mounted on vehicle chassis and used exclusively in helium service.

3. Pennwalt Corp., Philadelphia, Pa., for authorization to ship certain refrigerant gases in non-DOT specification steel cylinders that would comply with DOT specification 4BA except for deviations from requirements pertaining to steel composition, wall thickness and maximum stress levels.

ALAN I. ROBERTS,
Secretary.

[FR Doc.71-16333 Filed 11-8-71;8:48 am]

ATOMIC ENERGY COMMISSION

[Docket No. PRM-40-15]

NL INDUSTRIES, INC.

Filing of Petition

Notice is hereby given that NL Industries, Inc., 1130 Central Avenue, Albany, NY, by letter dated September 29, 1971,

has filed with the Atomic Energy Commission a petition for rule making to amend § 40.13 of 10 CFR Part 40 by addition of the following exemption from the licensing requirements of Part 40:

Uranium contained in shielding installed in medical X-ray units, or stored or handled in connection with installation or removal of such X-ray units: *Provided*, That:

(i) The shielding is manufactured in accordance with a specific license issued by the Commission authorizing distribution by the licensee pursuant to this subparagraph;

(ii) Each shield has been impressed with the following legend clearly legible through any plating or other covering "Depleted Uranium";

(iii) Each shield is durably and legibly labeled or marked with the identification of the manufacturer and the statement: "Unauthorized Alterations Prohibited";

(iv) The exemption contained in this subparagraph shall not be deemed to authorize the chemical, physical, or metallurgical treatment or processing of any such shield other than repair or restoration of any plating or other covering.

A copy of the petition for rule making, including the petitioner's statement of the basis and justification for the petition, is available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, DC.

Dated at Germantown, Md., this 2d day of November 1971.

For the Atomic Energy Commission.

W. B. McCool,
Secretary of the Commission.

[FR Doc.71-16339 Filed 11-8-71;8:49 am]

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Notice of Hearing on a Facility Operating License

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held at a time and place to be set in the future by the Atomic Safety and Licensing Board designated herein, in the vicinity of Wiscasset, Maine, to consider the application filed under section 104b of the Act by the Maine Yankee Atomic Power Co. (applicant) for a facility operating license which would authorize the operation of a pressurized water reactor (facility), identified as the Maine Yankee Atomic Power Station, at steady-state power levels up to a maximum of 2,440 megawatts thermal at the applicant's site in Wiscasset, Maine.

The hearing will be conducted by an Atomic Safety and Licensing Board (Board) designated by the Atomic Energy Commission (Commission), consisting of Dr. Clarke Williams, Dr. Walter H. Jordan, and Robert M. Lazo, Esq., chairman. Dr. J. M. B. Kellogg has been designated as a technically qualified alternate, and Edward Diamond, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

Construction of the facility was authorized by Provisional Construction Permit No. CPPR-55, issued by the Commission on October 21, 1968, following a public hearing.

A notice of consideration of issuance of an operating license for the facility was published by the Commission on May 13, 1971 (36 F.R. 8821). The notice provided that, within 30 days from the date of publication, any person whose interest may be affected by the issuance of the license could file a petition for leave to intervene in accordance with the requirements of 10 CFR Part 2, "Rules of Practice." Petitions for leave to intervene were thereafter filed by the following: The State of Maine; the Citizens for Safe Power and the Audubon Naturalist Council, as joint petitioners; and the Natural Resources Council of Maine. Answers to these petitions were filed by the applicant and by the AEC regulatory staff.

By memorandum and order dated November 4, 1971, the Commission has determined that a public hearing will be held and that these petitioners should be admitted as parties to this proceeding.

A prehearing conference will be held by the Board, at a date and place to be set by it, to consider pertinent matters in accordance with the Commission's "Rules of Practice," 10 CFR Part 2, including section II of appendix A. The date and place of the hearing will be set by the Board at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

The issues to be considered at the hearing will be any matters in controversy within the purview of the following:

1. Whether construction of the facility has been substantially completed in conformity with the construction permit and the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.

2. Whether the facility will operate in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.

3. Whether there is reasonable assurance (i) that the activities authorized by the operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the regulations of the Commission.

4. Whether the applicant is technically and financially qualified to engage in the activities authorized by the operating license in accordance with the regulations of the Commission.

5. Whether the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," of the Commission's regulations have been satisfied.

6. Whether the issuance of the license will be inimical to the common defense and security or to the health and safety of the public.

In its initial decision, the Board will decide any such matters in controversy among the parties and make findings on items 1-6.

The Commission has recently issued revised regulations for the implementation in its licensing proceedings of the National Environmental Policy Act of 1969 (NEPA), Appendix D to 10 CFR Part 50. The instant proceeding is covered by section D.1 of said appendix D (a draft statement of environmental considerations has been circulated prior to the effective date of revised appendix D but the requirements of section A.1 through 9 of that appendix have not been completed for this application). In accordance with the provisions of section D.1, the Board will proceed expeditiously with consideration of the matters covered by items 1-6 above pending compliance with the requirements specified in said appendix D.

While the matter of the full power operating license is pending before the Board, the applicant may make a motion in writing pursuant to § 50.57(c) of 10 CFR Part 50 for an operating license authorizing low power testing (operation at not more than 1 percent of full power for the purpose of testing the facility), and further operations short of full power operation. The Board may grant the motion upon a finding that the proposed licensing action will not have a significant, adverse impact on the quality of the environment and upon satisfaction of the requirements of § 50.57(c) of 10 CFR Part 50. In addition, the Board may grant a motion, pursuant to § 50.57(c) of 10 CFR Part 50, upon satisfaction of the requirements of that paragraph, after consideration and balancing of the following factors:

(a) Whether it is likely that limited operation during the prospective review period will give rise to a significant, adverse impact on the environment; the nature and extent of such impact, if any; and whether redress of any such adverse environmental impact can reasonably be effected should modification or termination of the limited license result from the ongoing NEPA environmental review.

(b) Whether limited operation during the prospective review period would foreclose subsequent adoption of alternatives in facility design or operation of the type that could result from the ongoing NEPA environmental review.

(c) The effect of delay in facility operation upon the public interest. Of primary importance under this criterion are the power needs to be served by the facility; the availability of alternative sources, if any, to meet those needs on a timely basis; and delay costs to the licensee and to consumers.

Operation beyond twenty percent (20%) of full power will not be authorized except on specific approval of the Commission, upon the Commission's

finding that there exists an emergency situation or other situation requiring such operation in the public interest.

Prior to taking any action on a motion pursuant to § 50.57(c) of 10 CFR Part 50 which any party opposes, the Board shall, with respect to the contested activity sought to be authorized, make findings on the issues specified in items 1 through 6, hereinabove, and determine whether the proposed licensing action will have a significant, adverse impact on the quality of the environment or make findings on the factors specified in the paragraph preceding the one above, as appropriate, in the form of an initial decision. If the license is one which requires the specific approval of the Commission, the Board will certify directly to the Commission for determination, without ruling thereon, the matter of whether operation beyond twenty percent (20%) of full power should be authorized.

Any license issued pursuant to the foregoing will be without prejudice to subsequent licensing action which may be taken by the Commission with regard to the environmental aspects of the facility, and any license issued will be conditioned to that effect.

The Maine Yankee Atomic Power Station is subject to the provisions of section E of appendix D to 10 CFR Part 50, which sets forth procedures and criteria for determining, inter alia, whether construction should be suspended on facilities within specified categories pending completion of the NEPA environmental review provided for in appendix D. No license will be issued in the instant proceeding in advance of or in conflict with the determination as to suspension vel non under said section E.

As they become available, the application, the proposed operating license, the applicant's summary of the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS), the safety evaluation by the Commission's regulatory staff, the applicant's environmental report, the AEC's detailed statement on environmental considerations, and the transcripts of the prehearing conference and of the hearing, will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC, where they will be available for inspection by members of the public. Copies of those documents will also be made available at the Wiscasset Public Library, High Street, Wiscasset, Maine, for inspection by members of the public between the hours of 2 p.m. to 5:30 p.m. Monday through Saturday, and also on Thursdays from 7 p.m. to 9 p.m. Copies of the proposed operating license, the ACRS report, the regulatory staff's safety evaluation, the applicant's environmental report, and the Commission's detailed statement on environmental considerations may be obtained, when available, by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who has not filed either a petition for leave to intervene or a request for a hearing as noted above, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 of the Commission's rules of practice, must be filed by the parties to this proceeding (other than the regulatory staff) not later than twenty (20) days from the date of publication of this notice in the FEDERAL REGISTER.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's rules of practice, an original and 20 conformed copies of each such paper with the Commission.

With respect to this proceeding, the Commission has delegated to the Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission. The Commission has established the Appeal Board pursuant to 10 CFR 2.785 of the Commission's rules of practice, and has made the delegation pursuant to subparagraph (a)(1) of this section. The Appeal Board is composed of the chairman and vice-chairman of the Atomic Safety and Licensing Board Panel and a third member who is technically qualified and designated by the Commission. The Commission has designed Dr. Lawrence Quarles, dean of the School of Engineering and Applied Science, The University of Virginia, as this third member.

Dated at Germantown, Md. this 4th day of November 1971.

UNITED STATES ATOMIC ENERGY COMMISSION
F. T. HOBBS,
Acting Secretary of the Commission.

[FR Doc.71-16403 Filed 11-8-71;8:51 am]

URANIUM ENRICHMENT SERVICES CRITERIA

Charge for Enriching Services

The U.S. Atomic Energy Commission (AEC) hereby announces revisions to the notice entitled "Uranium Enrichment Services Criteria" as published in the FEDERAL REGISTER on December 23, 1966 (31 F.R. 16479), as amended in 35 F.R. 13546 of August 25, 1970, and in 36 F.R. 4562 of March 9, 1971 (referred to herein as the notice).

1. Subparagraph 5(h) of the notice is revised to read as follows:

(h) *Termination by Customer.* The customer may terminate the contract in whole or in part. In such instances the customer will be required to pay a termination charge for those enriching services which would have been furnished but for such termination. No termination charges shall apply to amounts of separative work which would have been furnished at times 5 years or more subsequent to the date of receipt of the notice of termination of such amounts. The termination charge shall apply to each unit of separative work that would have been furnished but for such termination and for which 5 years' advance notice was not given, and shall be equal to 40 percent of the charge per unit of separative work. The units of separative work and enriching services charges applicable to the enriching services terminated shall be determined in accordance with the established Commission standard table of enriching services and established charges for enriching services which, on the date of the receipt of the notice of termination, are in effect and/or are to become effective within 180 days after receipt of the notice of termination. From time to time, the Commission may, at its discretion, review the estimated costs to the Commission which may arise from terminations by customers. If the Commission determines on the basis of such review that the estimated costs are significantly less than the termination charges specified herein, the Commission will make an appropriate reduction in such charges prospectively. Such reduced charge will remain in effect until increased or reduced by a subsequent review and determination (based upon significant changes in the estimated costs as compared with the termination charge then in effect). In no case, however, will any revised charge so determined exceed 40 percent of the charge per unit of separative work. Any revised charges so determined shall be final for all purposes

except as they may be changed by subsequent determinations made in accordance herewith. Upon the request of the customer prior to its delivery of a notice of termination, the AEC will advise the customer of the approximate amount of termination charges which would be payable.

Effective date. This notice is effective upon publication in the FEDERAL REGISTER (11-9-71).

Dated at Germantown, Md., this 5th day of November 1971.

UNITED STATES ATOMIC ENERGY COMMISSION,
F. T. HOBBS,
Acting Secretary of the Commission.

[FR Doc.71-16404 Filed 11-8-71;8:51 am]

FEDERAL POWER COMMISSION

[Docket No. G-10757, etc.]

