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List of CFR Parts Affected

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

Rules and Regulations

Title 7—AGRICULTURE

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

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

PART 55—GRADING AND INSPECTION OF EGG PRODUCTS

Inauguration Charge for Egg Products Plants

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627), the U.S. Department of Agriculture hereby amends the provision containing the inauguration charges set forth in the Regulations Governing the Grading and Inspection of Egg Products (7 CFR Part 55).

Statement of considerations. The egg products provisions of the Egg Products Inspection Act (Public Law 91–597) become effective on July 1, 1971. The Act will require mandatory inspection of egg products plants, unless exempted. This applies to all plants, including those presently under the USDA voluntary program.

Any plant which is surveyed and approved for mandatory service pursuant to the Egg Products Inspection Act, and any plant which is operating on June 30, 1971, under the voluntary program pursuant to this part (7 CFR Part 55), may operate under the provisions of the Egg Products Inspection Act on July 1, 1971.

The provision of this part (7 CFR Part 55) which requires the payment of an inauguration charge when an application for service is signed, is being amended to provide that no inauguration charge be made when an application has been signed for egg products inspection service under the Egg Products Inspection Act (84 Stat. 1621 et seq. 21 U.S.C. 1031–1056).

Since the surveys and other related items would be made under the Egg Products Inspection Act, there would be no additional costs to the Department to furnish service under this part (7 CFR Part 55) and an inauguration charge would not be applicable.

In addition, by deleting the inauguration charge at this time, the Department believes this may encourage some plants to apply for the voluntary inspection service prior to July 1, 1971. This would be of advantage to the plants, consumers, and the Department. The plants would benefit from the experience gained prior to July 1, 1971, and such experience will afford an orderly transition of the plants from the voluntary to the mandatory program on that date with no disruption in the orderly marketing of egg products; consumers will be assured that the egg products produced in these plants are wholesome, unadulterated, and properly labeled; and the Department will benefit from not having to perform an excessive number of surveys and related functions in a short period before July 1, 1971, which would result in a concentrated workload and excessive costs.

The amendment is as follows:

In § 55.68, subparagraph (1) of paragraph (a) is revised to read:

§ 55.68 Continuous inspection performed on a resident basis.

* * * * *

(a) * * *

(1) An inauguration charge of $200 will be made at the time an application for service under this part is signed except when an application for service has been signed for egg products inspection service under the Egg Products Inspection Act (84 Stat. 1621, et seq., 21 U.S.C. 1031–1056), or when an application is required because of a change in name or ownership. If service is not installed within 6 months from the date the application is filed, or if service is inactive due to an approved request for removal of a grader(s) or inspector(s) for a period of 6 months, the application will be considered terminated, but a new application may be filed at any time. There will be a charge of $300 if the application is terminated at the request of the applicant for reasons other than for a change in location within 12 months from the date of the inauguration of service.

* * * * *

Public rulemaking would not result in the Department receiving additional information on this matter. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 23d day of March, 1971, to become effective April 1, 1971.

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

[FR Doc.71-4275 Filed 3-26-71;8:50 am]

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

[Lemon Reg. 473]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.773 Lemon Regulation 473.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to

effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 23, 1971.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period March 28, 1971, through April 3, 1971, are hereby fixed as follows:

(i) District 1: 9,000 Cartons;

(ii) District 2: 191,000 Cartons;

(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: March 25, 1971.

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

[FR Doc.71–4361 Filed 3–26–71;8:53 am]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER–675; Amdt. 33]

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

Civil Aircraft Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of March 1971.

The instructions for Schedule T–6—Summary of Civil Aircraft Charters—in sections 25 and 35 of Part 241 refer to "mixed charters, as defined in Part 207" (paragraphs (c) (1) and (2), respectively). In addition, the instructions for Schedule T–6 in paragraph b(3) of section 35 refer to "split charter, as defined in § 208.3(s)(2)(ii) or § 295.2(b)(2) of the Board's Economic Regulations."

In ER–660 and ER–659, the Board amended Parts 207 and 208, respectively, and in ER–664 it deleted Part 295 of the economic regulations.[1] The amendments included elimination of "mixed charters" as presently defined in Part 207[2] and substitution of the definition of the term contained in Part 208. In addition, the reference to a split charter was removed from the definitions section of Part 208 (§ 208.3(s)(2)(ii)) and split charters now fall under new § 208.6(c). Accordingly, sections 25 and 35 require editorial amendments reflecting these recent changes in Parts 207 and 208 and deletion of Part 295.[3]

This regulation is issued by the undersigned pursuant to a delegation of authority from the Board to the General Counsel in 14 CFR 385.19, and shall become effective on April 16, 1971. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385 (14 CFR §§ 385.50 and 385.54).

Accordingly, the Board hereby amends Part 241 of the economic regulations (14 CFR Part 241 effective April 16, 1971 as follows:

1. Amend section 03 by revising the definition of air carrier, supplemental to read as follows:

Section 03—Definitions for Purposes of This System of Accounts and Reports

* * * * *

Air carrier, supplemental—An air carrier holding a certificate issued under section 401(d)(3) of the Federal Aviation Act of 1958, as amended, or a special operating authorization issued under section 417 of the Act.

* * * * *

2. Amend section 25 by revising subparagraph (1) of paragraph (c) of the instructions for Schedule T–6 to read as follows:

Section 25—Traffic and Capacity Elements

* * * * *

Schedule T–6—Summary of Civil Aircraft Charters

* * * * *

(c) * * *

(1) Single entity charter, as defined in Part 208 of the Board's economic regulations. Charters in which passengers and cargo are carried on the same aircraft are to be reported as single entity charters.

* * * * *

3. Amend section 35 by revising subparagraphs (2) and (3) of paragraph (b) of the instructions for Schedule T-6 to read as follows:

Section 35—Traffic and Capacity Elements

* * * * *

Schedule T–6—Summary of Civil Aircraft Charters

* * * * *

(b) * * *

(2) Single entity charter, as defined in Part 208 of the Board's economic regulations. Charters in which passengers and cargo are carried on the same aircraft are to be reported as single entity charters.

(3) Split charter, as specified in § 208.6(c) of the Board's economic regulations. For reporting purposes, a split charter is to be listed as one flight and listed only on the split charter report, even though a portion of the split charter may be pro rata and the other portion single entity.

* * * * *

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] R. TENNEY JOHNSON,
General Counsel.

[FR Doc.71–4307 Filed 3–26–71;8:53 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–1860]

PART 13—PROHIBITED TRADE PRACTICES

United Industrial Syndicate, Inc.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Cease and desist order, United Industrial Syndicate, Inc., New York, N.Y., Docket C–1860, Feb. 12, 1971]

In the Matter of United Industrial Syndicate, Inc., a Corporation

Consent order requiring a New York City manufacturer of automotive fuel pumps to divest within 1 year the fuel pump business of an acquired competitor located in Fond du Lac, Wis., to an FTC-approved firm, and refrain from acquiring any other fuel pump business for a period of 10 years without Commission approval.

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

For the purposes of this order, "respondent" shall mean United Industrial Syndicate, Inc. and its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors, and assigns.

I. *It is ordered,* That respondent within twelve (12) months from the effective date of this order, shall divest, subject to the approval of the Federal Trade Commission, all assets, properties, rights and privileges, tangible and intangible, of Wells Manufacturing Corp. (formerly Wells Manufacturing Corp.) relating to the manufacture and sale of fuel pumps. Among other things such divestiture shall include:

(a) All the equipment and machinery relating to the manufacture and sale of fuel pumps;

(b) At the option of the acquirer, Plant No. 3, located at 305 Taylor Street, Fond du Lac, WI, said plant to be outfitted with the aforesaid equipment and machinery promptly after acquirer has signed a contract of acquisition and in substantial conformity with plant layout

[1] Adopted Jan. 29, 1971, and effective Apr. 6, 1971.