SUN OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

OCTOBER 28, 1971.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before November 22, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-10757 D 10-14-71	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221 (partial abandonment).	Cities Service Gas Co., Hardtner Field, Barber County, Okla.	Depleted	
G-12748 E 11-9-70	Albert A. Thornbrough (successor to Mary E. Thornbrough), Lakin, Kans. 67860	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Hugoton Field, Kearny County, Kans.	11.6128	14.65
G-15153 D 10-12-71	Texaco, Inc. (Operator), et al., Post Office Box 2100, Denver, CO 80201.	El Paso Natural Gas Co., Aneth Field, San Juan County, Utah.	(7)	
G-16975 E 10-5-71	United States Oil of Louisiana, Ltd. (successor to John W. Mecom et ux., and United States Oil of Louisiana, Inc.), Post Office Box 2566, Houston, TX 77001.	Trunkline Gas Co., Alta Loma Area, Galveston County, Tex.	[2] 20.0 [3] 18.0	14.65
CI60-328 D 10-12-71	The Superior Oil Co., Post Office Box 1521, Houston, TX 77001.	El Paso Natural Gas Co., acreage in Beaver County, Okla.	Assigned	
CI63-80 E 10-15-71	Clayton Lee (successor to J. M. Huber Corp.), 313 Hightower Bldg., Oklahoma City, Okla. 73102.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	[4] 19.48	14.65
CI65-407 D 10-12-71	Texaco, Inc., Post Office Box 2100, Denver, CO 80201.	El Paso Natural Gas Co., Tocito Dome Field, San Juan County, N. Mex.	(5)	
CI68-314 E 2-19-71	Cleary Petroleum Corp. et al. (successor to Petrodyne, Inc., et al.), 310 Kermac Bldg., Oklahoma City, Okla. 73102.	Arkansas Louisiana Gas Co., Star Field, Blaine County, Okla.	[2] 17.8	14.65
CI68-315 E 2-19-71	do	do	[4] 17.815	14.65
CI69-569 E 2-19-71	Cleary Petroleum Corp. et al. (successor to Cleary Funds, Inc., et al.), 310 Kermac Bldg., Oklahoma City, Okla. 73102.	Panhandle Eastern Pipe Line Co., acreage in Ellis County, Okla.	[2] 18.0	14.65
CI70-666 E 2-19-71	do	Panhandle Eastern Pipe Line Co., Salon Field, Ellis County, Okla.	[4] 20.0	14.65
CI71-606 E 10-4-71	Jerome P. McHugh (successor to Thomas A. Dugan), 930 Petroleum Club Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., San Juan Basin, Rio Arriba County, N. Mex.	[4] 15.0619	15.025
CI71-758 C 10-7-71 [16]	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	Columbia Gas Transmission Corp., Lake Sand Field, St. Mary and Iberia Parishes, La.	[11] 26.0	15.025
CI72-185 A 10-5-71	Helmerich & Payne, Inc., 1579 East 21st St., Tulsa, OK 74114.	Michigan Wisconsin Pipe Line Co., Northwest Quinlan Field, Woodward County, Okla.	[4] 22.47	14.65
CI72-186 A 10-5-71	Atlantic Richfield Co., Post Office Box 2819, Dallas, TX 75221.	Transcontinental Gas Pipe Line Corp., East Lake Decade Field, Terrebonne Parish, La.	[12] 26.0	15.025
CI72-187 A 10-6-71	Amoco Production Co., Post Office Box 50879, New Orleans, LA 70150.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., West Delta Block 35 Field, Offshore Louisiana.	[8] 30.0	15.025
CI72-188 B 10-8-71	Apache Corp., Box 2290, Tulsa, OK 74101.	Cities Service Gas Co., acreage in Noble County, Okla.	Depleted	
CI72-189 (C867-6) F 10-4-71	Bass Enterprises Production Co. (successor to Kermit Oil Co.), 2100 First City National Bank Bldg., Houston, Tex. 77002.	El Paso Natural Gas Co., Midkiff Area, Regan County, Tex.	14.5	14.65
CI72-190 A 10-8-71	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	Columbia Gas Transmission Corp., West Delta Block 117 Field, Offshore Louisiana.	[11] 30.0	15.025
CI72-191 A 10-7-71	do	Columbia Gas Transmission Corp., Grand Isle Block 16 Field, Offshore Louisiana.	[11] 30.0	15.025
CI72-192 A 10-8-71	Continental Oil Co., Post Office Box 2197, Houston, TX 77001.	Trunkline Gas Co., West Half of South Timballer Block 148, Offshore Louisiana.	[13] 26.0	15.025
CI72-193 10-1-71 [14]	Oklahoma Natural Gas Co., Post Office Box 871, Tulsa, OK 74102.	Cities Service Gas Co., Eureka Field, Grant County Okla.	[11] 15.0	14.65
CI72-194 (G-10748) F 10-1-71	LVO Corp. (successor to I. J. Newlin), Post Office Box 2848, Tulsa, OK 74101.	Cities Service Gas Co., NE¼ sec. 30, T. 28 N., R. 5 W., Grant County, Okla.	12.75	14.65
CI72-195 A 10-12-71	Union Oil Co. of California, Post Office Box 7600, Los Angeles, CA 90051.	Valley Gas Transmission, Inc., North Sweet Lake Field, Cameron Parish, La.	18.0	15.025
CI72-196 A 10-12-71	Atlantic Richfield Co. (Operator) et al., Post Office Box 2819, Dallas, TX 75221.	Montana-Dakota Utilities Co., Gillette Gas Plant, Campbell County, Wyo.	22.75	15.025
CI72-197 B 10-12-71	Gulf Oil Corp., Post Office Box 1589, Tulsa, OK 74102.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Lower Mud Lake Field, Cameron Parish, La.	Depleted	
CI72-198 B 10-8-71	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Frank Field, Colorado County, Tex.	Depleted	
CI72-199 B 10-12-71	Placid Oil Co., 2500 First National Bank Bldg., Dallas, Tex. 75202.	Tennessee Gas Transmission Co., Bay LeFleur Field, Terrebonne Parish, La.	Depleted	

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C172-200 (G-20016) F 10-7-71	J and J Operating Co. (successor to Atlantic Richfield Co.), Post Office Box 519, Corpus Christi, TX 78403.	Transcontinental Gas Pipe Line Corp., Longhorn et al. Fields, Duval County Tex.	[16] 19.0 [17] 21.0 [18] 25.0	14.65
C172-201 (C161-475 and C167-1371) F 10-7-71	Jack Robin Co. (successor to Fitzpatrick Drilling Co. et al.), Post Office Box 10084, Corpus Christi, TX 78410.	United Gas Pipe Line Co., Bethke Area, Goliad County, Tex.	[19] 14.0 [20] 14.1792	14.65
C172-202 A 10-6-71	Texas Gas Corp. (Operator), Post Office Box 2806, Corpus Christi, TX 78403.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., El Oro Field, Duval County, Tex.	24.0	14.65
C172-203 (G-16749) F 10-7-71 as amended 10-12-71	Texaco, Inc. (successor to Champlin Petroleum Co.), Post Office Box 2420, Tulsa, OK 74102.	Northern Natural Gas Co., Hugoton Field, Finney County, Kans.	[21] 9.2438	14.65
C172-204 B 10-12-71	Lone Star Producing Co., 301 South Harwood St., Dallas, TX 75201.	Panhandle Eastern Pipeline Co., secs. 12-6 N. 23 ECM and 13-6 N. 23 ECM, Beaver County, Okla.	([22])	.....
C172-205 A 10-12-71	Tenneco Oil Co., Post Office Box 2511, Houston, TX 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., West Delta Block 35 Field, Offshore Louisiana.	[23] 26.0	15.025
C172-206 A 10-12-71	James M. Forgotson, Sr., 1407 Main St., Suite 1300, Dallas, TX 75202.	United Gas Pipe Line Co., Marg Tex. Sand Units, Lafayette Parish, La.	[4] 26.0	14.70
C172-207 (G-11041) F 10-7-71	Skelly Oil Co. (successor to Petroleum Management, Inc. (Operator), et al.), Post Office Box 1650, Tulsa, OK 74102.	Florida Gas Transmission Co., East Aransas Pass Field, Aransas County, Tex.	19.0	14.65
C172-208 10-12-71 [24]	Oklahoma Natural Gas Co., Post Office Box 871, Tulsa, OK 74102.	Northern Natural Gas Co., Northeast Gate Lake Field, Harper County, Okla.	[25] 19.021	14.65
C172-209 (G-4360) F 10-12-71	Ragars Oil & Gas Co. (successor to Sun Oil Co.), Post Office Box 2030, Alice, TX 78332.	United Gas Pipe Line Co., Boyce and Brandt Field, Goliad County, Tex.	18.34575	14.65
C172-210 (G-2454) F 10-12-71	do	United Gas Pipe Line Co., Boyce Field, Goliad County, Tex.	18.34575	14.67
C172-211 (G-2453) F 10-12-71	do	United Gas Pipe Line Co., Boyce Field Common Point No. 1, Ida E. Tipton Lease, Goliad County, Tex.	18.34575	14.65
C172-212 (G-2064) F 10-12-71	do	United Gas Pipe Line Co., Cabeza Creek Field, Goliad County, Tex.	19.0	14.65
C172-213 (C170-973) F 10-8-71	Petroleum Inc. (successor to Aikman Bros. Corporation), 300 West Douglas, Wichita, KS 67202.	Northern Natural Gas Co., Lorena West Field, Texas County, Okla.	[4] 20.33	14.65
C172-217 [26] B 7-26-71	Reading & Bates Production Co., (Operator), et al., c/o Robert Earl McCormack, attorney at Law, Suite 102, 5063 East 31st St., Tulsa, OK 74135.	Northern Natural Gas Co., Northeast Harmon Field, Woodward County, Okla.	Depleted	.....

[1] Acreage is nonproductive.
[2] For sales under base contract.
[3] For sales under Mar. 7, 1963, amendment.
[4] Includes 0.60 cent per Mcf upward B.t.u. adjustment.
[5] Rate in effect subject to refund in Docket No. RI68-426.
[6] Rate in effect subject to refund in Docket No. RI70-992.
[7] Subject to upward and downward B.t.u. adjustment. Rate in effect subject to refund in Docket No. RI68-382.
[8] Subject to upward and downward B.t.u. adjustment.
[9] Rate in effect subject to refund in Docket No. RI69-627.
[10] Amendment to pending application.
[11] Applicant is willing to accept a permanent certificate in conformance with Opinion No. 598.
[12] Contract provides for initial price of 28 cents per Mcf; however, pursuant to Opinion No. 598, initial rate will be 26 cents per Mcf adjusted for quality.
[13] Contract provides for an initial price of 30 cents per Mcf, subject to upward and downward B.t.u. adjustment; however, pursuant to Opinion No. 598 the initial rate will be 26 cents per Mcf.
[14] Applicant proposes to continue the sale of natural gas from its own interests heretofore authorized in Docket No. G-10843 to be made pursuant to Thomas N. Berry & Co. FPC Gas Rate Schedule No. 7.
[15] Less 0.75 cent for dehydration and 1.5 cents for compression.
[16] Gas produced from reservoirs discovered prior to Sept. 28, 1960.
[17] Gas produced from reservoirs discovered between Sept. 28, 1960 and June 17, 1970.
[18] Gas produced from reservoirs discovered after June 17, 1970.
[19] For sales from Fitzpatrick Drilling Co. Rate in effect subject to refund in Docket No. RI70-1328.
[20] For sales from Humble Oil & Refining Co.
[21] Applicant is willing to accept a certificate at the adjusted area ceiling rate of 9.2438 cents per Mcf; 12.5+(0.0125¢×0.75)−3.2656 cents downward adjustment for heat content; however, the contract price is 10.3453 cents per Mcf.
[22] Low production.
[23] Applicant is willing to accept a certificate at an initial rate of 26 cents per Mcf; however, the contract price is 30 cents per Mcf, subject to upward and downward B.t.u. adjustment.
[24] Applicant proposes to continue the sale of natural gas from its own interests heretofore authorized in Docket No. G-12966 to be made pursuant to Keating-Parker Drilling Co. FPC Gas Rate Schedule No. 6.
[25] Includes 2.006 cents per Mcf upward B.t.u. adjustment.
[26] Application previously noticed Aug. 3, 1971, in Docket No. CS66-57 et al., under Docket No. CS71-590. The Docket No. should be C172-217.

[FR Doc.71-16253 Filed 11-8-71;8:45 am]

[Dockets Nos. RI72-120, etc.]

SKELLY OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

OCTOBER 28, 1971.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
RI72-120..	Skelly Oil Co.	46	[2] 23	El Paso Natural Gas Co. (Blanco Field, San Juan County and Rio Arriba County, N. Mex.) (San Juan Basin).	$23,030	9-28-71		3-29-72	13.0551	22.0	RI71-20.
									[4] 15.0593	22.0	RI71-20.
		140	[3] 10	El Paso Natural Gas Co. (Ignacio-Blanco Field, La Plata, Colo.) (San Juan Basin).	8,921	9-29-71		3-30-72	[4] 15.0	22.0	RI69-362.
RI70-830..	Atlantic Richfield Co.	612	1 to 1	Montana-Dakota Utilities Co. (Gillette Gas Plant, Campbell County, Wyo.).	(1,947)	9-29-71	[5] 9-29-71	[6]Accepted			RI70-830.
RI70-829	do.	50	1 to 20	Northern Utilities, Inc., and Kansas Nebraska Natural Gas Co. (Riverton Dome Field, Fremont County, Wyo.).	(3,462)	9-29-71	[5] 9-29-71	[6]Accepted			RI70-829.
RI70-1190.	Marathon Oil Co.	87	2 to 4	Colorado Interstate Gas Co. (Wamsutter Unit Area, Sweetwater County, Wyo.).	(612)	9-29-71	[5] 8-16-71	[6]Accepted			

*Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] Gallegos-Gallup Sand Unit.
[2] Marshall Gentle Well No. 1 and Blanco 27-9 Gas Unit.
[3] Excludes gas produced from acreage added by Supplements Nos. 10, 11, 12, 14, and 15.
[4] Includes 1-cent minimum liquids payment.
[5] Excludes gas produced from acreage added by Supplements Nos. 3, 4, 5, 6, and 8.
[6] Date requested.
[7] The pressure base is 14.65 p.s.i.a.
[8] Accepted, subject to the existing suspension proceedings in Dockets Nos. RI70-830, RI70-829, and RI70-1190, respectively, to be effective as shown in the "Effective Date" column.

The proposed increases for sales to El Paso in San Juan Basin are based on favored-nation clauses which were allegedly activated by Aztec Oil & Gas Co.'s unilateral rate increase to 29.23 cents per Mcf which became effective subject to refund in Docket No. RI71-744 on August 1, 1971. El Paso Natural Gas Co. and Southern California Gas Co. are expected to protest this favored-nation increase on the basis that it is not contractually authorized. In view of the contractual problem presented, the hearing herein shall concern itself with the contractual basis for this favored-nation filing as well as the justness and reasonableness of the proposed increased rate. The proposed increases exceed the corresponding rate filing limitations imposed in southern Louisiana and therefore are suspended for 5 months.[1]

Atlantic Richfield Co. and Marathon Oil Co. have been collecting a double amount of the contractually due reimbursement for taxes applicable to future production as well as back to January 1, 1968. Since tax reimbursement applicable to past production has been recovered, Respondents have filed rate decreases reducing their rates so as to provide for tax reimbursement for future production only. Consistent with Commission action on similar filings, the proposed decreases are accepted for filing subject to refund in existing suspension proceedings to be effective as of the requested effective dates.

Each supplement listed in this appendix is effective as of the date provided in the "Date Suspended Until" column or such later date as may be authorized under Executive Order No. 11615. This order does not relieve any producer herein of any responsibility imposed by, and is expressly subject to, the Commission's Statement of Policy Implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), including such amendments as the Commission may require, and Executive Order No. 11615.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, 2, 2.56).

[FR Doc.71-16254 Filed 11-8-71;8:45 am]

[1] Even if these proposed increases did not exceed the applicable ceiling, they would be suspended for 5 months in these special circumstances. See order issued Sept. 3, 1971 in Shell Oil Co., Docket No. RI-72-64 et al.

[Docket No. RI72-121, etc.]

SKELLY OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

OCTOBER 29, 1971.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and §154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
RI72-121..	Skelly Oil Co.	47	25	El Paso Natural Gas Co. (Fulcher-Kutz, Ballard, Gavilan, and South Blanco Fields, San Juan and Rio Arriba Counties, N. Mex., San Juan Basin).	$110,645	10-4-71		4-4-72	[13] 0.551	22.0	RI69-389.
	do	90	19	El Paso Natural Gas Co. (South Blanco Field, Rio Arriba County, N. Mex., San Juan Basin).	60,419 18,035	10-4-71 10-4-71		4-4-72 4-4-72	[13] 0.551 [2] [4] 15.0593	22.0 22.0	RI69-362. RI69-362.
	do	116	6	El Paso Natural Gas Co. (Ignacio-Blanco Field, La Plata County, Colo.).	4,001	10-4-71		4-4-72	[4] 15.0	22.0	RI69-362.
	do	141	[3] [4] 19	El Paso Natural Gas Co. (San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin).	14,251	10-4-71		4-4-72	[4] 15.0593	22.0	RI69-362.
RI72-122..	Texaco, Inc.	458	1	Texas Eastern Transmission Corp. (Wampum Field, Oktibbeha County, Miss.).	6,650	10-4-71		4-4-72	[4] 28.2	29.0	
RI72-123..	Clinton Oil Co.	[5] 1	9	Cities Service Gas Co. (Kay County, Okla. Other Area).	487	10-6-71		11-6-71	[7] [12] 1314.0	[7] [12] 14.0	
RI72-124..	Texaco, Inc.	103	5	Lone Star Gas Co. (Doyle Field, Stephens County, Okla. Other Area).	1,843	10-4-71		4-4-72	[10] 20.9	[8] [11] 25.0	RI71-1078.
RI72-125..	Atlantic Richfield Co.	433	13	H. L. Hunt et al. (North Lansing Field, Harrison County, Tex., RR. District No. 6).	157	9-29-71		11-30-71	[10] [13] 16.57875	[10] [13] 16.77975	RI71-393.
RI72-126	do	436	5	Texas Gas Transmission Corp. (Calhoun Field, Jackson, Lincoln, and Ouachita Parishes, Northern Louisiana).	2,953	10-4-71		12-5-71	20.25	22.375	RI69-76.
	do	227	[11] 4		814	10-4-71		12-5-71	[7] [11] 19.75	[7] 22.375	RI68-302.

*Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] Pictured Cliffs and Chacra Formations and certain Gallup wells in the Canyon Largo Unit.
[2] Below Pictured Cliffs Formation.
[3] Pertains to gas produced from the Mesa Verde Formation only.
[4] Excludes gas produced from acreage added by Supplements Nos. 7, 8, 9, 10, 11, 12, 14, and 16.
[5] Includes 1-cent minimum guarantee for liquids.
[6] Per temporary certificate in Docket No. CI71-763, subject to a refund floor of 3.2 cents per Mcf.
[7] Subject to Downward B.t.u. adjustment.
[8] Contract is dated after Sept. 28, 1960 and the proposed rate does not exceed the initial rate ceiling.
[9] Unilateral rate increase. Primary term of contract has expired.
[10] Buyer deducts 0.75 cent per Mcf from rate shown for compression.
[11] Includes 1.75-cents tax reimbursement.
[12] Applicable only to acreage dedicated under basic contract.
[13] The pressure base is 14.65 p.s.i.a.

The proposed increases by Skelly Oil Co. for sales to El Paso in San Juan Basin are based on favored-nation clauses which were allegedly activated by Aztec Oil & Gas Co.'s unilateral rate increase to 29.23 cents which became effective subject to refund in Docket No. RI71-744 on August 1, 1971. El Paso Natural Gas Co. and Southern California Gas Co. are expected to protest these favored nation increases as they have previous filings, on the basis that they are not contractually authorized. In view of the contractual problem presented, the hearings herein shall concern themselves with the contractural basis for these favored-nation filings as well as the justness and reasonableness of the proposed increased rates. The proposed increases exceed the corresponding rate filing limitations imposed in southern Louisiana and therefore are suspended for 5 months.[1]

The basic contract related to the proposed increase of Clinton Oil Co. is dated after September 28, 1960, the date of issuance of General Policy Statement No. 61-1, and the proposed rate does not exceed the area initial rate ceiling. The proposed increase is suspended for one day from expiration of the 30 day notice period.

Texaco, Inc., requests effective dates as of the date of filing or the earliest date permitted by law. Atlantic Richfield Co. requests effective dates for which adequate notice has not been given. Good cause has not been shown for granting these requests and they are denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

Each supplement listed in this appendix is effective as of the date provided in the "Date Suspended Until" column or such later date as may be authorized under Executive Order No. 11615. This order does not relieve any producer herein of any responsibility imposed by, and is expressly subject to, the Commission's Statement of Policy Implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), including such amendments as the Commission may require, and Executive Order No. 11615.

[FR Doc.71-16232 Filed 11-4-71;8:45 am]

[1] Even if these proposed increases did not exceed the applicable ceiling, they would be suspended for 5 months in these special circumstances. See order issued Sept. 3, 1971 in Shell Oil Co., Docket No. RI72-64 et al.

[Docket No. CP72-35]

ALGONQUIN SNG, INC.

Notice Modifying Procedural Dates

NOVEMBER 2, 1971.

On October 7, 1971, Algonquin SNG, Inc. (Algonquin), filed a motion for, inter alia, an acceleration of the dates for the filing of their direct evidence and the commencement of the hearing, pursuant to the order issued October 6, 1971, in the above-designated matter.

Upon consideration, notice is hereby given that Algonquin shall file its direct case on or before November 15, 1971; the hearing shall commence on December 6, 1971, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426. The request for an early prehearing conference will be disposed of by the Presiding Examiner.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-16306 Filed 11-8-71;8:47 am]

[Docket No. RP72-61]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Filing of Proposed Tariff Provision Relating to Demand Charge Adjustment

NOVEMBER 2, 1971.

Take notice that on October 21, 1971, Algonquin Gas Transmission Co. (Algonquin) submitted for filing as a part of its FPC Gas Tariff, Original Volume No. 1, First Revised Sheet No. 27 pertaining to the demand charge adjustment provisions of Texas Eastern's rate schedules, tracking similar relief requested by Texas Eastern Transmission Company (Texas Eastern) by filing made on October 19, 1971.

Algonquin states in its filing that "In light of Texas Eastern's recent announcement that it intends to curtail substantial volumes of gas to its customers, including Algonquin, during the period November 1, 1971, through April 30, 1972, and inasmuch as Algonquin's

currently effective demand charge adjustment provisions of its FPC Gas Tariff follow closely that of its sole supplier, Texas Eastern, equity requires that Algonquin be afforded demand charge adjustment relief comparable to that which may ultimately be granted to Texas Eastern if Algonquin is to avoid substantial and irreparable financial loss in the event of the imposition of the expected curtailment by Texas Eastern commencing November 1, 1971.

Any order issued in this proceeding is subject to our Statement of Policy Implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38) and Executive Order No. 11615, including such amendments as the Commission may require.

Any person desiring to be heard or make any protest with reference to said filing should on or before November 11, 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 1.18 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. The filing which was made with the Commission is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-16288 Filed 11-8-71;8:45 am]

[Docket No. CS71-177]

DONALD W. JACKSON

Notice of Petition for Waiver of Regulations

NOVEMBER 2, 1971.

Take notice that by letter dated September 15, 1971, and filed with the Commission on September 17, 1971, Donald W. Jackson, 1411 North Carlton, Liberal, KS 67901, requests to be prmitted to sell natural gas pursuant to his small producer certificate issued in Docket No. CS71-177 from certain properties acquired from Cities Service Oil Co. (Cities Service), a large producer. Mr. Jackson states that he has acquired from Cities Service seven wells in the Hugoton Field used for jurisdictional sales to Northern Natural Gas Co. which were scheduled to be sold, plugged, or abandoned by Cities Service because of their inability to produce at their economical rate. Mr. Jackson states further that due to the small capacity of these wells, they will not survive the expense of filing separate certificate applications for authorization to continue the sales.

Section 157.40 of the regulations under the Natural Gas Act provides in part that sales may not be made pursuant to a small producer certifcate from reserves acquired by a small producer by purchase of developed reserves in place from a large producer. Mr. Jackson's letter, which is on file with the Commission and open to public inspection, is being construed as a petition for waiver of the aforementioned proscription of §157.40 (c).

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than November 24, 1971, views and comments in writing concerning the petition for waiver. An original and 14 conformed copies should be filed with the Secretary of the Commission. The Commission will consider all such written submittals before acting on the petition.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-16289 Filed 11-8-71;8:45 am]

[Docket No. CP72-103]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

NOVEMBER 2, 1971.

Take notice that on October 13, 1971, Kansas-Nebraska Natural Gas Co., Inc. (applicant), 300 North St. Joseph Avenue, Hastings, NE 68901, filed in Docket No. CP72-103 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, acquisition, and operation of pipeline facilities to connect to its pipeline systems newly discovered supplies of natural gas from the Lightning Creek Area of Niobrara County, Wyo., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant estimates that there are 49.2 million Mcf of proven and semiproven reserves and 36.2 million Mcf of recoverable possible reserves available from the Lightning Creek Area. Applicant states that it has entered into an agreement with Marathon Pipe Line Co. (Marathon) for the purchase of approximately 65.5 miles of 6-inch liquids pipeline and proposes to convert 50.3 miles of this line to natural gas service for the purpose of transporting gas produced from the Lightning Creek Field to applicant's existing 16-inch mainline near Fort Laramie, Wyo., and to provide the town of Lusk, Wyo., with natural gas service. Estimated peak day and annual natural gas requirements for Lusk during the third year of operation are 665 Mcf and 75,000 Mcf, respectively.

Applicant has determined that the facilities initially required to connect most economically the Lightning Creek gas supply with the acquired 6-inch pipeline and with applicant's existing main transmission facilities at Fort Laramie and provide service to Lusk, Wyo., are as follows:

(1) Approximately 11 miles of 6⅝-inch gathering line.

(2) Approximately 0.25 mile of 6⅝-inch interconnecting line at Fort Laramie.

(3) Approximately 800 horsepower compressor unit and dehydration equipment at junction of field gathering line and 6-inch acquired line.

(4) Approximately 700 horsepower compressor unit at the junction of the 6-inch line and applicant's existing 16-inch main transmission line at Fort Laramie, Wyo.

Applicant states that the estimated cost of the construction of the additional facilities will be $566,000, and that approximately $64,000 will be spent for the rehabilitation and conversion of the acquired 6-inch liquid pipeline to natural gas service. The acquisition of the 6-inch pipeline will be in exchange for 12,300 shares of applicant's common stock.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 16, 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.71-16290 Filed 11-8-71;8:45 am]

[Docket No. CP70-163]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Petition To Amend

NOVEMBER 2, 1971.

Take notice that on October 18, 1971, Michigan Wisconsin Pipe Line Co. (petitioner), 1 Woodward Avenue, Detroit, MI 48226, filed in Docket No. CP70-163 a petition to amend the order of the Commission issued on August 4, 1970 (44

FPC ——), as amended, in said docket, by authorizing the turbocharging of two existing compressor units at its Calumet Compressor Station, 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 August 4, 1970, authorized, inter alia, the installation and operation of a third 750 horsepower compressor unit at petitioner's Calumet Compressor Station to enable petitioner to deliver natural gas to Texas Gas Transmission Corp. (Texas Gas) at the required delivery pressure of 1,000 p.s.i.g. Petitioner has determined that by turbocharging the two existing 750 horsepower units the capacity of these units will be increased to 1,000 horsepower and that such increase is adequate to deliver the increased volumes of gas to Texas Gas.

Petitioner states that the estimated cost of the new 750 horsepower unit would be $356,000, whereas the estimated cost of turbocharging the two existing units is $131,000, resulting in an indicated net savings of $225,000. Therefore, petitioner requests that the Commission's order in said docket be amended to permit the turbocharging of the two existing units at the Calumet Station in lieu of the installation of a new 750 horsepower unit.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 16, 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.71-16291 Filed 11-8-71;8:45 am]

[Docket No. CP72-95]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

NOVEMBER 2, 1971.

Take notice that on October 6, 1971, Texas Gas Transmission Corp. (applicant), Post Office Box 1160, Owensboro, KY 42301, filed in Docket No. CP72-95 a budget-type application pursuant to section 7(c) of the Natural Gas Act and § 157.7(d) of the regulations thereunder for a certificate of public convenience and necessity authorizing construction and operation of facilities for the testing and development of reservoirs for underground storage of natural gas for a 3-year period commencing on the date of Commission authorization, 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 permit it to engage in a continuing program of testing and further developing reservoirs for the underground storage of natural gas whenever such additional storage will benefit its system operations and service to its customers.

Applicant states that the total volumes of natural gas to be injected into the prospective underground storage projects during the 3-year period of authorization will not exceed 10 million Mcf, with not more than 2 million Mcf injected in any single project. Only gas available during offpeak periods will be used for testing. No new sales or service are involved.