[2] I.e., "a charter trip in which passengers and cargo are carried on the same flight."

[3] In addition, the definition of "air carrier, supplemental" in section 03 is being revised to delete "operating authority pursuant to section 7 or 9 of Public Law 87–528."

blueprints submitted with respondent's settlement proposal, dated October 16, 1970, provided the Commission may determine that an acquirer's decision to not acquire Plant No. 3 would adversely affect the competitive viability and effectiveness of the business to be divested;

(c) all inventories, customer lists, trademarks and trade names, including "Capac" and "AMPCO," it being understood that a license to use "AMPCO" in connection with ignition parts will be reserved by respondent, and that respondent will make accessible to the acquirer such records and its employed personnel as may facilitate the acquirer's initial operations of the acquired operations.

II. *It is further ordered,* That respondent will do all in its power to assure that the business operations to be divested will be properly staffed and, in particular, that all available means will be employed by respondent to assist the acquirer in retaining present management, personnel, and sales representatives of Wells Manufacturing Corp. whom the acquirer wishes to employ and engage and that respondent will terminate its own employment of any such persons at the earliest date permitted by any employment contract in effect July 24, 1970, and will refrain from inducing such persons to leave the acquired operations for employment with respondent. The foregoing divestiture shall be achieved in a manner insuring the operation of the divested business by the acquirer as a going concern in the manufacture and sale of fuel pumps.

III. *It is further ordered,* That such divestiture shall be made to an acquirer approved in advance by the Federal Trade Commission, and in any event shall not be made directly or indirectly: (a) To any concern engaged in the manufacture, sale or distribution of new automotive fuel pumps; or (b) to any concern whose new automotive parts aftermarket sales (excluding sales to the automotive vehicle manufacturers) exceeded $20 million in 1967; or (c) to any person who is at the time of the divestiture or has been at any time during the 1-year period preceding the effective date of this order, an officer, director, employee, or agent of, or under the control or direction of, respondent or any of respondent's subsidiary or affiliate corporations, or anyone who owns or controls, or has owned or controlled, directly or indirectly, more than one (1) percent of the outstanding shares of common stock of respondent.

IV. *It is further ordered,* That pending divestiture, respondent shall not make or permit any deterioration in any of the plants, machinery, buildings, equipment, or other property or assets of the company to be divested which may impair their present capacity or market value.

V. *It is further ordered,* That commencing on the effective date of this order and continuing for a period of ten (10) years from and after the date of completing the divestiture required by this order, respondent shall cease and desist from entering into any arrangement by which respondent acquires, directly or indirectly, through subsidiaries, joint ventures or otherwise, without prior approval of the Federal Trade Commission, the whole or any part of the stock, share capital or assets of any concern engaged in the manufacture, sale or distribution of automotive fuel pumps, nor shall respondent enter into any arrangement with any such concern by which respondent obtains the market share, in whole or in part, of such concern in the above-mentioned product line (a) through such concern discontinuing the manufacturing, distribution or sale of automotive fuel pumps under its own trade name or labels and thereafter distributing such products under respondent's trade name or labels or (b) by reasons of such concern discontinuing the manufacture, distribution or sale of such products and thereafter transferring to respondent customer lists or in any other way making available to respondent access to customers or customer accounts, or (c) by any other means.

VI. *It is further ordered,* That regarding paragraphs I–IV of this order, respondent shall periodically, within sixty (60) days from the effective date of this order and every sixty (60) days thereafter until respondent has fully complied with the provisions of this order, submit to the Federal Trade Commission a detailed written report of its actions, plans, and progress in complying with the provisions of this order and fulfilling its objectives, including such documentation as may be required. Regarding paragraph V of this order, respondent shall file a report of compliance within sixty (60) days after the effective date of this order and annually thereafter on the anniversary date of this order.

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

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

Issued: February 12, 1971.

By the Commission.

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

[FR Doc.71-4225 Filed 3-26-71;8:46 am]

[Docket No. C-1861]

PART 13—PROHIBITED TRADE PRACTICES

White Industries, Inc., et al.

Subpart—Enforcing dealings or payments wrongfully: § 13.1045 *Enforcing dealings or payments wrongfully.* Subpart—Securing orders by deception: § 13.2170 *Securing orders by deception.* Subpart—Shipping, for payment demand, goods in excess of or without order: § 13.2195 *Shipping, for payment, demand, good in excess of or without order.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C 45) [Cease and desist order, White Industries, Inc., et al., Westfield, Mass., Docket No. C-1861, Feb. 16, 1971]

In the Matter of White Industries, Inc., a Corporation, and Arthur T. White and K. Stanley Zolyn, Individually and as Officers of Said Corporation

Consent order requiring a Westfield, Mass., mail-order seller of greeting cards and stationery to cease using order forms with spaces for making checks to automatically request forwarding of further merchandise, using order forms which purport to be effective prior to being signed by purchaser, using such forms unless they have separate paragraphs setting forth that future shipments are authorized and describing the merchandise to be sent, shipping merchandise without disclosing that it is sent unsolicited and may be treated as a gift, seeking to collect for such shipments, except that the last two provisions of this order shall not be effective until 6 months after the date of the order.

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

It is ordered, That respondents White Industries, Inc., a corporation, t/a "Quaint Shop Folks," "White's Quaint Shop," "White, The Magazine Bargain Man," "Thomas Terry Studios," and "Friendlycraft Studios," or under any other name or names, and its officers, and Arthur T. White and K. Stanley Zolyn, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of greeting cards or other products, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using any kind of order or payment form, wherein by the making of a single check or other mark indicating the placing of an order or the making of a payment for present known merchandise, a purchaser simultaneously or automatically makes a request for the forwarding of merchandising at a later date for "advance examination," "advance preview" or for any other reason.

2. Using any form of communication by which purchasers authorize or purport to authorize respondent to send merchandise at a future date which purports to be effective prior to being signed and returned by the recipient.

3. Using any such form of authorization set forth in paragraph 2 unless such authorization is set forth in a completely separate and distinct paragraph (or, at respondents' option, a completely separate and distinct document) which separate paragraph (or separate document) contains no words, statement, or

information not necessary to such authorization and which does not clearly and conspicuously state the following:

a. That the document is an authorization for respondents to send merchandise at a future date; and

b. The period of time for which the authorization will be operative shall not exceed 1 year, or one offering whichever is less; and

c. The description of the merchandise contemplated by the authorization form.

4. Misrepresenting, directly or by implication, the legal relationship or legal obligation, if any, that exists between respondents and the mailees to whom respondents send merchandise.

5. Shipping merchandise without a prior express written authorization as described in paragraphs 2 and 3 above, unless attached to said merchandise there is a clear and conspicuous statement informing the recipient of the following:

a. That the merchandise is being sent to the recipient unsolicited; and

b. That the recipient is not obligated to return the merchandise; and

c. That the recipient may treat the merchandise as a gift, that he may use, discard, or dispose of it in any manner that he sees fit without any obligation whatsoever to the sender.

6. Sending any communication or making any demands or requests that seek to obtain payment for or the return of any merchandise sent without a prior express written authorization as described in paragraphs two and three above.

Provided, however, That paragraphs five and six shall not become effective until six (6) months after the Commission's entry of this order to cease and desist.