Applicant states that total expenditures for the 3-year period will not exceed $3 million, and will not exceed $1 million in any 1 year. The facilities will be financed by applicant from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 16, 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 interevene 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.71-16292 Filed 11-8-71;8:46 am]

[Docket No. RP72-58]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Filing of Proposed Tariff Provision Relating to Demand Charge Adjustment

NOVEMBER 2, 1971.

Take notice that on October 19, 1971, Texas Eastern Transmission Corp. (Texas Eastern) submitted for filing as a part of its FPC Gas Tariff, Second Revised Volume No. 1, Second Revised Sheet No. 76, pertaining to the demand charge adjustment provisions of Texas Eastern's rate schedules.

The purpose of the filing, as stated by Texas Eastern, "is to make new section 12.4 part of Texas Eastern's General Terms and Conditions applicable to all its rate schedules." Texas Eastern further states that the new § 12.4 proposed to become effective on November 1, 1971, will modify the demand charge adjustment provisions of Texas Eastern's rate schedules by eliminating demand charge adjustment credits for curtailment of deliveries due to a shortage of gas on Texas Eastern's system.

Any order issued in this proceeding is subject to our Statement of Policy Implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38) and Executive Order No. 11615, including such amendments as the Commission may require.

Any person desiring to be heard or make any protest with reference to said filing should on or before November 11, 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 1.18 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. The filing which was made with the Commission is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-16293 Filed 11-8-71;8:46 am]

[Docket No. CP72-102]

WESTERN GAS INTERSTATE CO.

Notice of Application

NOVEMBER 2, 1971.

Take notice that on October 12, 1971, Western Gas Interstate Co. (applicant), 1500 Fidelity Union Tower, Dallas, Tex. 75201, filed in Docket No. CP72-102 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 12-month period commencing on the date of Commission authorization, 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 the 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 $100,000, with no single project costing in excess of $25,000. Applicant states that these costs will be financed from funds on hand and short-term borrowings from its parent, Southern Union Gas Co.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 16, 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.71-16294 Filed 11-8-71;8:46 a.m.]

[Docket No. CI72-253]

SHELL OIL CO.

Notice of Application

NOVEMBER 4, 1971.

Take notice that on October 26, 1971, Shell Oil Co. (applicant), Post Office Box 2643, Houston TX 77001, filed in Docket No. CI72-253 an application for an order of the Commission exempting from regulation certain sales of natural gas to Oklahoma Natural Gas Co. (ONG) or, in the alternative, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing said sales to ONG, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

By order issued August 23, 1971, in Docket No. CP71-220 the Commission granted a certificate to ONG within the contemplation of § 2.70 of the general policies and interpretations (18 CFR 2.70) authorizing the sale of natural gas to Natural Gas Pipeline Company of America (Natural) for 2 years commencing the date of the order. Applicant proposes to sell natural gas to ONG, during the same 2-year period, within the contemplation of § 2.70, for resale to Natural. The locations of and rates for applicant's sales are as follows:

Location	Rate (cents per Mcf at 14.65 p.s.i.a.)
Dover-Hennessey Plant, Kingfisher County, Okla.	19.0
Canton Field, Blaine, Kingfisher, and Major Counties, Okla.	19.30
*Kinta Field, Haskell County, Okla. (two contracts)	17.18
Cleo West Field, Major County, Okla.	16.17
Vining Field, Alfalfa County, Okla.	14.75
Ringwood Field, Major County, Okla.	16.17
Red Oak Field, Latimer County, Okla.	17.18

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before November 19, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-16567 Filed 11-8-71;8:50 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4692]

FAS INTERNATIONAL, INC.

Order Suspending Trading

NOVEMBER 3, 1971.

The common stock, 2 cents par value, and the 5 percent convertible subordinated debentures due 1989 of FAS International, Inc., being traded on the New York Stock Exchange, Inc., pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of FAS International, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 3, 1971, through November 12, 1971.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.71-16320 Filed 11-8-71;8:48 am]

[70-5107]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Issue and Sale by Holding Company of Common Stock at Competitive Bidding

NOVEMBER 2, 1971.

Notice is hereby given that General Public Utilities Corp. (GPU), 80 Pine

Street, New York, NY 10005, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and Rule 50 thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

GPU proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 1,400,000 shares of its authorized but unissued common stock, par value $2.50 per share. GPU proposes to use the proceeds of the sale of the common stock in payment of its outstanding short-term promissory notes, the proceeds of which have been or will be used for investment in its subsidiary companies. At December 31, 1970, GPU had 29,792,689 shares of common stock outstanding.

The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses incident to the proposed transaction are to be supplied by amendment.

Notice is further given that any interested person may, not later than November 29, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.71-16319 Filed 11-8-71;8:47 am]

[811-1933]

MERIDIAN INVESTING & DEVELOPMENT CORP.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

NOVEMBER 2, 1971.

Notice is hereby given that Meridian Investing & Development Corp. (Applicant), 250 Bird Road, Coral Gables, FL 33146, which was incorporated under the laws of the State of Delaware on August 26, 1969, and is registered as a nondiversified, closed-end investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Applicant registered under the Act by filing both a notification of registration on Form N-8A on August 29, 1969, and a registration statement on Form N-8B-1 on August 29, 1969. Applicant states that on December 3, 1969, it received approximately $40 million from a public offering of its common stock, and, immediately thereafter, commenced operations as an investment company seeking investments in securities of companies engaged in real estate and real estate related activities. Applicant states its primary objective from inception has been capital appreciation through investments in companies newly formed, or, with the assistance of Applicant, restructured to develop opportunities in the real estate field.

At a shareholder's meeting held on October 20, 1971, pursuant to section 13(a)(4) of the Act, and of 2,175,435 shares of common stock outstanding and entitled to vote, 1,432,080 shares were voted in favor of and 114,725 shares were voted against: (1) A program to amend Applicant's certificate of incorporation to delete all references to an investment company and the Act; (2) an amendment to Applicant's registration statement under the Act to change its fundamental policies and its policies with respect to security investments; and (3) a program to authorize management of Applicant to seek an order from the Commission terminating its registration as an investment company. Immediately subsequent to the stockholder's meeting, Applicant amended its certificate of incorporation and registration statement under the Act in accordance with shareholder authorization.

Applicant asserts it is no longer engaged in the business of investing, reinvesting, or trading in securities, and is not holding itself out as an investment company, but rather is engaged in creating, structuring, developing, and controlling operating companies with the purpose of improving consolidated income. Applicant states that as of October 22, 1971, its total assets amounted to $44,498,185. Of this amount, investments in wholly owned and majority-owned subsidiaries amounted to $19,133,750; investments in noncontrolled companies amounted to $2,670,995; bankers acceptances amounted to $5,312,835; certificates of deposit amounted to $16,073,527; $933,939 was in cash; and $373,509 was in accrued interest.

Thus, on October 22, 1971, less than 50 percent of Applicant's total assets were devoted to operating businesses. Applicant further states, however, that from its nonwholly owned or majority owned assets, it will make investments aggregating at least $4 million in Cableton Corp. (Cableton) and Newport Corp. (Newport), both wholly owned subsidiaries of Applicant. The investment in Cableton will permit Cableton to acquire 50 percent of the common stock of Universal Restaurants, Inc., pursuant to an option which Cableton has given notice of its intention to exercise. The investment in Newport will enable it to take advantage of its position to acquire certain real estate for use in the development, construction, and sale of condominiums. These investments will be made either prior to or immediately after the issuance of an order pursuant to section 8(f) of the Act. On such date, Applicant's operating assets will equal $23 million and all other assets will total $21 million. Thus, more than 50 percent of Applicant's total assets will be in operating assets.

Applicant further states that for the year ended December 31, 1970, its unaudited pro forma combined statement of income and expense stated as an operating company discloses that gross income from operations equaled approximately $16.6 million as opposed to income of $3.7 million from interest and equity investment in nonmajority owned companies. Thus, Applicant asserts it is primarily engaged in a business other than that of investing, reinvesting, owning, holding or trading in securities.

Section 8(f) as here pertinent, provides that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect. If necessary for the protection of investors, such order may be made upon appropriate conditions.

As a condition to deregistration, Applicant consents to the retention of jurisdiction by the Commission over any of the following transactions between Applicant, on the one hand, and Realty Resources Management Corp. (Adviser), Applicant's investment adviser, or any affiliated person of the Adviser, on the other hand, to the extent that any such transaction required approval of the Commission under section 17(b) of the Act: (a) Any direct or indirect merger

or consolidation of the Adviser with Applicant; (b) any direct or indirect sale of 75 percent or more in value of the assets of the Adviser to Applicant; (c) any direct or indirect exchange of securities issued by Applicant for outstanding securities issued by the Adviser; or (d) any direct or indirect exchange of securities issued by the Adviser for securities by Applicant.

Notice is further given that any interested person may, not later than November 11, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.71-16321 Filed 11-8-71;8:48 am]

[54-247]

MIDDLE SOUTH UTILITIES, INC., AND ARKANSAS-MISSOURI POWER CO.

Notice of Filing and Order for Hearing on Plan Filed and Order Instituting Proceedings and Directing Hearing

NOVEMBER 2, 1971.

I. Notice is hereby given that Middle South Utilities, Inc. (Middle South), 280 Park Avenue, New York, NY 10017, a registered holding company, has filed a plan pursuant to section 11(e) of the Public Utility Holding Company Act of 1935 (Act) providing for the issuance by Middle South of its common shares in exchange for the publicly held shares of capital stock of its public utility subsidiary company, Arkansas-Missouri Power Co. (Ark-Mo). All interested persons are referred to the plan, which is summarized below, for a complete statement of the proposed terms and transactions.

As of September 16, 1971, Middle South owned 2,181,963 (95.2 percent of the total of 2,291,988 outstanding shares of Ark-Mo capital stock, the remaining 110,005 shares (4.8 percent) being publicly held. The plan provides for the issuance by Middle South of its shares of common stock, par value $5 per share, in exchange for the publicly held shares of the capital stock of Ark-Mo on the basis of 0.7 share of Middle South for each share of Ark-Mo. No certificates for fractional common shares of Middle South will be issued. Any holder of shares of Ark-Mo common stock who would otherwise be entitled to a fractional Middle South common share may sell such fractional share interest through an exchange agent or he may purchase through the exchange agent any available fractional interest sufficient to entitle him to an additional full Middle South common share. No charge will be made for this service.

The plan will become effective on the earliest practicable date (consummation date) after the entry of an order by a District Court of the United States approving and enforcing the plan. The carrying out of the plan is subject to all necessary approvals by the Commission under the Act, and to its approval and enforcement by a District Court of the United States having jurisdiction, as fair and equitable and as necessary and appropriate to effectuate the provisions of section 11 of the Act.

II. The Commission has been advised by its Division of Corporate Regulation (Division) that the Division, pursuant to section 11(a), 18(a), and 18(b) of the Act, has made a preliminary examination of the corporate structure of Middle South and the relationship between such company and the other companies in the Middle South holding-company system; and it appears to the Division from such examination that:

1. Middle South is a registered holding company. As of August 31, 1971, it had outstanding 40,202,815 shares of common stock, par value $5 per share, all of which are held by the public. The common stock has sole voting rights.

2. The principal operating subsidiary companies are Arkansas Power & Light Co. (AP&L), Louisiana Power & Light Co. (Louisiana), Mississippi Power & Light Co. (Mississippi), New Orleans Public Service Co. (New Orleans), and Crossett Electric Co. (Crossett), and are public utilities principally engaged in the production, purchase, transmission, distribution, and sale of electricity to residential, commercial, industrial, and municipal customs in eastern Arkansas, Louisiana, and Mississippi. New Orleans also distributes natural gas and operates a passenger transit system in that city. Middle South also has a wholly owned subsidiary service company, Middle South Services, Inc. Ark-Mo distributes electricity and natural gas at retail in northeast Arkansas and an adjoining area of southeastern Missouri. Ark-Mo's wholly owned subsidiary company, Associated Natural Gas Company (Associated), is engaged in the distribution of natural gas at retail in other areas of Missouri. The electric service areas of the Middle South subsidiary companies and Ark-Mo are geographically contiguous and are physically interconnected through AP&L.

III. It being the duty of the Commission, pursuant to section 11(b)(2) of the Act, to require by order, after notice and opportunity for hearing, that each registered holding company and each subsidiary company thereof take such steps as the Commission shall find necessary to insure that the corporate structure or continued existence of any company in a holding-company system does not, among other things, unfairly or inequitably distribute voting power among security holders of such holding-company system; and

The Commission being required by the provisions of section 11(e) of the Act, before approving any plan filed thereunder, to find, after notice and opportunity for hearing, that such plan, as submitted or as modified, is necessary to effectuate the provisions of section 11(b) and is fair and equitable to the persons affected thereby; and

The Commission deeming it appropriate that notice be given and a hearing be held for the purpose of determining what action should be ordered under section 11(b)(2) and for the purpose of ascertaining whether the plan should be approved; and

It appearing that common issues of fact and law arise in connection with the section 11(e) plan and in connection with the issues involved under section 11(b)(2), making it appropriate that the two proceedings be consolidated and that Middle South and Ark-Mo should be made parties to the consolidated proceeding:

It is hereby ordered,

(a) That a proceeding be, and it hereby is, instituted in respect of Middle South and Ark-Mo pursuant to section 11(b)(2) of the Act.

(b) That said proceeding be, and it hereby is, consolidated with the proceeding in connection with the section 11(e) plan of Middle South.

(c) That Middle South and Ark-Mo be, and they hereby are, made parties to said consolidated proceeding.

It is further ordered, That the hearing in the consolidated proceeding be held on December 15, 1971, at the office of the Securities and Exchange Commission, 500 North Capitol Street NW., Washington, DC 20549, in such room as may be designated on such date by the hearing room clerk. Any person desiring to be heard in connection with this proceeding or proposing to intervene therein shall file with the Secretary of the Commission, on or before December 10, 1971, a written request relative thereto as provided in Rule 9 of the Commission's rules of practice. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions

of the Commission involving the subject matter of these proceedings.

It is further ordered, That a Hearing Examiner, hereafter to be designated, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under section 18(c) of said Act and to a hearing officer under the Commission's rules of practice.

The Division having advised the Commission that, upon the basis of its preliminary examination of the affairs and of the corporate structures of Middle South and Ark-Mo and of a preliminary study of said plan of Middle South, the following matters and questions are presented for consideration at such hearing, without prejudice, however, to the presentation of additional matters and questions upon further examination:

1. Whether the allegations contained in Part II hereof are true and correct;

2. Whether the voting power is unfairly and inequitably distributed among the holders of the capital stock of Ark-Mo, and, if so, what steps if any, are necessary and should be required to be taken to distribute fairly and equitably the voting power among such holders;

3. Whether the plan of Middle South, as submitted or as it may be modified or amended, is necessary to effectuate the provisions of section 11(b) of the Act;

4. Whether the plan is fair and equitable to the persons affected thereby;

5. Whether, in general, the transactions proposed in the plan satisfy the applicable provisions of the Act; and

6. Whether the accounting entries proposed to be made in connection with the plan are proper and in accord with sound accounting principles.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That jurisdiction be, and it hereby is, reserved to separate, in whole or in part, either for hearing or for disposition, any issues or questions which may arise in these proceedings and to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved.

It is further ordered, That the Secretary of the Commission shall serve notice of such hearing by mailing a copy of this notice and order by registered mail to Middle South and Ark-Mo, to the Federal Power Commission, and to the Arkansas Public Service Commission, and the Missouri Public Service Commission; that Middle South mail a copy of this notice and order to all public holders of record of the capital stock of Ark-Mo at least 15 days prior to the date herein fixed as the date for hearing; and that notice of said hearing be given to all other interested persons by a general release of the Commission and by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.71-16322 Filed 11-8-71;8:48 am]

TARIFF COMMISSION

[AA1921-78/80]

SHEET GLASS FROM FRANCE, ITALY AND WEST GERMANY

Determinations of Injury

The Assistant Secretary of the Treasury advised the Tariff Commission on August 3, 1971, that clear sheet glass weighing over 28 ounces per square foot from France and West Germany and clear sheet glass weighing over 16 ounces per square foot from Italy is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted joint investigations Nos. AA1921-78/80 to determine whether an industry in the United States is being, or is likely to be, injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held on September 22-23, 1971. Notice of the joint investigations and hearing was published in the FEDERAL REGISTER of August 11, 1971 (36 F.R. 14787).

In arriving at its determinations, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the joint investigations, the Commission has determined by a vote of 3 to 3 [1] that an industry in the United States is being injured by reason of the importation of clear sheet glass weighing over 28 ounces per square foot from France and West Germany and clear sheet glass weighing over 16 ounces per square foot from Italy, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS FOR AFFIRMATIVE DETERMINATIONS OF CHAIRMAN BEDELL AND COMMISSIONERS SUTTON AND MOORE

In our opinion, an industry in the United States is being injured by reason of the importation of clear sheet glass weighing over 28 ounces per square foot from France and West Germany and clear sheet glass weighing over 16 ounces per square foot from Italy, which is being sold at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended.

The industry. In making these determinations, we have considered the injured industry to consist of the facilities of the United States producing sheet glass. Sheet glass currently is being produced domestically by five firms at 11 establishments; [2] the establishments are engaged exclusively, or almost so, in the manufacture of that product.

Conditions of competition. The determination of whether imports of sheet glass sold at LTFV are causing injury to the domestic sheet glass industry is no longer a novel matter. During this year the Commission has already determined that the domestic industry is being injured by LTFV imports of clear sheet glass from Japan [3] and Taiwan. [4] The Treasury Department has now determined that certain sheet glass of the weights specified is also being imported at LTFV from France, Italy, and West Germany. Thus, Treasury has now determined that clear sheet glass is being sold at LTFV in at least five of the major glass exporting countries of the world and it is evident that there is an international price war on sheet glass which is intensified by sales at LTFV.

In the recent dumping investigations of clear sheet glass from Japan and Taiwan, it was pointed out that the U.S. market for sheet glass has been sluggish since the mid-1960's. Although annual U.S. consumption of such glass has fluctuated somewhat from year to year, it has generally contracted, rather than expanded, from the peak 1965 level. In 1970, for example, apparent U.S. consumption of sheet glass was equivalent to 91 percent of the volume used in 1965. Domestic shipments declined more proportionately than imports in the late 1960's; imports in 1970 were equal in quantity to 93 percent of 1965 entries, and the domestic producers' shipments in 1970 were equal to 88 percent of those in 1965.

U.S. market demand for sheet glass is dependent in great part on the levels of residential and nonresidential construction and motor vehicle production. Since 1965, residential construction and motor vehicle production have been materially below the level set in that year; nonresidential construction has been a little above the 1965 level, but has generally declined since a 1966 peak. The stagnation in these end uses has in turn affected the markets for sheet glass.

While demand for sheet glass has been sluggish, the competition in the United States for sales of such glass has intensified. Although published prices were increased several times after 1965 (but are lower currently than a year earlier), the practice of discounting below published prices, especially in coastal markets, grew markedly. Until about 1967 the domestic producers were able to sell consistently at their published prices. As competition became more severe, various suppliers of

[1] Chairman Bedell and Commissioners Sutton and Moore determined in the affirmative and Vice Chairman Parker and Commissioners Leonard and Young determined in the negative. Pursuant to section 201(a) of the Antidumping Act, 1921, as amended, the Commission is deemed to have made an affirmative determination when the Commissioners voting are equally divided.

[2] One domestic plant began to shut down in September and is not included herein.

[3] "Clear Sheet Glass and Clear Plate and Flat Glass from Japan," Investigations Nos. AA1921-69/70, TC Publication 382, April 1971.

[4] "Clear Sheet Glass from Taiwan," Investigation No. AA1921-76, TC Publication 408, July 1971.

imported glass increasingly discounted the published prices; the domestic producers attempted to meet such discounts to the degree necessary to hold their customers. In 1967 the extent of selling below published prices by the domestic producers was moderate—about 2 percent of their total sales of sheet glass. In 1970 more than a fourth of all domestic sheet glass marketed in the United States was discounted below published prices.

The imported products. Treasury's determinations of sales at LTFV of clear sheet glass the subject of this joint investigation are limited to glass weighing over 28 ounces per square foot from France and West Germany and to glass weighing over 16 ounces per square foot from Italy. In this regard it should be noted that approximately one-third of all U.S. consumption of clear sheet glass consists of glass weighing over 28 ounces per square foot and by far the bulk of all clear sheet glass consumed in the United States weighs over 16 ounces per square foot. The U.S. consumption of clear sheet glass weighing less than 16 ounces is very small. Thus, the LTFV imports are in those weights sold in the mainstream of the domestic market.

Dumping margins support extensive underselling. The Treasury found that not all exports of the subject glass were sold at LTFV from each of the three named countries. However, the quantities of LTFV glass imported from each country were substantial, if not the major bulk of such exports. The margins of dumping[5] varied according to sizes, ranging as high as 59 percent of the foreign market values. The average was quite large. The delivered price patterns of the LTFV imports, both in the subject investigations and the two recent cases of LTFV imports from Japan and Taiwan, indicate a general price leadership by the importers of such LTFV imports who methodically undersold domestic producers of such glass until it became evident that action might be taken under the Antidumping Act. Such underselling was supported entirely by the dumping margins in virtually all instances.[6]

Impact of LTFV imports. As a result in substantial part of the LTFV imports from France, Italy, and West Germany, which have generally been sold at prices substantially lower than the prices for comparable domestic glass, published prices of such domestic glass have been suppressed in that they have been able to rise at only half the rate of the increased costs of production. Moreover, it has been necessary with respect to over 25 percent of the sales by domestic producers to discount their published prices to prevent losses of sales. These factors have effectively caused a substantially large block of the sales of domestic glass to be made at prices below industry costs. Such a condition is anticompetitive and, if allowed to continue, would be monopolistic in result. The Antidumping Act is designed to help prevent such conditions.

Conclusion. In summary, the foregoing circumstances indicate that LTFV imports of clear sheet glass from France, Italy, and West Germany, whether considered cumulatively or individually, have had a substantial disruptive effect on the domestic market for such glass. They have contributed substantially to a price suppression on a national scale and to a price depression in those market areas where the sales of LTFV imports were most heavily concentrated. Moreover, the LTFV sales in the international market have influenced other foreign sources of sheet glass to lower their export prices on shipments of such glass to the United States to the further detriment of our domestic price levels. If these dumping practices are allowed to continue there is adequate capacity among other nations of the world to threaten the continued existence of our clear sheet glass industry.

STATEMENT OF REASONS FOR NEGATIVE DETERMINATION OF VICE CHAIRMAN PARKER AND COMMISSIONERS LEONARD AND YOUNG

In our opinion no industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of clear sheet glass weighing over 28 ounces per square foot from France, West Germany, and Italy, or of clear sheet glass weighing over 16 ounces per square foot from Italy, found by the Treasury Department to be, or likely to be, sold in the United States at less than fair value (LTFV).

For an affirmative determination under the Antidumping Act, 1921, any injury that may have occurred to a domestic industry must be at least in part by reason of the importation of the LTFV merchandise. In the instant investigations, if there is any injury to the industry in the United States, which we define as 11 establishments (formerly 13) owned by five firms producing clear sheet glass, it is not caused to any recognizable degree by LTFV imports of heavy sheet glass from France, West Germany, and Italy, or of window glass from Italy. In making this determination, we have looked at the tests most frequently employed by the Commission in linking injury with LTFV sales. Those tests include an examination of the extent to which LTFV sales can be shown to have increased foreign producers' penetration of the U.S. market, disrupted the market, or depressed the prices realized by U.S. producers.

Health of the U.S. industry. Heavy sheet glass is one product of the sheet glass industry, which in turn is a part of the glass industry. The three largest producers of sheet glass are multiproduct corporations whose total sales amounted to $1.6 billion in 1970. Sheet glass in 1970 represented from 4 to 28 percent of each company's total sales in that year, having declined in recent years as a percentage of total sales. The largest sales of sheet glass in the period 1966–70 were in 1968, after which they declined but began to pick up in 1971. Profits in 1970 were adversely affected by a decline in new construction, a prolonged strike in the automotive industry, and general economic conditions. Two of the companies had losses in certain years on sheet glass operations; they explained, in their reports to stockholders, that obsolete plants were being phased out and written off against current earnings. Float glass was taking the place of plate glass and, to an increasing extent, of heavy sheet glass as well.

The ASG sheet glass plant at Arnold, Pa., was closed in 1969, and the LOF sheet glass plant at Shreveport, La., was closed in 1971, but the PPG sheet glass plant at Fresno, Calif., is being expanded. Although, as claimed, import competition may have had some effect on the plant closings, changes in technology and labor problems appear to have played a larger part. Total plant capacity is said to be adequate to meet expected demand, but at the present time the factories are several weeks behind in filling orders because of heavy demand prompted by brisk activity in the construction and automotive industries. Buyers of glass are also ordering ahead of actual requirements because of the expiration of labor contracts in the domestic industry, and some are shifting their orders from foreign to domestic suppliers because of the dock strikes.

Preliminary reports for the first three quarters of 1971 indicate improved profits for all three companies, but these reports do not analyze sheet glass operations separately. Among the numerous factors that affect growth in the sheet glass industry, it is very difficult to pinpoint the exact extent and impact of LTFV sales of heavy sheet glass from France, West Germany, and Italy, and of window glass from Italy. Although extensive statistical data bearing on this question have been collected and analyzed, it has not been established that such sales are causing injury to a U.S. industry.

We have limited our consideration of LTFV sales of specified types of sheet glass from France, West Germany, and Italy to the effect of such sales on the U.S. establishments producing sheet glass. Finding no injurious effect on these establishments, we have refrained from examining the possible effect on processors and users of sheet glass, since the effect on the latter would be less injurious than on the producing establishments.

Imports are a safety valve. Sheet glass is produced by a continuous flow process and the plants are normally closed down only at infrequent intervals for cleaning and reconstruction. The supply, therefore, does not always vary with demand. Facilities for storage are extensive but not unlimited, and the only possibility for overcoming a temporary shortage is

[5] The term "margin of dumping" means the difference between the foreign market price and the export price.

[6] Recognition is given to the fact that about half of one country's shipments were purchased at fair value. However, the margins on those imported at LTFV were large enough to effectively subsidize underselling U.S. producers on all sizes of the glass imported from that country.

to ask customers to wait. Further expansion or duration of storage is expensive, as are long waits by customers.

Imports have generally varied with the demand for glass, increasing or decreasing at a faster rate than domestic production and diminishing the need for any sudden changes in production schedules or large standby capacity. The level of imports has also been affected by changes of demand in the various supplying countries, where local requirements do not always move in the same direction as in the United States. In addition, the volume of international shipments has been affected by financial considerations, multinational corporate affiliations, and tariff policies. All these factors influence the changes that occur both in the general price level and in temporary differences between prices of competing suppliers in the U.S. market. The process of adjustment may involve instances of LTFV sales, but these are not, in the instant case, causes.

Market penetration. European glass has always supplied a considerable part of the U.S. market, especially in areas near ports. The opening of the St. Lawrence Seaway in 1959 permitted small quantities of European sheet glass to be sold in some interior cities. What is new, however, is not the penetration of European glass, but imports from developing countries such as Turkey, Colombia, and Taiwan.