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

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

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

Issued: February 16, 1971.

By the Commission.

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

[FR Doc.71-4226 Filed 3-26-71;8:46 am]

[Docket No. C-1862]

PART 13—PROHIBITED TRADE PRACTICES

Irma Shorell, Inc., and H. Allen Lightman

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170-24 Cosmetic or beautifying: 13.170-76 Rejuvenating.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Irma Shorell, Inc., et al., New York, N.Y., Docket No. C-1862, Feb. 16, 1971]

In the Matter of Irma Shorell, Inc., a Corporation, and H. Allen Lightman, Individually and as Officer of Said Corporation

Consent order requiring a New York City distributor of a skin-conditioning cosmetic to cease misrepresenting that its facial cream will rejuvenate and restore youth to the skin, is equivalent to and may be used instead of surgical face-lifting, and will have a permanent or lasting effect.

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

It is ordered, That respondents Irma Shorell, Inc., a corporation, and H. Allen Lightman, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or any other devices in connection with the offering for sale, sale or distribution of Irma Shorell's Contour/35 or any other preparation possessing substantially similar properties. Do forthwith cease and desist from directly or indirectly:

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

(a) That said cosmetic preparation will rejuvenate the skin of the user thereof or restore youth to the skin of the user;

(b) That said cosmetic preparation can be used in lieu of surgical face-lifting and is equivalent thereto; and,

(c) That said cosmetic preparation will have a permanent or lasting effect.

2. Disseminating, or causing the dissemination of any advertisement by any means for the purpose of inducing or which is likely to induce directly or indirectly the purchase of respondent's preparation in commerce as "commerce" is defined in the Federal Trade Commission Act which contains any of the representations prohibited in Paragraph 1 hereof.

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

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

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

Issued: February 16, 1971.

By the Commission.

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

[FR Doc.71-4227 Filed 3-26-71;8:46 am]

[Docket No. C-1863]

PART 13—PROHIBITED TRADE PRACTICES

Everest & Jennings, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.725 *Cumulative quantity discounts and schedules;* Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d); § 13.825 *Allowances for services or facilities;* Discriminating in price under section 2, Clayton Act—Furnishing services or facilities for processing, handling, etc. under 2(e): § 13.843 *Promotional enterprises.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Everest & Jennings, Inc., Los Angeles, Calif., Docket No. C-1863, Feb. 16, 1971]

In the Matter of Everest & Jennings, Inc., a Corporation

Consent order requiring a Los Angeles, Calif., manufacturer and distributor of medical and surgical apparatus to cease discriminating in price between competing customers, and failing to pay for or to make services and facilities available to all competing customers on a proportionally equal basis.

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

It is ordered, That respondent Everest & Jennings, Inc., a corporation, and its officers, employees, agents, and representatives, directly or through corporate or other devices, in or in connection with the offering for sale, sale or distribution of any of its products in commerce as "commerce" is defined in the Clayton Act, as amended do forthwith cease and

desist from discriminating, directly or indirectly, in the price of such products of like grade and quality:

By selling such products to any purchaser at net prices higher than the net prices charged any other purchaser who competes in the resale or distribution of such products with the purchaser paying the higher price.

It is further ordered, That respondent Everest & Jennings, Inc., a corporation, and its officers, employees, agents, and representatives, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of any of its products in commerce, as "commerce" as defined in the Clayton Act, as amended, do forthwith cease and desist from:

1. Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of respondent as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the offering for sale, sale or distribution of respondent's products, unless such payment or consideration is made available on proportionally equal terms to all other customers competing in the distribution of such products;

2. Furnishing, contracting to furnish, or contributing to the furnishing of services or facilities in connection with the handling, processing, sale or offering for sale of respondent's products to any purchaser from respondent of such products bought for resale, when such services or facilities are not accorded on proportionally equal terms to all other purchasers from respondent who resell such products in competition with such purchasers who receive such services or facilities.

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

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

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

Issued: February 16, 1971.

By the Commission.

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

[FR Doc.71-4228 Filed 3-26-71;8:46 am]

[Docket No. C-1864]

PART 13—PROHIBITED TRADE PRACTICES

Metromedia, Inc.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-200 Non-profit character. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1495 *Non-profit character.* Subpart—Securing information by subterfuge: § 13.2168 *Securing information by subterfuge.* Subpart—Securing signatures wrongfully: § 13.2175 *Securing signatures wrongfully.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Metromedia, Inc., New York, N.Y., Docket No. C-1864, Feb. 17, 1971]

In the Matter of Metromedia, Inc., a Corporation

Consent order requiring a New York City compiler of mailing lists used by direct-mail advertisers and merchandisers to cease misrepresenting the purpose or use of information sought by its questionnaires, offering for sale or using its "Metromail Elites" mailing list or other list derived therefrom, provided that the term "questionnaire" as used herein shall mean any solicitation of information to be used in a mailing list.

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

It is ordered, That respondent Metromedia, Inc., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the construction, development, maintenance, advertising, offering for sale, sale or use of respondent's "Metromail Elites" mailing list, or any other of respondent's mailing lists, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any information sought by respondent by any questionnaire, in connection with the compilation or construction of mailing lists used by respondent in connection with the advertising or sale of merchandise or services is for any purpose other than the compilation of mailing lists to be so used; or misrepresenting, in any manner, the purpose or intent or the use of any information sought by any questionnaire.

2. Falsely representing that addressees of any questionnaire will not be importuned to purchase merchandise or services.

3. Failing, clearly and conspicuously, and at the outset, to state in each oral or written questionnaire of respondent to persons who are or may be prospective addressees for inclusion on or in any mailing list or other compilation of addressees, the following: "We are in the business of compiling mailing lists which we may use ourselves, or which may be used by direct mail advertisers. The information which you furnish us by filling out this questionnaire may be used, together with your name and address, in compiling such lists."

4. Advertising, offering for sale, sale or use by respondent or others of respondent's "Metromail Elites" mailing list, or any other mailing list derived directly therefrom.

Provided, however, That the term "questionnaire," as used in this order, shall mean any inquiry for or solicitation of information, whether written, oral or by information, whether written, oral or by any other means, from addressees or prospective addressees for inclusion on or in any mailing lists or other compilation of addressees, by any division or subsidiary of respondent which is, or hereafter may be, in the business of compiling mailing lists for direct-mail advertisers, for the purpose or with the result of constructing or developing for respondent any mailing list or other compilation of addressees.

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

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

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

Issued: February 17, 1971.

By the Commisison.

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

[FR Doc.71-4229 Filed 3-26-71;8:47 am]

[Docket No. C-1865]

PART 13—PROHIBITED TRADE PRACTICES

Seattle Mobile Homes, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.71 *Financing:* 13.71-10 Truth in Lending Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 *Prices:* 13.115-95 Terms and conditions: 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act; Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions:* 13.1823-20 Truth in Lending Act. Subpart—Neglecting unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905-60 Truth in Lending Act.

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

desist order, Seattle Mobile Homes, Inc., et al., Edmonds, Wash., Docket No. C–1865, Feb. 18, 1971]

In the Matter of Seattle Mobile Homes, Inc., Doing Business as Pacific Mobile Homes and Cost Trailer Sales Co., Doing Business as Cost Mobile Homes and Felix V. Costanzo, Individually and as an Officer of Seattle Mobile Homes, Inc., and Cost Trailer Sales Co.