Turning first to heavy sheet glass, we find that imports of such glass from all countries, as well as the imports from France, West Germany, and Italy, have varied from year to year and have not shown any general upward trend; since 1968 the trend has been downward. While rivalries between one foreign supplier and another, and the varying success of one sales agent in competition with another, have from time to time shifted patterns of shipments, it still remains true that French, West German, and Italian producers of heavy sheet glass have not increased their generally peripheral penetration of the U.S. market.

LTFV quantities are small and declining. In 1970, imports of sheet glass weighing over 28 ounces per square foot from France supplied 0.9 percent of apparent U.S. consumption; imports of such glass from West Germany, 5.1 percent; and those from Italy, 1.9 percent of consumption. To summarize the Treasury Department's calculations, based on a 4-month representative period in 1970 for France and Italy and a 6-month representative period in 1969 for West Germany, about two-thirds of the heavy sheet glass from France was sold to importers at a margin average of 12 percent below fair value; about half of the imports from Italy were sold at a margin averaging 14 percent. Although the Treasury noted that some French, West German, and Italian glass was exported to the United States at prices higher than home prices, it excluded such exports from its calculations.

Imports of sheet glass in 1970 came from 32 countries. The average unit values of the imports from France, West Germany, and Italy (8.1, and 7.7 cents per pound) were higher than the general average (7.4 cents). Imports of heavy sheet glass from France, West Germany, and Italy declined from 50 million pounds in 1968 (last full year before the time selected by Treasury for its examination of transactions) to 44 million pounds in 1969 and to 41 million pounds in 1970. They further declined from 24 million pounds in the first half of 1970 to 8 million pounds in the first half of 1971. Clearly, the occurrence of LTFV sales, whether so intended or not, did not result in the sale of larger quantities of French, West German, and Italian heavy sheet glass in the U.S. market.

No consistent pattern of underselling. The Tariff Commission's data on prices of foreign and domestic heavy sheet glass show no consistent pattern of underselling related to the LTFV sales found by the Treasury. The Commission's questionnaire requesting net delivered prices paid for French, West German, and Italian sheet glass in the years 1968–70 and in January–September 1971 was returned with records of purchases by 58 direct-factory buyers. For purposes of comparison the buyers also reported the prices they paid for Belgian glass (not sold at LTFV) and domestic glass of an identical representative description during the period. An average, weighted by the quantities reported, was computed for each country and each year. The percentage of difference between the average price of the glass from each country and that of the domestic glass purchased by the same buyers was then computed for each year. We have made an allowance of 5 percentage points to allow for what all parties generally concede to be approximately the normal market disadvantage of the foreign glass, due to foreign producers' inability to provide all the services, including prompt delivery, usually offered by domestic producers. By this method it was found that in 1968, before the time selected by the Treasury for its examination of transactions, West German heavy sheet glass was underselling U.S. glass by about 11 percent, the Italian and Belgian glass was underselling by about 5 percent, and the French by about 2 percent. However, in 1969 there was no underselling of French or West German heavy sheet glass, and Italian heavy sheet was underselling the U.S. product by about 8 percent. In 1970 there was no underselling of French or Italian heavy sheet glass, and West German heavy sheet glass was underselling the U.S. product by about 4 percent. The Commission, on the basis of its questionnaire, found that, beginning in the second half of 1970 and continuing to the present time, all the specified foreign heavy sheet glass was either selling for a higher average price than comparable domestic glass or was not being purchased at all.

Many factors, of which the selling at LTFV found by the Treasury is probably only a minor one, have affected the U.S. market for heavy sheet glass in recent years. Float glass, a superior product, has increasingly become available at prices approaching those of heavy sheet glass. Dock strikes in 1968 and 1971 and wage contract negotiations at about the same time in the domestic flat glass industry, caused accumulation of stocks at some places and times and shortages at other places and times. The revaluation of the mark in 1969 and the suspension of gold payments by the United States in 1971, with consequent floating of the mark and the lira, caused fluctuations in price adjustments.

The mere presence of foreign heavy sheet glass in the U.S. market has, of course, affected the present level of prices. We are of the opinion, however, that this level of prices has been determined by the overall economic situation, the U.S. demand, and the supply of heavy sheet glass available from all sources at the prevailing prices to an immeasurably greater degree than it has been affected by temporary differences between home and export prices in particular countries.

Market disruption? A number of events have disturbed, but not disrupted the U.S. market for heavy sheet glass in recent years. Technological change, inflation, strikes, and threats of strikes in the glass, construction, automobile, and railroad industries have affected the internal situation. Foreign trade has been affected by dock strikes, changes in monetary valuations, and, to an uncertain extent, by imposition of the import surcharge.

Price depression. Data supplied by three domestic producers indicate that the average prices they realized from sales of heavy sheet glass in 1970 were on the whole about the same as in 1966 and intervening years. Data supplied by 58 direct-factory buyers confirm this statement, but show a subsequent decline in the net price of about 13 percent in January–September 1971 compared with the year 1970. At this time, however, the average prices paid for West European glass are increasing and are higher than the prices of comparable domestic glass.

The published price of 3/16-inch domestic sheet glass in the 10 to 25 square foot bracket on May 1, 1970, was 15 percent higher than on May 1, 1966, but on May 1, 1971, the published price was slightly reduced, to a point 14 percent higher than in 1966. The difference between published prices (which increased) and average net realized prices (which did not increase) is reflected in the increased extent of discounting practiced by the industry, and is characterized as price depression since it has prevented realization of the price increases thought necessary to keep up with the general rise of prices and wages.

Improvements in productivity and in efficiency of distribution achieved by the industry have offset in part its inability to realize higher net prices, but these have been less important than the tendency to substitute float glass for heavy sheet glass by those companies licensed to produce float glass (which, incidentally, are the ones realizing profits). We think that in this case the LTFV sales that occurred have not resulted in prices

persistently lower than U.S. prices, nor have they resulted in any increase in sales of French, West German, or Italian heavy sheet glass in the U.S. market.

Discounting. Two of the complaining U.S. producers have offered testimony which indicates that an increasing proportion of their sales of heavy sheet glass has been sold at discounts from list price which have increased considerably since 1967, specifically in order to meet the price competition of French, West German, and Italian heavy sheet glass. The necessity of discounting to this extent in order to make sales, especially in coastal areas, is regarded by these producers as injury since it deprives them of sales at list prices even though it prevents to some extent the loss of customers. This indicates that the two companies' revenue in 1970 (when the greatest amount of discounting took place) from sales of heavy sheet glass was about 0.9 percent less, in order to meet the specified competition, than it would have been if all their sales of such glass could have been made at list prices.

We fail to see, however, that any company has a right to realize list prices under all circumstances, or that the failure to do so constitutes injury, or that the imputed injury can be traced to LTFV sales identified by the Treasury. Discounting as a method of pricing is an established practice in a number of industries and is not necessarily incompatible with free competition. We note, moreover, that beginning in 1967 with discount offers by the Ford Motor Co., which at that time began to sell heavy sheet glass on the open market, the practice of discounting has generally increased in the sheet glass industry, in order to meet the competition of domestic as well as foreign producers.

No industry likely to be injured by further LTFV imports. The import surcharge imposed by Presidential proclamation on August 15, 1971, adds 6 to 10 percentage points to the ad valorem burden of U.S. duties paid on imported sheet glass. The duties now being paid on sheet glass from France, West Germany, and Italy, including the surcharge, are in some cases one-third or one-half more than, and in other cases double, the regular duties previously payable. Since the surcharge can only be passed on to the U.S. buyer to the extent he is willing to pay it, or can only be absorbed by the foreign producer to the extent he can afford a lower net return, the surcharge is likely to discourage further importation of French, West German, and Italian sheet glass and to make sales at less than fair value, if such sales were under consideration, unprofitable and improbable.

Window glass. The finding by the Treasury that window glass from Italy (though not from West Germany or France) is being or is likely to be sold at LTFV necessitates a supplementary consideration of this product. Unlike heavy sheet glass, production of which has decreased by 26 percent since 1965, window glass production has moved, with ups and downs, to 3 percent greater production in 1970 than in 1965. The total sales of this product are also much larger than those of heavy sheet glass.

Despite some underselling by foreign (chiefly Italian) producers in certain port areas, the average realized net price of domestic 19-ounce window glass, nationwide, has hardly been affected at all; it was $11.57 per 100 square feet in July–September 1971; compared with $11.13 in July–December 1968, while the corresponding published prices were $12.01 and $11.58. The share of U.S. consumption of window glass supplied by Italy (not all sold at LTFV) increased from 0.7 percent in 1965 to 3.3 percent in 1968 but decreased thereafter to 2.7 percent in 1970. We feel that, although there may have been some underselling of Italian window glass, the total effect of this practice, and the degree to which it reflected LTFV sales have not been of a magnitude to be characterized as injurious.

There is no evidence that the LTFV sales were the cause of the underselling that may have occurred. The relatively low net prices of Italian window glass have been due in large part to the lower cost of delivery where inland transportation is not involved. The imports of Italian window glass, viewed together with Italian heavy sheet glass in the terms described by the Treasury (clear sheet glass weighing over 16 ounces per square foot) involve, on the average, less underselling than when viewed separately. Moreover, the quantities imported have been decreasing and are likely to decrease further as a result of the import surcharge and pending changes in the lira/dollar exchange rate.

Summary. The domestic sheet glass industry is confronted with problems of technological change, adjustment of capacity and inability to increase realized prices, especially for heavy sheet glass. It also faces import competition, especially in areas near seaports. It has nevertheless remained, on the whole, profitable, and imports have decreased since 1968. The import surcharge and changes in money rates will discourage further imports and render improbable any further sales of French, West German, and Italian sheet glass at LTFV in the foreseeable future. Little, if any, correlation has been found between the LTFV sales found by the Treasury and actual underselling in the U.S. market, and the extent of underselling has been small since 1968, a year prior to Treasury's investigation. Indeed, the average U.S. prices of imported glass of the kinds covered by these investigations have increased and currently exceed domestic prices.

In view of these considerations, as set forth in greater detail above, we find no U.S. industry is injured or is likely to be injured, or is prevented from being established by reason of the importation at less than fair value of clear sheet glass weighing over 28 ounces per square foot from France and West Germany and clear sheet glass weighing over 16 ounces per square foot from Italy.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-16338 Filed 11-8-71;8:49 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

NOVEMBER 4, 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.

Ex Parte No. 270, Sub 1, Investigation of Railroad Freight Rate Structure Export-Import Rates and Charges, assigned for hearing on November 1, 1971, in Chicago, Ill., and November 30, 1971, in San Francisco, Calif., is postponed indefinitely.

Investigation and Suspension Docket No. 8657, increased rates and charges, July 1971, Freight Forwarders, assigned November 9, 1971, at Washington, D.C., postponed indefinitely.

MC 135602, Road Hog, Inc., assigned January 17, 1972, at New York, N.Y., postponed to January 24, 1972, at New York, N.Y., hearing room to be later designated.

No. 35435 Freight all kinds, official territory, No. 35435 Sub 1, freight all kinds, official territory, No. 35435 Sub 2, freight all kinds, southern territory, No. 35435 Sub 3, freight all kinds, Louisville & Nashville RR., No. 35435 Sub 4, freight all kinds, between Chicago and Jersey City, No. 35435 Sub 5, freight all kinds, between Maryland, New Jersey, and Pennsylvania and central States and No. 35435 Sub 6, TOFC Rates, between the South and IFA territory, assigned January 10, 1972, at Washington, D.C., canceled.

Investigation and Suspension Docket No. 8657, assigned November 9, 1971, at Washington, D.C., is postponed indefinitely.

MC 51146 Subs 158, 161, Schneider Transport & Storage, Inc., assigned November 30, 1971, at Washington, D.C., is canceled and application dismissed.

MC 119531 Subs 141, 146, Dieckbrader Express, Inc., assigned November 30, 1971, at Washington, D.C., is canceled and application dismissed.

MC-C 7297, Suwak Trucking Co., revocation of certificate, assigned January 17, 1972, at Washington, D.C., is canceled.

Investigation and Suspension Docket No. 8671, meats and packinghouse products, Midwest to the East, now being assigned hearing December 6, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-10934, Northeastern Trucking Co.—Purchase (Portion)—Parrish Dray Line, Inc., MC-F-10949, Guignard Freight Lines, Inc.—Purchase (Portion)—Parrish Dray Line, Inc., MC-F-11053 Mercury Freight Lines, Inc.—Purchase (Portion)—Parrish Dray Line, Inc., now assigned January 11, 1972, at Washington, D.C., postponed to January 12, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

No. 34543, Increased Suburban Fares—New Jersey and New York Railroad Co. and Erie Lackawanna Railroad Co., now assigned hearing December 6, 1971, in Room 2222, 26 Federal Plaza, New York, N.Y.

MC 22254 Sub 56, Trans-American Van Service, Inc., assigned January 31, 1972, at Chicago, Ill.

MC 29886 Sub 270, Dallas & Mavis Forwarding Co., Inc., assigned February 3, 1972, at Chicago, Ill.

MC 114457 Sub 108, Dart Transit Co., assigned January 24, 1972, at Chicago, Ill.

MC 114569 Subs 93 and 94, Shaffer Trucking, Inc., assigned January 27, 1972, at Chicago, Ill.

No. 35473, Flour, Arkansas City, Kans., to Memphis, Tenn., assigned hearing November 17, 1971, in Washington, D.C., canceled and reassigned for hearing November 30, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11169, International Cartage, Inc.—Purchase (Portion)—Mohawk Motor, Inc., assigned January 25, 1972, at Chicago, Ill.