Consent order requiring two sellers of mobile homes with headquarters in Edmonds, Wash., and Portland, Oreg., to cease violating the Truth in Lending Act by failing to disclose to their credit customers the cash price, downpayment, value of trade-in, unpaid balance of cash price, unpaid balance, amount financed, finance charge, deferred finance charge, and number of payments; respondents have also failed to disclose the method of computing penalties for default, the type of security interest held to secure credit, and engaging in consumer credit transactions without making all disclosures required by said Act.

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

It is ordered, That respondents Seattle Mobile Homes, Inc., and Cost Trailer Sales Co., corporations, and their officers, and Felix V. Costanzo, individually and as an officer of Seattle Mobile Homes, Inc., and Cost Trailer Sales Co., and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with any consumer credit sale, as "consumer credit" and "credit sale" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Public Law 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

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

(2) Failing to disclose the amount of any downpayment in money made in connection with any credit sale, and to describe that amount as the "cash downpayment", as required by § 226.8(c) (2) of Regulation Z.

(3) Failing to describe the sum of the "cash downpayment" and the "trade-in" made in connection with any credit sale as the "total downpayment", as required by § 226.8(c) (2) of Regulation Z.

(4) Failing in any credit sale to disclose the difference between the "cash price" and the "total downpayment", and to describe that difference as the "unpaid balance of cash price", as required by § 226.8(c) (3) of Regulation Z.

(5) Failing in any credit sale to disclose all charges which are not part of the "cash price" or the "finance charge" but are included in the amount financed, and to itemize each such charge individually as required by § 226.8(c) (4) of Regulation Z.

(6) Failing to disclose the sum of the charges referred to in paragraph (5) above and the "unpaid balance of cash price" and to describe that sum as the "unpaid balance", as required by § 226.8 (c) (5) of Regulation Z.

(7) Failing to disclose the amount of credit extended, and to describe that amount as the "amount financed" as required by § 226.8(c) (7) of Regulation Z.

(8) Failing to disclose the sum of all charges made to the customer which are required by § 226.4 of Regulation Z to be included in the finance charge, and to describe that sum as the "finance charge", as required by § 226.8(c) (8) (i) of Regulation Z.

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

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

(11) Failing to disclose the number, amount, and due dates or period of payments scheduled to repay the indebtedness, as required by § 226.8(b) (3) of Regulation Z.

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

(13) Failing to disclose the amount or method of computing the amount of any default delinquency, or similar charges payable in the event of late payments, as required by § 226.8(b) (4) of Regulation Z.

(14) Failing to describe the type of any security interest in property held, or to be retained or acquired in connection with any extension of credit, as required by § 226.8(b) (5) of Regulation Z.

(15) Failing to identify the method of computing any unearned portion of the finance charge in the event of repayment of the obligation, as required by § 226.8(b) (7) of Regulation Z.

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

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

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

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

Issued: February 18, 1971.

By the Commission.

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

[FR Doc.71–4230 Filed 3–26–71;8:47 am]

[Docket No. C–1867]

PART 13—PROHIBITED TRADE PRACTICES

Matsushita Electric of Hawaii, Inc.

Subpart—Advertising falsely or misleadingly: § 13.192 *Retraction advertisement;* [1] § 13.195 *Safety:* 13.195–60 Product; § 13.245 *Specifications or standards conformance.* Subpart—Claiming or using endorsements or testimonials falsely or misleadingly: § 13.330 *Claiming or using endorsements or testimonials falsely or misleadingly:* 13.330–60 National organizations.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Matsushita Electric of Hawaii, Inc., Honolulu, Hawaii, Docket No. C–1867, Feb. 19, 1971]

In the Matter of Matsushita Electric of Hawaii, Inc., a Corporation

Consent order requiring a Honolulu, Hawaii, seller and distributor of "Panasonic" television sets and other electronic products to cease representing that its television sets have passed tests for fire and explosion hazards and publish a retraction of such claims in the Honolulu Star-Bulletin.

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

It is ordered, That respondent Matsushita Electric of Hawaii, Inc., a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce of any television sets do forthwith cease and desist from representing that said product or products have been tested, and have passed such tests, for fire and explosion hazards, or for any other safety characteristic related to said product

[1] New.

or products, or that tests have demonstrated that its products are superior to other products tested for fire and explosion hazards, or for any other safety characteristic related to said product or products, unless and in fact, tests have actually been performed and the results establish that such representations are true.

It is further ordered, That respondent shall publish a half-page retraction in the Saturday Honolulu Star-Bulletin, on or at approximately the same page, and in print of equal size and prominence to that of the original false, misleading and deceptive advertisement.

Said retraction shall include a statement indicating that neither Panasonic's color television sets, nor those of any other manufacturer, had been tested by The National Commission on Product Safety for fire and explosion hazards.

It is further ordered, That respondent, within 60 days after the effective date of this order, shall notify each of its customers of this cease and desist order by mailing them a copy thereof, and shall forthwith distribute a copy of this order to each of its operating divisions, if any.

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

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

Issued: February 19, 1971.

By the Commission.

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

[FR Doc.71-4231 Filed 3-26-71;8:47 am]

[Docket No. C-1868]

PART 13—PROHIBITED TRADE PRACTICES

International Chinchillas, Inc., and Hal G. Ward

Subpart—Advertising falsely or misleadingly: § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.70 *Fictitious or misleading guarantees;* § 13.71 *Financing:* 13.71–10 Truth in Lending Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–92 Truth in Lending Act; § 13.155 *Prices:* 13.155–40 Exaggerated as regular and customary; 13.155–95 Terms and conditions: 13.155–95(a) Truth in Lending Act; § 13.175 *Quality of product or service.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* §13.1623 *Formal regulatory and statutory requirements:* 13.1623–95 Truth in Lending Act; § 13.1715 *Quality;* § 13.1823 *Terms and conditions:* 13.1823–20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–75 Truth in Lending Act; § 13.1892 *Sales contract, right-to-cancel provision;* § 13.1905 *Terms and conditions:* 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, International Chinchillas, Inc., et al., Virginia Beach, Va., Docket No. C–1868, Feb. 19, 1971]

In the Matter of International Chinchillas, Inc., a Corporation, and Hal G. Ward, Individually and as an Officer of Said Corporation

Consent order requiring Virginia Beach, Va., sellers and distributors of chinchilla breeding stock to cease making exaggerated earning claims, misrepresenting the quality of their stock, deceptively guaranteeing the fertility of their stock, and misrepresenting their services to purchasers; respondents are also required to refrain from making any sales contract or note in the buyer's home which shall become effective prior to the end of 3 days, to notify the buyer of his option to rescind the contract, and that a notice be printed on the sales contract that it may be sold to a third party who will not be obligated to perform the contract; respondents, if doing business on consumer credit, are required to conform to the provisions of Regulation Z of the Truth in Lending Act.

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

I. *It is ordered,* That respondents International Chinchillas, Inc., a corporation, and its officers, and Hal G. Ward, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of chinchilla breeding stock or any other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing directly or by implication that:

1. It is commercially feasible to breed or raise chinchillas in homes, basements, spare rooms, or garages, or other quarters or buildings, unless in immediate conjunction therewith it is clearly and conspicuously disclosed that the represented quarters or buildings can only be adaptable to and suitable for the breeding and raising of chinchillas on a commercial basis if they have the requisite space, temperature, humidity, ventilation, and other environmental conditions.

2. Breeding chinchillas purchased from respondents as a commercial profitable enterprise can be achieved without previous knowledge or experience in the breeding, caring for and raising of such animals.

3. Each female chinchilla purchased from respondents and each female offspring will usually litter successively several times annually producing one to five offspring per litter, or an average of four offspring annually.