MC 115891 Sub 4, Inter-County Motor Coach, now assigned hearing January 17, 1972, at New York, N.Y., will be held in room E 2222, 26 Federal Plaza.

MC 76032 Sub 274, Navajo Freight Lines, application dismissed Murphy order.

MC 107409 Sub 36, Ratliff and Ratliff, Inc., now assigned November 8, 1971, at Washington, D.C., postponed to December 7, 1971, at the Office of the Interstate Commerce Commission, Washington, D.C.

MC 105773 Sub 43, H. R. Ritter Trucking Co., Inc., now assigned November 9, 1971, at Washington, D.C., is postponed to November 11, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 113267 Sub 254, Central & Southern Truck Lines, Inc., now assigned November 15, 1971, at Washington, D.C., canceled and application dismissed.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-16340 Filed 11-8-71;8:49 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 4, 1971.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42295—*Paper and paper boxes to points in southern territory.* Filed by Southwestern Freight Bureau, agent (No. B-269), for interested rail carriers. Rates on boxes, fiberboard, pulpboard, or strawboard, also paper, pulpboard, or fiberboard, in carloads, as described in the application, from points in southwestern territory, to points in southern territory.

Grounds for relief—Market competition.

Tariff—Supplement 30 to Southwestern Freight Bureau, agent, tariff ICC 4891. Rates are published to become effective on December 7, 1971.

FSA No. 42296—*Lumber and related articles between points in southwestern and southern territories.* Filed by Southwestern Freight Bureau, agent (No. B-266), for interested rail carriers. Rates on lumber and related articles, in carloads, as described in the application, between points in southwestern territory, including Mississippi River crossings Memphis, Tenn., and south.

Grounds for relief—Carrier competition.

Tariffs—Supplement 124 to Southwestern Freight Bureau, agent, tariff ICC 4819, and supplement 80 to Texas-Louisiana Freight Bureau, agent, tariff ICC 983. Rates are published to become effective on December 10, 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-16341 Filed 11-8-71;8:49 am]

[Notice 391]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 3, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 36556 (Sub-No. 23 TA), filed October 22, 1971. Applicant: BLACKMON TRUCKING, INC, 111 120th Avenue, Post Office Box 186, Somers, WI 53171. Applicant's representative: Earle Munger, Schwartz Building, 520 58th Street, Kenosha, WI 53140. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rendered meat scraps*, from the plantsite of Kenosha Packing Co., Kenosha, Wis., to the plantsite of Swift & Co., Rochelle, Ill., for 180 days. Supporting shipper: Kenosha Packing Co., Post Office Box 639, Kenosha, WI 53141 (Donald Jenkins, Traffic Manager/Fleet Supervisor). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 42688 (Sub-No. 7 TA), filed October 22, 1971. Applicant: JOHN WELLER SCHROCK, doing business as SCHROCK TRANSFER, 234 West Patriot Street, Somerset, PA 15501. Applicant's representative: Stephen T. Wardzinski, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phenolic plastic articles*, from Mansfield and Urbana, Ohio, to the facilities of The DeVilbiss Co. in Somerset, Pa., for 180 days. Supporting shipper: The DeVilbiss Co., Somerset, Pa. 15501. Send protests to: James C. Donaldson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 75302 (Sub-No. 10 TA), filed October 26, 1971. Applicant: DOUDELL TRUCKING COMPANY, Post Office Box 842, 545 Queens Row, San Jose, CA 95106. Applicant's representative: Raymond A. Greene, Jr., 405 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Needles, Calif., on the one hand, and Topock, Ariz., on the other, traversing Interstate Highway 40 with service at Topock restricted to handling interchange traffic only, for 180 days. Supported by: Supported by applicant's statement and abstract of shipments. Send protests to: Claud W. Reeves, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102. NOTE: Applicant does intend to tack the authority in Docket No. MC-75302 (Sub-No. 8 TA) at Topock, Ariz.

No. MC 107002 (Sub-No. 410 TA), filed October 22, 1971. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123 (U.S. Highway 80 West), Jackson, MS 39205. Applicant's representative: John J. Borth (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Jacksonville, and Lynn Haven, Fla., to points in Jackson County, Miss., for 180 days. Supporting shippers: Ingalls Nuclear Shipbuilding, Division Litton Systems, Inc., Pascagoula, Miss., 39567; Litton Ship Systems, Litton Systems, Inc., Pascagoula, Miss. 39567. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 107295 (Sub-No. 563 TA), filed October 26, 1971. Applicant: PRE-FAB TRANSIT CO., Post Office Box 146, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Bruce J. Kinnee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pallet racks and accessories*, from the plantsite and warehouse facilities of Speedrack, Inc., at Quincy and Rock Island, Ill., to Rockville and Camp Springs, Md., Merrifield, Va., and Fairfield (Essex County), N.Y., for 180 days. Supporting

shipper: Robert E. Tofall, Traffic Manager, Speedrack, Inc., Skokie, Ill. 60076. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 128866 (Sub-No. 27 TA), filed October 22, 1971. Applicant: B & B TRUCKING, INC., Post Office Box 128, 9 Brade Lane, Cherry Hill, NJ 08034. Applicant's representative: J. Michael Farrell, Federal Bar Building, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum food containers* for the account of Penny Plate, Inc., from Cherry Hill, NJ, and Searcy, Ark., to the plantsites of Teddy's Frozen Food, Byram, Conn., Heidi Bakery, Silver Spring, Md., Entemann's Bakery, Inc., Bay Shore, Long Island, N.Y. The Great Atlantic & Pacific Tea Co., Flushing, N.Y., Teddy's Frosted Foods, Highland, N.Y., Tony's Empty Package Warehouse, Milton, N.Y., R.J.R. Foods, Inc., Jackson, Ohio, McMillin & Co., Northeast, Pa., Oehme's Bakery, Inc., Lititz, Pa., Stouffer Frozen Foods, King of Prussia, Pa., Boulevard Baking, Philadelphia, Pa., Bond Baking Co., Philadelphia, Pa., Hanscom Retail Foods, Philadelphia, Pa., Blue Grass Foods, Philadelphia Pa., Elm Tree Frozen Foods, Appleton, Wis.; and *aluminum food containers*, for the account of Penny Plate, Inc., at Searcy, Ark., to Seabrook Farms, Frozen Food Division, Seabrook, N.J. Supporting shipper: Penny Plate, Inc., Post Office Box 458, Haddonfield, NJ 08034. Send Protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 133240 (Sub-No. 26 TA), filed October 22, 1971. Applicant: WEST END TRUCKING CO., INC., 530 Duncan Avenue, Jersey City, NJ 07306. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by discount or department stores, between the facilities of Unishops, Inc., their divisions and subsidiaries located in Jersey City, N.J., and Bayonne, N.J., on the one hand, and, on the other, Bedford, Madison, Seymour, and Vincennes, Ind., Mount Vernon and Taylorville, Ill., Ann Arbor, Mich., Bedford and Euclid, Ohio, Waldorf, Md., Sayre, Pa., Hales Corner and Brookfield, Wis., for 180 days. Supporting shipper: Unishops, Inc., 21 Caven Point Avenue, Jersey City, NJ 07306. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 135206 (Sub-No. 2 TA), filed October 22, 1971. Applicant: NORMAN KRUCKENBERG, doing business as N. K. TRUCKING, 204 Fifth Avenue East, Kalispell, MT 59901. Applicant's representative: Ray F. Koby, Post Office Box 2567, Great Falls, MT 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Flathead, Lincoln, and Lake Counties, Mont., to points in North Dakota, South Dakota, Minnesota, Iowa, Illinois, Wisconsin, and Nebraska, for 180 days. Supporting shippers: St. Regis Paper Co., Libby, Mont. 59923; Plum Creek Lumber Co., Plant No. 1, Columbia Falls, Mont. 59912; Forest Products Co., Kalispell, Mont. 59901; Kalispell Pole & Timber Co., Box 1039, Kalispell, MT 59901; H. E. Simpson Lumber Co., Post Office Box 1097, Kalispell, MT 59901; Plum Creek Lumber Co., Plant No. 2, Pablo, Mont. 59855; Dupuis Brothers Lumber Co., Inc., Polson, Mont. 59860. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 135117 (Sub-No. 4 TA) (Amendment), filed September 1971, published FEDERAL REGISTER, issues of September 17, 1971, and, October 2, 1971, respectively, amended and republished in part as amended this issue. Applicant: SPECIALIZED HAULING, INC., 1500 Omaha Street, Sioux City, IA 51103. Applicant's representative: Wallace W. Huff, 314 Security Building, Sioux City, Iowa. NOTE: The purpose of this partial republication is to add an additional shipper, F. B. Foote Tanning Co. of Red Wing, Minn., which was inadvertently omitted in previous publication. The rest of the notice remains the same.

No. MC 136020 (Sub-No. 1 TA), filed October 22, 1971. Applicant: PACIFIC STATES EXPRESS, 660 Riverside Road, Watsonville, CA 95076. Applicant's representative: Martin J. Rosen, 140 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in by wholesale, retail, and general grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business and commodities which are exempt from economic regulation, when moving in mixed shipments with the commodities specified above, between points in California, Oregon, and Washington, restricted to shipments having an origin or destination at a Safeway Stores, Inc., distribution center warehouse, retail store, or manufacturing or processing plant; (2) *cooked, cured, or preserved meats and sausage*, moving in vehicles equipped with mechanical refrigeration, from the plantsite of Safeway Stores, Inc., meat processing plant at Stockton, Calif., to the Safeway Stores, Inc., distribution center warehouses at Salt Lake City, Utah, and Butte, Mont.; and (3) *frozen foods*, moving in vehicles equipped with mechanical refrigeration, from points in Idaho to points in California, for 180 days. Supporting shipper: Safeway Stores, Inc., Post Office Box 2225, Fitchburg Station, Oakland, CA 94621. Send protests to: Claud W. Reeves, District Supervisor, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 136099 TA, filed October 21, 1971. Applicant: BECANCOUR TRANSPORT EXPRESS ENRG., Lotbiniere County, Deschaillons, Province of Quebec, Canada. Applicant's representative: Adrien R. Paquette, 200 Rue St. Jacques, Suite 1010, Montreal 126, PQ, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Terra cotta products*, from Deschaillons, Lotbiniere County, Province of Quebec, Canada, to points in Maine, Massachusetts, Rhode Island, Connecticut, Vermont, and New Hampshire, for 180 days. Supporting shipper: Montreal Terra Cotta (1966) Ltee., 1010 Ste-Catherine St., West Montreal, PQ, Canada. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 136103 TA, filed October 26, 1971. Applicant: JOHN J. SAMMON, 45–64 157th Street, Flushing, NY 11355. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electro plating, materials and supplies*, except in bulk, in tank vehicles, from Nutley, N.J., to points in that part of the New York, N.Y., commercial zone, as defined in the 5th Supplemental Report in commercial zones and terminal areas, 53 M.C.C. 451, within which operations may be conducted pursuant to the partial exemption in section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone), for 180 days. Supporting shipper: The Udylite Corp., Detroit, Mich. 48234. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-16342 Filed 11-8-71;8:49 am]

[Notice 392]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 4, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days

after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 45387 (Sub-No. 1 TA), filed October 22, 1971. Applicant: BADGER CARTAGE CO., doing business as BADGER & ERVIN'S VAN SERVICE, 2300 West Greenfield Avenue, Milwaukee, WI 53215. Applicant's representative: Ed H. Semrad (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass aquariums and versa tops*, uncrated, from points in Milwaukee County, Wis., to points in Illinois, Indiana, Ohio, Michigan, Minnesota, Iowa, Pennsylvania, Missouri, Kansas, Kentucky, Tennessee, West Virginia, and New York, for 180 days. Supporting shipper: All-Glass Aquarium Co., Inc. 4758 Kingan Avenue, Cudahy, Wis. 53110 (Roger C. Ritzow). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 103494 (Sub-No. 22 TA), filed October 28, 1971. Applicant: EASLEY HAULING SERVICE, INC., Gun Club Road, Post Office Box 1261, Yakima, WA 98907. Applicant's representative: Normand Richardson (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper shipping containers*, from Yakima and Longview, Wash., to points in Idaho, for 180 days. Supporting shipper: Longview Fibre Co., Post Office Box 639, Longview, WA 98632. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 113678 (Sub-No. 440 TA), filed October 28, 1971. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, CO 80216, Office: 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: David L. Metzler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the manufacture of aquariums and household pet cages, from Harleysville, Pa., to Gardena and Mountain View, Calif., for 180 days. Supporting shipper: Metaframe Corp., 87 Route 17, Maywood, NJ 07607. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 119657 (Sub-No. 14 TA), filed October 27, 1971. Applicant: GEORGE TRANSIT LINE, INC., 760–764 Northeast 47th Place, Des Moines, IA 50313. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bags and containers*, from Des Moines, Iowa, to points in Colorado, Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Great Plains Bag Co., 2201 Bell Avenue, Des Moines, IA 50321. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 124383 (Sub-No. 10 TA), filed October 28, 1971. Applicant: STAR LINE TRUCKING CORPORATION, 18460 West Lincoln Avenue, New Berlin, WI 53151. Applicant's representative: Michael Wagner (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel aggregates*, from Antioch, Ill., to Kenosha, Wis., for 180 days. Supporting shippers: Kenosha Material, Inc., 919 50th Street (Curt Swigart, Manager); Ken-Crete Products Co., Inc., 7900 75th Street, Kenosha, WI 53140 (Arnold W. Johnson, President); Thomas G. Thompson, President, Thompson Concrete Products Co., Inc., 3506 67th Street, Kenosha, WI 53140. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 124679 (Sub-No. 45 TA), filed October 28, 1971. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South Street, Salt Lake City, UT 84119. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blood plasma, human*, from Harrisburg, Pa., and Cleveland, Ohio, to Berkeley, Calif., for 180 days. Supporting shipper: Cutter Laboratories, Inc., Fourth and Parker Streets, Berkeley, CA 94710 (Lester T. Fitzsimmons, Traffic Manager). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 135046 (Sub-No. 7 TA), filed October 28, 1971. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery 3, South Dupont Highway, Smyrna, DE 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resin powder*, in bags and containers, from Perryville, Md., to Advance, Mo., for 180 days. Supporting shipper: G. E. Hooven, Traffic Manager, the Firestone Tire & Rubber Co., Post Office Box 699, Pottstown, PA 19464. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 135789 (Sub-No. 2 TA), filed October 29, 1971. Applicant: GASOLINE TANK SERVICE, INC., 1424 Washington Building, Seattle, Wash. 98101. Applicant's representative: George R. LaBissoniere (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk asphalt and residual fuel oils*, from Pasco, Wash., to points in Oregon north of Highway 26 and east of Highway 97, for 180 days. Supporting shipper: Western Fuel Co., South First Avenue and Walnut Street, Yakima, WA 98901. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 136025 (Sub-No. 1 TA), filed October 29, 1971. Applicant: C. A. MARTIN, doing business as C. A. MARTIN TRUCKING, Box 175, Bowling Green, VA 22427. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone*, in bulk, in dump vehicles, from the facilities of Culpeper Stone Co., at or near Culpeper and Fredericksburg, Va., to Wicomico Shores, Md., for 180 days. Supporting shipper: Culpeper Stone Co., Box 650, Culpeper, VA 22701. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10–502 Federal Building, Richmond, Va. 23240.

No. MC 136042 (Sub-No. 1 TA), filed October 27, 1971. Applicant: ALVIN BURKE & DARRELL BURKE, doing business as BURKE TRUCKING, Box 46, Isabel, SD 57633. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Savage, Minn., to Isabel, S. Dak., for 180 days. Supporting shipper: Isabel Exchange, Inc., Isabel, S. Dak., R. S. Fleming, Manager. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 136068 (Sub-No. 1 TA), filed October 22, 1971. Applicant: TRIPPER OVERLAND CARRIER, INC., Post Office Box 445, Applegate, CA 95703. Applicant's representative: Raymond A. Naylor (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile sleeper kits*, from Calexico, Calif., to points in the continental United States, and *returned shipments* from all points in the continental United States to Calexico, Calif., under contract with Tripper Industries, Inc., for 180 days. Supporting shipper: Tripper Industries, Inc., 1533 Monrovia, Newport Beach, CA 92660. Send protests to: District Supervisor Wm. E. Murphy,

Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 136100 TA, filed October 21, 1971. Applicant: K & K TRANSPORTATION CORP., 4515 Number 24 Street, Omaha, NE 68110. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic film other than cellulose, cotton twine, pressure-sensitive tape, poly bags, plastic trays, electrical tools, heat seal labels, pressure-sensitive labels, register and detail register tapes, marking pens, sawdust, gummed paper tapes, staples, aluminum trays, paper clips, cotton caps, plastic aprons, metal bag closures, moulding paper in rolls and sheets*, (a) from Omaha, Nebr., to Little Rock, Ark., Phoenix, Ariz., Los Angeles, Merced, Sacramento, and San Francisco, Calif., Denver, Colo., Jacksonville, Fla., Atlanta, Ga., Chicago, Ill., Shreveport, La., Kansas City, Mo., Butte, Mont., Las Vegas, Nev., Oklahoma City and Tulsa, Okla., Portland, Oreg., Dallas and El Paso, Tex., Seattle and Spokane, Wash., Washington, D.C., Salt Lake City, Utah, (b) and on return, *plastic film, wrapping aids, cutting tables, bag closures, caps, adding machine tape, register and detail paper, twine, hamburger paper, waxfold, lettuce sheets, berry covers, platter paper, vexar netting, paper clips, zip netting, silicone spray, poultry pads and cellu lines, poly bags, cellophene tapes, masking tapes, filoment tapes, meat trays, staples, cellophane sheets and rolls, frozen potatoes, and frozen vegetables*, from Los Angeles and Sanger, Calif.; American Falls and Nampa, Idaho; Chicago and Jacksonville, Ill.; Fort Madison and Olewine, Iowa; Port Austin, Mich.; St. Louis, Mo.; Long Island City and New Rochelle, N.Y.; Hoboken, N.J.; Hickory and Patterson, N.C.; Akron and Cleveland, Ohio; Milton Freewater, Oreg.; Dowington and Marcus Hook, Pa.; and Fredricksburg, Va., to Omaha, Nebr., under contract with Midwest Supply Co., a division of the Alger Corp.;

(2) From Omaha, Nebr., to Blytheville and Hope, Ark., Phoenix, Ariz., Nassau, Bahamas; Los Angeles, Oakland, Redwood City, Berkeley, Sacramento, San Diego, and San Francisco, Calif.; Denver Colo.; Wethersfield, Conn.; Daytona Beach, Jacksonville, Miami, and Tampa, Fla.; Honolulu, Hawaii; Kansas City and Wichita, Kans.; Bloomington, Chicago, Elk Grove Village, Champaign, Rockford, and Schiller Park, Ill.; Indianapolis, Ind.; Davenport, Des Moines, Marshalltown, Sioux City, and Waterloo, Iowa; Natick, Mass.; Detroit and Livonia, Mich.; Duluth, Hopkins, Rochester, St. Paul, and Winona, Minn.; Boonville, Cape Girardeau, Hazelwood, Jefferson City, Kansas City, North Kansas City, Rolla, St. Joseph, and St. Louis, Mo.; East Orange, N.J.; Bronx, Brooklyn, New York, Norwich, Rye and Syracuse, N.Y.; Fargo and Grand Forks, N. Dak.; Charlotte and High Point, N.C.; Albuquerque and Gallup, N. Mex.; Cincinnati, Cleveland, Columbus, Marion, Martel, Toledo and Youngstown, Ohio; Pago Pago, POE San Francisco, Calif.; McKeesport, Pa.; Rapid City and Sioux Falls, S. Dak.; Chattanooga and Memphis, Tenn.; Dallas, Tex.; Ogden, Utah; Vernoa, Va.; Seattle, Wash.; Washington, D.C.; Bluefield, W. Va.; Barren, Eau Claire, La Crosse, and Milwaukee, Wis., under contract with Malnove Specialty Box Co. NOTE: To be delivered to the port of embarkation to these points; (3) *Carton forming machinery*, to and from Omaha, Nebr., to the aforesaid destinations and between the aforesaid destinations; and (4) *plastic film*, from Chicago, Ill., and Bridgeport, Conn., to Omaha, Nebr., for 180 days. Supporting shipper: Midwest Supply Co., a division of the Alger Corp., 4515 North 24th Street, Omaha, NE 68110; Malnove Specialty Box Co., 915 North 20th Street, Omaha, NE 68102. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

MOTOR CARRIER OF PASSENGERS

No. MC 136102 TA, filed October 26, 1971. Applicant: CAROLINA BLUE BIRD EXPRESS, INC., Route 2, Box 13, Ridgeland, SC 29936. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, baggage, and express*, between Hilton Head Island, S.C., and Savannah, Ga., serving all intermediate points, over U.S. Highway 278 to junction of South Carolina Highway 46, thence southwesterly to junction of U.S. Highway 170, thence southerly to junction of unnumbered State road, thence southerly over the unnumbered State road to its junction with U.S. Highway 17A, thence southerly over U.S. Highway 17A to destination, and return over the same route, for 180 days. Supporting shippers: Malphrus Construction Co., Post Office Box 5151, Hilton Head Island, SC; Colonna Shell Service, Bluffton, S.C.; Hilton Head Shell Service, Inc., Highway 278, Hilton Head Island, S.C.; Graves Construction Co., Inc., Post Office Box 5126, Hilton Head Island, SC; Roller's Texaco, Hilton Head Island, S.C.; Capin's Plaza Pharmacy, Hilton Head Island, SC.; Marke's AC Heat Refrigi, Post Office Box 5021, Hilton Head Island, SC. Send protests to: E. E. Strotheid, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 300 Columbia Building, 1200 Main Street, Columbia SC 29201.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.71-16343 Filed 11-8-71;8:49 am]

[Notice 778]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 4, 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-73225. By order of October 19, 1971, the Motor Carrier Board approved the transfer to Distellery Transfer Service, Inc., Bardstown, Ky., of certificate No. MC-32633 issued June 20, 1961, to Fred E. Sadler, doing business as Sadler Truck Line, Shepardsville, Ky., authorizing the transportation of: General commodities, with exceptions, between specified points solely within the State of Kentucky. Robert H. Kinker, attorney, Box 464, Frankfort, KY 46001.

No. MC-FC-73256. By order of October 29, 1971, the Motor Carrier Board approved the transfer to Merit Freight, Inc., Cambridge, Mass., of certificate No. MC-15936 issued April 5, 1971, to Boston & Springfield Despatch, Inc., Dansbury, Conn., authorizing the transportation of: General commodities, usual exceptions, between specified points and areas in Massachusetts, Connecticut, and Rhode Island. Kenneth B. Williams, attorney, 111 State Street, Boston, MA 02109.

No. MC-FC-73270. By order of October 29, 1971, the Motor Carrier Board approved the transfer to P. Salvino Transport, Inc., Seattle, Wash., of permit No. MC-74647, issued May 24, 1955, to Pasco Salvino, doing business as P. Salvino Transport, Seattle, Wash., authorizing the transportation of: Matches, fiberboard boxes, paper boxes, pulpboard boxes, paperboard boxes, strawboard boxes, dividers, factory materials, factory supplies, canned, and cold packed fruits and vegetables, cannery supplies, pulpboard, and paperboard, and canned goods, from, to, or between specified points in Washington, Oregon, and Idaho. Joseph O. Earp, 607 Third Avenue, Seattle, WA 98104, representative for applicants.

No. MC-FC-73275. By order of October 29, 1971, the Motor Carrier Board approved the transfer to the Bridgeport Storage Co., a corporation, Bridgeport, Conn., of the operating rights in certificate No. MC-34078 issued March 5, 1968,

to James M. Crossin, doing business as Arnold Movers, Bridgeport, Conn., authorizing the transportation of household goods between Bridgeport, Conn., and points within 10 miles thereof, on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Massachusetts, Rhode Island, Maryland, and Delaware. Paul J. Goldstein, 109 Church Street, New Haven, CT 06510, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-16344 Filed 11-8-71;8:49 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23267; Order 71-11-23]

AIRLINES INDUSTRIAL RELATIONS CONFERENCE

Order Regarding Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3d day of November 1971.

Investigation of the Airlines Industrial Relations Conference, Docket No. 23267, agreements CAB 22367 and 22368.

By Order 71-4-167 the Board established a procedural framework for the submission of comments concerning the two agreements described therein.[1] In response to this order the Airline Industrial Relations Conference (the Conference) and its members submitted opening and closing comments. Opposition comments were filed by the Flight Engineers' International Association; by the Air Line Dispatchers Association, the Brotherhood of Railway and Airline Clerks, the International Association of Machinists and Aerospace Workers, and the Transport Workers Union of America (jointly); by the Allied Pilots Association and the Aircraft Mechanics Fraternal Association (jointly); by the Air Line Employees Association, International; and by the International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America. The Air Line Pilots Association submitted a motion for an evidentiary hearing.

After considering the importance of the proposed agreements, the complexity of the questions involved, the widespread opposition to the agreements and the multiple requests for a hearing from the opposition parties,[2] the Board has concluded that the matter should be set for expedited hearing.

In our view, the following questions, among others, are relevant in determining whether the agreements are consistent with the public interest and do not violate any provisions of the Act, and should be considered more fully in the hearing:

1. Do the agreements by themselves, or in conjunction with the operation of the Mutual Aid Pact, violate any applicable provisions of the Railway Labor Act?[3]

2. Will the operation of the agreements improve or impair labor-management relations in the industry?

3. Will the agreements discriminate in restraint of trade against certificated carriers not party to the agreements, or in any way violate antitrust laws?[4]

4. What effect, if any, will the agreements have upon the bargaining balance between labor and management?

5. What are the implications and effects of Phase II of the Wage-Price Freeze as it pertains to these agreements?

The Conference and its members individually, together with the objecting unions, will be made parties to the investigation.

Accordingly, it is ordered, That:

1. Agreements CAB 22367 and 22368 (Docket 23267) be and they hereby are set for expedited hearing before an examiner of the Board at a time and place to be hereafter designated;

2. The Airline Industrial Relations Conference and each of its members, and each union named on pages 1-2, supra, be and they hereby are made parties to this proceeding and each shall be served with a copy of this order; and

3. Participation in this proceeding by the Departments of Justice, Labor, and Transportation is invited. In order to facilitate that participation, each of those Departments is hereby made a party to this proceeding and shall be served with a copy of this order.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-16351 Filed 11-8-71;8:50 am]

[1] The agreements creating the Airline Industrial Relations Conference have been amended three times since Order 71-4-167. The sole purpose of one amendment was to substitute the words "the Conference" for the word "Airco" whenever the latter appeared in the agreements. By two separate amendments Ozark Air Lines, Inc., and Texas International Airlines, Inc., were made parties to the agreements.

[2] In addition to the motion for a hearing submitted by the Air Line Pilots Association, requests for a hearing were made by the Air Line Dispatchers Association et al. and the International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers.

[3] Agreement CAB 21445, Docket 9977.

[4] As an issue relevant to this question, is the present tiered system of representation on the Board of Directors (one director for each trunk and Pan American, and up to three directors for all other certificated carriers combined) in the public interest?

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