4. The number of litters or sizes thereof produced per female chinchilla is any number or range thereof; or representing, in any manner, the past number or range of numbers of litters or sizes produced per female chinchilla of purchasers of respondents' breeding stock unless in fact the past number or range of numbers represented are those of a substantial number of purchasers and accurately reflect the number or range of numbers of litters or sizes thereof produced per female chinchilla of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

5. Offspring of respondents' chinchilla breeding stock sell for as much as $1,000 each and will have pelts that sell for an average of $30 per pelt; or that pelts from the offspring of the respondents' breeding stock generally sell for $40 to $60 each.

6. Chinchilla pelts and offspring from respondents' breeding stock will sell for any price, average price or range of prices; or representing in any manner, the past price, average price or range of prices of purchasers of respondents' breeding stock unless in fact the past price, average price or range of prices represented are those of a substantial number of purchasers and accurately reflect the price, average price or range of prices realized by these purchasers under circumstances similar to those of the pruchaser to whom the representation is made.

7. A purchaser starting with six females and one male of respondents' chinchilla breeding stock will earn $13,000 over a 5-year period from the sale of the offspring or their pelts.

8. Purchasers of respondents' chinchilla breeding stock earn $13,000 over a 5-year period, or realize earnings, profits or income in any amount or range of amounts; or representing, in any manner the past earnings, profits or income of purchasers of respondents' breeding stock unless in fact the past earnings, profits or income represented are those of a substantial number of purchasers and accurately reflect the average earnings, profits or income of those purchasers under circumstances similar to those of the purchaser to whom the representation is made.

9. Chinchilla breeding stock purchased from respondents is guaranteed or warranted without clearly and conspicuously disclosing the nature and extent of the guarantee, the manner in which the guarantor will perform thereunder and the identity of the guarantor.

10. Respondents' chinchillas are guaranteed unless respondents do in fact promptly fulfill all obligations and requirements set forth in or represented,

directly or by implication, to be contained in any guarantee or warranty applicable to each and every chinchilla.

11. Chinchillas or chinchilla pelts are in great demand; or that purchasers of respondents' breeding stock can expect to be able to sell the offspring of respondents' chinchillas because said chinchillas or pelts are in great demand.

12. Respondents will purchase all or any offspring raised by purchasers of respondents' chinchilla breeding stock unless respondents do in fact purchase all of the offspring offered by said purchasers at the price and on the terms and conditions represented.

13. The assistance or advice furnished to purchasers of respondents' chinchilla breeding stock by respondents will enable purchasers to successfully breed or raise chinchillas as a commercially profitable enterprise.

14. Respondents have an expert staff to assist purchasers of respondents' chinchilla breeding stock in the care and maintenance of said animals unless they have such staff as represented.

15. Respondents' chinchilla breeding stock is of top quality as rated by a worldwide fur grading system, or misrepresenting in any manner the quality of respondents' chinchilla breeding stock.

16. More profit can be realized by breeding beige chinchillas, as opposed to any other color and there is a large market demand for beige chinchillas and their pelts.

17. Chinchillas are hardy animals or are not susceptible to ailments.

B. 1. Misrepresenting, in any manner, the assistance, training, services or advice supplied by respondents to purchasers of their chinchilla breeding stock.

2. Misrepresenting, in any manner, the earnings or profits to purchasers or reproduction capacity of any chinchilla breeding stock.

3. Misrepresenting, in any manner, the market demand for the pelts or offspring of respondents' chinchillas.

It is further ordered, That the respondents herein shall, in connection with the offering for sale, the sale or distribution of chinchilla breeding stock or any other products, when the offer for sale or sale is made in the buyers home, forthwith cease and desist from:

1. Contracting for any sale whether in the form of trade acceptance, conditional sales contract, promissory note, or otherwise which shall become binding on the buyer prior to midnight of the third day, excluding Sundays and legal holidays, after date of execution.

2. Failing to disclose orally prior to the time of sale and in writing on any trade acceptance, conditional sales contract, promissory note or other instrument executed by the buyer with such conspicuousness and clarity as likely to be observed and read by such buyer, that the buyer may rescind or cancel by directing or mailing a notice of cancellation to respondents prior to midnight of the third day, excluding Sundays and legal holidays, after the date of sale. Upon such cancellation the burden shall be on respondents to collect any goods left in the buyers home and to return any payments received from the buyer. Nothing contained in this right-to-cancel provision shall relieve buyers of the responsibility of taking reasonable care of the goods prior to cancellation and during a reasonable period following cancellation.

3. Failing to provide a separate and clearly understandable form which the buyer may use as a notice of cancellation.

4. Provided, however, that nothing contained in this part of the order shall relieve respondents of any additional obligations respecting contracts made in the home required by Federal law or the law of the State in which the contract is made. When such obligations are inconsistent respondents can apply to the Commission for relief from this provision with respect to contracts executed in the State in which such different obligations are required. The Commission, upon proper showing, shall make such modifications as may be warranted in the premises.

It is further ordered, That the respondents will incorporate the following statement on the face of all contracts executed by respondents' customers with such conspicuousness and clarity as is likely to be observed, read and understood by the purchaser:

IMPORTANT NOTICE

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

II. *It is ordered,* That respondents International Chinchillas, Inc., a corporation and its officers, and Hal G. Ward, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with any extension of consumer credit or any advertisement to aid, assist directly or indirectly any extension of consumer credit as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to designate the amount of the cash price as "cash price", in accordance with § 226.8(c)(1) of Regulation Z.

2. Failing to designate the amount of the downpayment in money as "cash downpayment", in accordance with § 226.8(c)(3) of Regulation Z.

3. Failing to disclose the amount of the difference between the cash price and the cash downpayment and to designate it as "unpaid balance of cash price", in accordance with § 226.8(c)(3) of Regulation Z.

4. Failing to disclose the amount of the amount financed, and to designate it as "amount financed", as required by § 226.8(c)(7) of Regulation Z.

5. Failing to disclose the date on which the finance charge begins to accrue when the date the finance charge begins to accrue is different from the date of the transaction, as required by § 226.8(b)(1) of Regulation Z.

6. Failing to disclose the dollar amount of the finance charge, and to designate it as "finance charge", in accordance with § 226.8(c)(8)(i).

7. Failing to disclose the amount of the sum of the payments scheduled to repay the indebtedness, and to designate it as "total of payments", in accordance with § 226.8(b)(3) of Regulation Z.

8. Failing to disclose the amount of the deferred payment price, and to designate it as "deferred payment price", in accordance with § 226.8(c)(8)(ii) of Regulation Z.

9. Failing to disclose the annual percentage rate, accurate to the nearest quarter of 1 percent, in accordance with the provisions of § 226.5 of Regulation Z as required by § 226.8(b)(2) thereof.

10. Failing to employ the term "annual percentage rate" and to print the term more conspicuously than other terminology, as required by § 226.6(a) of Regulation Z.

11. Failing to make all the required disclosures in one of the following three ways, in accordance with § 226.8(a) or § 226.801 of Regulation Z.

(a) Together on the contract evidencing the obligation on the same side of the page and above or adjacent to the place for the customer's signature; or

(b) On one side of a separate statement which identifies the transaction; or

(c) On both sides of a single document containing on each side thereof the statement "NOTICE: See other side for important information", with the place for the customer's signature following the full content of the document.

12. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with § 226.4 and § 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.9 and 223.10 of Regulation Z.

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

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

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

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

Issued: February 19, 1971.

By the Commission.

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

[FR Doc.71-4232 Filed 3-26-71;8:47 am]

[Docket No. C-1869]

PART 13—PROHIBITED TRADE PRACTICES

A.B.C. Carpet Co., Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-70 Textile Fiber Products Identification Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, A.B.C. Carpet Co., Inc., et al., New York, N.Y., Docket No. C-1869, Feb. 21, 1971]

In the Matter of A.B.C. Carpet Co., Inc., Marcey Carpet Corp., Cameron Carpet Corp., and Krayton Carpet Corp., Corporations, and Jerome Weinrib, Individually and as an Officer of Said Corporations, Abraham Renko, Individually and as General Manager of A.B.C. Carpet Co., Inc., Marcey H. Shore, Individually and as an Officer of Marcey Carpet Corp., Herbert Mack Greenberg, Individually and as an Officer of Cameron Carpet Corp., and Julius Fish and Solomon Fisher, Individually and as Officers of Krayton Carpet Corp.

Consent order requiring New York City sellers and installers of carpeting and floor coverings to cease and desist from misbranding their textile fiber products.

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

It is ordered, That respondents A.B.C. Carpet Co., Inc., Marcey Carpet Corp., Cameron Carpet Corp., and Krayton Carpet Corp., corporations, and their officers, and Jerome Weinrib, individually and as an officer of said corporations, Abraham Renko, individually and as General Manager of A.B.C. Carpet Co., Inc., Marcey H. Shore, individually and as an officer of Marcey Carpet Corp., Herbert Mack Greenberg, individually and as an officer of Cameron Carpet Corp., and Julius Fish and Solomon Fisher, individually and as officers of Krayton Carpet Corp., and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying any textile fiber product as to the name or amount of constituent fibers contained therein.

2. Failing to affix labels to each such product showing in a clear, legible, and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

3. Failing to label samples, swatches, or specimens of textile fiber products subject to the Act which are used to promote or effect sales of such textile fiber products, in such a manner as to show their respective fiber contents and other required information.

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

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

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

Issued: February 22, 1971.

By the Commission.

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

[FR Doc.71-4233 Filed 3-26-71;8:47 am]

[Docket No. C-1870]

PART 13—PROHIBITED TRADE PRACTICES

Berkshire Hathaway Inc.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Berkshire Hathaway Inc., New Bedford, Mass., Docket No. C-1870, Feb. 22, 1971]

In the Matter of Berkshire Hathaway, Inc., a Corporation

Consent order requiring a New Bedford, Mass., manufacturer, seller, and distributor of various fabrics and materials to cease violating the Flammable Fabrics Act by importing or selling any fabric which fails to conform to the standards of said Act.

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

It is ordered, That respondent Berkshire Hathaway Inc., a corporation, and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any fabric, product or related material as the terms "commerce", "fabric", "product" and "related material" are defined in the Flammable Fabrics Act, as amended, which fabric, product or related material fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That the respondent herein shall, within ten (10) days after service upon it of this order, file with the Commission an interim special report in writing setting forth the respondent's intention as to compliance with this order. This interim special report shall also advise the Commission fully and specifically concerning the identity of the product which give rise to the complaint, (1) the amount of such product in inventory, (2) any action taken to notify customers of the flammability of such product and the results thereof, and (3) any disposition of such product since September 3, 1969. Such report shall further inform the Commission whether respondent has in inventory any fabric, product or related material having a plain surface and made of silk, rayon, and acetate, nylon and acetate, rayon or cotton or combinations thereof in a weight of 2 ounces or less per square yard or with a raised fiber surface and made of cotton or rayon or combinations thereof. Respondent will submit samples of any such fabric, product or related material with this report. Samples of the fabric, product or related

material shall be of no less than one square yard of material.

It is further ordered, That the respondent herein either destroy the fabrics which gave rise to the complaint or process them so as to bring them within the applicable flammability standards for wearing apparel under the Flammable Fabrics Act, as amended, if said fabrics are to be re-introduced into commerce in such a way as to cause them to be used for wearing apparel.

It is further ordered, That each cut, piece, or bolt of any fabric which has been tested and failed the flammability test for wearing apparel under the Flammable Fabrics Act, as amended, which is sold for a legitimate use, as for example, use in curtains, drapes or other nonwearing apparel, shall carry a label showing boldly and conspicuously a legend reading as follows:

CAUTION: THIS FABRIC DOES NOT MEET GOVERNMENT FLAMMABILITY STANDARDS FOR WEARING APPAREL AND MUST NOT BE USED IN ANY WEARING APPAREL.

and each invoice covering the sale of distribution of said fabric shall carry the same legend.

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

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

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

Issued: February 22, 1971.

By the Commission.

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

[FR Doc.71-4234 Filed 3-26-71;8:47 am]

[Docket No. C-1871]

PART 13—PROHIBITED TRADE PRACTICES

Joy Time, Inc., et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Joy Time, Inc., et al., New York, N.Y., Docket No. C-1871, Feb. 22, 1971]

In the Matter of Joy Time, Inc., a Corporation, and Abe Shapiro, Bernard Shapiro, Arnold Shapiro and Marvin Shapiro, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturer and seller of wearing apparel, including wedding, bridesmaid, and flower girl dresses, to cease violating the Flammable Fabric Act by importing and selling any fabric which fails to conform to the standards of said Act.

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

It is ordered, That respondents Joy Time, Inc., a corporation, and its officers, and Abe Shapiro, Bernard Shapiro, Arnold Shapiro, and Marvin Shapiro, individually and as officers of said corporation, and respondents' representatives, through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, or offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported, in commerce, or selling or delivering after sale or shipment in commerce any product, fabric, or related material; or manufacturing for sale, selling, or offering for sale any product made of fabric or related material which has been shipped or received in commerce, as "commerce", "product", "fabric" and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material fails to conform to any applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to this complaint of the flammable nature of said products, and effect recall of said products from such customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since March 13, 1970, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

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

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

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

Issued: February 22, 1971.

By the Commission.

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

[FR Doc.71-4235 Filed 3-26-71;8:47 am]

[Docket No. C-1872]

PART 13—PROHIBITED TRADE PRACTICES

Weller Fabrics, Inc., and Ira S. Weller

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Weller Fabrics, Inc., et al., New York, N.Y., Docket No. C-1872, Feb. 22, 1971]

In the Matter of Weller Fabrics, Inc., a Corporation, and Ira S. Weller, Individually and as an Officer of Said Corporation

Consent order requiring a New York City retailer and wholesaler of fabrics to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of said Act.

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

It is ordered, That the respondents Weller Fabrics, Inc., a corporation, and its officers, and Ira S. Weller, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from selling, or offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment, in commerce, any product, fabric or related material: or manufacturing for sale, selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce as "commerce", "product", "fabric" and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the fabrics which gave rise to this complaint of the flammable nature of such fabrics and effect the recall of such fabrics from said customers.

It is further ordered, That the respondents herein either process the fabrics which gave rise to this complaint so as to bring them within the applicable standard of flammability of the Flammable Fabrics Act, as amended, or destroy said fabrics.

It is further ordered, That respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the fabrics which gave rise to the complaint, (2) the amount of said fabrics in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said fabrics and effect the recall of said fabrics, and of the results thereof, (4) any disposition of said fabrics since April 1970 and (5) any action taken or proposed to be taken to bring said fabrics into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said fabrics, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric or related material with this report.

It is further ordered, That respondents shall maintain full and adequate records concerning all products, fabrics or related materials subject to the Flammable Fabrics Act, as amended, which are sold at wholesale.

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

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

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

Issued: February 22, 1971

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-4236 Filed 3-26-71;8:47 am]

[Docket No. C-1873]

PART 13—PROHIBITED TRADE PRACTICES

Barbara A. Vitale and Harp's Coins & Hobbies

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Barbara A. Vitale et al., Canton, Ohio, Docket No. C-1873, Feb. 22, 1971]

In the Matter of Barbara A. Vitale, Individually and Doing Business as Harp's Coins & Hobbies

Consent order requiring a Canton, Ohio, individual operating a coin and hobby shop to cease violating the Flammable Fabrics Act by importing or selling any fabric, including wood fiber chips used for making corsages, which fails to conform to the standards of said Act.

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

It is ordered, That respondent Barbara A. Vitale, individually and trading as Harp's Coins & Hobbies or under any other name or names, and respondent's representatives, agents and employees, directly or through any coporate or other device, do forthwith cease and desist from selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or manufacturing for sale, selling or offering for sale, any product, made of fabric or related material which has been shipped or received in commerce as "commerce", "product", "fabric" and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to an applicable standard or regulation issued, amended or continued in effect under the provisions of the aforesaid Act.

It is further ordered, That respondent notify all of her customers who have purchased or to whom has been delivered the fabric which gave rise to the complaint, of the flammable nature of said fabric and effect the recall of said fabric from such customers.

It is further ordered, That the respondent herein either process the fabric which gave rise to the complaint so as to bring it into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said fabric.

It is further ordered, That the respondent herein shall, within ten (10) days after service upon her of this order, file with the Commission a special report in writing setting forth the respondent's intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the fabric which gave rise to the complaint, (2) the amount of said fabric in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said fabric, and effect the recall of said fabric from customers, and of the results thereof, (4) any disposition of said fabric since May 14, 1970, and (5) any action taken or proposed to be taken to bring said fabric into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said fabric, and the results of such action. Such report shall further inform the Commission as to whether or not respondent has in inventory any product, fabric or related material having a plain surface and made of paper, silk, rayon, and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondent shall submit samples of not less than one square yard in size of any such product, fabric and related material with this report.

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

Issued: February 22, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-4237 Filed 3-26-71;8:47 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 34-9100]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Notice to Commission of Suspension of Duty To File Reports

The Securities and Exchange Commission has adopted a new rule under section 15(d) of the Securities Exchange Act of 1934 which requires the filing of reports notifying the Commission whenever the duty to file reports under that section has been suspended. The Commission has also adopted a short form for the filing of such reports. Notice of the proposed action was published November 27, 1970, in Securities Exchange Act Release 9025 (35 F.R. 18750).

Section 15(d) requires issuers which have registered securities under the Securities Act of 1933 to file annual and other reports with the Commission. That section provides, among other things, that if the number of record holders of securities of each class registered is reduced to less than 300 persons at the beginning of any fiscal year, the duty to file reports shall be suspended for such year.

The new reporting requirement is necessary in order that the Commission may know whether an issuer's failure to file reports is due to delinquency or to a suspension of the duty to file reports. The notice to the Commission will enable it to keep its records up to date and will avoid the sending of delinquency notices in cases where the issuer's duty to file reports has been suspended.

Commission Action:

I. Sections 240.15d-6 and 249.333 of Chapter II of Title 17 of the Code of Federal Regulations are hereby adopted and read as follows:

§ 240.15d-6 Notice of suspension of duty to file reports.

If the duty of any issuer to file reports pursuant to section 15(d) of the Act as to any fiscal year is suspended because at the beginning of such fiscal year all securities of each class registered under the Securities Act of 1933 are held of record by less than 300 persons, such issuer shall, within 30 days after the beginning of the first such fiscal year, file a notice on Form 15d-6 [17 CFR 249.333] informing the Commission of such suspension. If the suspension resulted from the issuer's merger into, or consolidation with, another issuer or issuers, the notice shall be filed by the successor issuer. The notice shall be filed in addition to any other report required to be filed with the Commission in connection with the transaction or event giving rise to such suspension.

§ 249.333 Form 15d-6, for suspension of duty to file reports pursuant to section 15(d) of the Securities Exchange Act of 1934.

This form shall be filed by each issuer required to file reports pursuant to section 15(d) of the Securities Exchange Act of 1934, as a notification that the duty to file such reports is suspended because at the beginning of the fiscal year in which such reports would be required all securities of each class of such issuer registered under the Securities Act of 1933 are held of record by less than 300 persons. This form shall be filed within 30 days after the beginning of such fiscal year to which it pertains.

Copies of Form 15d-6 have been filed as part of this document with the Office of the Federal Register and may be obtained from the Securities and Exchange Commission, Washington, D.C. 20549.

The foregoing action was taken pursuant to the Securities Exchange Act of 1934, particularly sections 15(d) and 23(a) thereof. Such action shall be effective with respect to fiscal years beginning on or after January 1, 1971, provided that reports required by Rule 15d-6 for any fiscal year beginning on or before April 15, 1971, may be filed within 30 days after that date.

(Sec. 15(d), 48 Stat. 895; sec. 3, 49 Stat. 1377; sec. 6, 78 Stat. 570, 15 U.S.C. 78o(d); sec. 23, 48 Stat. 901; sec. 8, 49 Stat. 1379, 15 U.S.C. 78w)

By the Commission, March 15, 1971.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-4277 Filed 3-26-71;8:50 am]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

PART 81—REGULATIONS GOVERNING OPERATIONS OF THE FEDERAL NATIONAL MORTGAGE ASSOCIATION

Corporation Stock

Notice of a proposed amendment to § 81.2, which would reflect statutory changes and otherwise provide for sale of common stock of FNMA, was published at 36 F.R. 4427, March 5, 1971. A comment clarifying the proposed language was submitted by the General Counsel of FNMA, and has been incorporated in the final rule.

In order to permit consideration of a shareholder resolution relating to preemptive rights in the common stock of the corporation at the next annual meeting of the corporation, notice must be given on or before March 31 to shareholders of record of March 26, 1971. These circumstances, together with the lack of substantive objections to the proposed rule, constitute good cause for making the amendment effective immediately.

Accordingly, § 81.2 is revised to read:

§ 81.2 Common stock.

(a) The corporation is authorized to issue shares of its common stock to each seller or borrower who makes capital contributions authorized by section 303(b) of the Charter Act. The corporation is further authorized to issue and sell additional shares of its common stock to the servicers of its mortgages, in consideration for payments by such servicers into the corporation's capital or capital and surplus for each share of an amount equal to the then current issue price of the common stock authorized to be issued by the first sentence hereof; but no such stock shall be issued to any servicer at any time in excess of its reasonably foreseeable need at such time in connection with the amount of stock required to be held pursuant to section 303(c) of the Charter Act. The authorizations of this paragraph are granted on the condition that the Secretary of Housing and Urban Development be given written notice at least 15 days in advance of any change by the corporation in the issue price of its stock issued pursuant to this paragraph.

(b) For any and all stock or convertible debt issues other than stock issued pursuant to paragraph (a) of this section, the corporation is authorized to adopt a shareholder resolution, governing all such issues and sales of shares of its common stock, or other securities convertible into the corporation's common stock, which permits the corporation to provide for or limit or deny to shareholders pre-emptive rights in all purchases of issues of such stock or securities. Such resolution shall be effective with respect to each such issue from and after the date of adoption thereof and until expressly repealed or amended by a subsequent resolution duly adopted in accordance with the procedures set forth in paragraph (c) of this section.

(c) The shareholder resolution authorized by paragraph (b) of this section shall be made in the following manner:

(1) The Board of Directors of the corporation shall adopt the proposed resolution setting forth the language thereof and directing that it be submitted to a vote at a meeting of shareholders of the corporation, which may be either an annual or a special meeting.

(2) Written notice setting forth the proposed resolution or a summary of it shall be given to each shareholder of record entitled to vote thereon within the time and in the manner provided for notices of meetings of shareholders in the bylaws of the corporation.

(3) At such meeting a vote of the shareholders entitled to vote thereon shall be taken on the proposed resolution. The proposed resolution shall be adopted upon receiving the affirmative vote of the holders of at least two-thirds of the shares of the corporation which are outstanding and entitled to vote thereon.

(d) For any issues other than stock issued as authorized by paragraph (a) of this section, the approval of the Secretary is required prior to the issuance by the corporation of any stock, obligation, security, or similar instrument.

(Secs. 309(h) and 311 of the Federal National Mortgage Association Charter Act, 12 U.S.C. 1723a(h), 1723c)

Effective date. This amendment is effective March 22, 1971.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.71-4288 Filed 3-26-71;8:51 am]

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 Designated Areas

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 designated areas.

* * * * * * *

State	County	Location	Map. No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Arizona	Maricopa	Scottsdale				Mar. 26, 1971
California	Los Angeles	San Marino				Do.
Minnesota	Olmsted	Rochester	I 27 109 5960 02 through I 27 109 5960 05	Division of Waters, Soils, and Minerals, Minnesota Conservation Department, 345 Centennial Bldg., St. Paul, MN 55101. Minnesota Insurance Department, R-210 State Office Bldg., St. Paul, MN 55101.	Office of the City Clerk, City Hall, Rochester, MN 55901.	Do.
Do	Wilkin	Breckenridge	I 27 167 0790 02	do	Office of the City Clerk, City of Breckenridge, City Hall, Breckenridge, MN. 56520.	Do.
New Jersey	Ocean	Long Beach Township.	I 34 029 1755 05 through I 34 029 1755 08	New Jersey Department of Environmental Protection, Division of Water Policy and Supply, Box 1390, Trenton, NJ 08625. Department of Banking and Insurance, State House Annex, Trenton, NJ 08625.	Office of the Municipal Clerk, Township of Long Beach, 6805 Long Beach Blvd., Brant Beach, NJ 08008.	Do.
North Carolina	Mecklenburg	Long Beach	I 37 019 2696 02 through I 37 019 2696 05	North Carolina Department of Water and Air Resources, Post Office Box 9392, Raleigh, NC 27603. North Carolina Insurance Department, Post Office Box 351, Raleigh, NC 27602.	Town Hall, East Ocean Highway, Long Beach, N.C. 28461.	Do.
Pennsylvania	Montgomery	Springfield Township.				Do.
Tennessee	Sevier	Sevierville	I 47 155 2170 02	Office of Federal and Urban Affairs, 321 7th Ave., North, Nashville, TN 37219. Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, TN 37219, and Upper East Tennessee Office, 323 West Walnut St., Johnson City, TN 37601. State Insurance Commission, R-114, State Office Bldg., Nashville, TN 37219.	City Recorder, Post Office Box 328, Sevierville, TN 37862.	Do.
Texas	Nueces	Agua Dulce	I 48 355 0040 02	Texas Water Development Board, 301 West 2d St., Austin, TX 78711. Texas State Board o. Insurance, 1110 San Jacinto St., Austin, TX 78701.	Office of the City Secretary Nueces County Bldg., 1514 2d St., Agua Dulce, TX 78330.	Do.
Do	San Patricio	Sinton	I 48 409 0400 02	do	City Hall, 301 East Market St., Sinton, TX 78387.	
Wisconsin	Chippewa	Unincorporated areas.				Do.
Do	Dunn	do				Do.
Do	Buffalo	Fountain City				Do.
Do	Grant	Unincorporated areas.				Do.
Do	Rock	Janesville				Do.
Do	La Crosse	Unincorporated areas.				Do.
Do	Racine	Racine				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: March 27, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71–4216 Filed 3–26–71;8:45 am]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood 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 flood hazard areas.

* * * * * * *

State	County	Location	Map. No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Arizona	Maricopa	Scottsdale				Mar. 26, 1971.
California	Los Angeles	San Marino				Do.
Minnesota	Olmsted	Rochester	H 27 109 5960 02 through H 27 109 5960 05	Division of Waters, Soils, and Minerals, Minnesota Conservation Department, 345 Centennial Bldg., St., Paul, MN 55101. Minnesota Insurance Department. R–210 State Office Bldg., St. Paul, MN 55101.	Office of the City Clerk, City Hall, Rochester, MN 55901.	Mar. 31, 1970.
Do	Wilkin	Breckenridge	H 27 167 0790 02	do	Office of the City Clerk, City of Breckenridge, City Hall, Breckenridge. MN 56520	Sept. 1, 1970.
New Jersey	Ocean	Long Beach Township.	H 34 029 1755 05 through H 34 029 1755 08	New Jersey Department of Environmental Protection, Division of Water Policy and Supply, Box 1390, Trenton, NJ 08625. Department of Banking and Insurance, State House Annex, Trenton, N.J. 08625.	Office of the Municipal Clerk, Township of Long Beach, 6805 Long Beach Blvd., Brant Beach, NJ 08008.	May 26, 1970.
North Carolina	Mecklenburg	Long Beach	H 37 019 2696 02 through H 37 019 2696 05	North Carolina Department of Water and Air Resources, Post Office Box 9392, Raleigh, NC 27603. North Carolina Insurance Department, Post Office Box 351, Raleigh, NC 27602.	Town Hall, East Ocean Highway, Long Beach, N.C. 28461.	Sept. 18, 1970.
Pennsylvania	Montgomery	Springfield Township.				Mar. 26, 1971.
Tennessee	Sevier	Sevierville	H 47 155 2170 02	Office of Federal and Urban Affairs, 321 7th Ave. North, Nashville, TN 37219. Tennessee State Planning Commission, Room C2–208, Central Services Bldg., Nashville, TN 37219, and Upper East Tennessee Office, 323 West Walnut St., Johnson City TN 37601. State Insurance Commission, R–114, State Office Bldg., Nashville, TN 37219.	City Recorder, Post Office Box 328, Sevierville, TN 37862.	Oct. 23, 1970.
Texas	Nueces	Agua Dulce	H 48 355 0040 02	Texas Water Development Board, 301 West 2d St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701.	Office of the City Secretary, Nueces County Bldg., 1514 2d St., Agua Dulce, TX 78330.	June 16, 1970.
Do	San Patricio	Sinton	H 48 409 6400 02	do	City Hall, 301 East Market St., Sinton, TX 78387.	Do.
Wisconsin	Chippewa	Unincorporated areas.				Mar. 26, 1971.
Do	Dunn	do				Do.
Do	Buffalo	Fountain City				Do.
Do	Grant	Unincorprated areas.				Do.
Do	Rock	Janesville				Do.
Do	La Crosse	Unincorporated areas.				Do.
Do	Racine	Racine				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: March 27, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71–4217 Filed 3–26–71;8:45 am]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Memo No. 736]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart O—Administrative Division

RESCINDING ADMINISTRATIVE DIVISION MEMO NOS. 524 AND 644

MARCH 19, 1971.

Under and by virtue of the authority vested in me by § 0.76(k) of Title 28 Code of Federal Regulations, Administrative Division Memo No. 524, Delegation of Authority Regarding Personnel and Administrative Matters, and Administrative Division Memo No. 644, Delegating Certain Training Authority to the Director of Personnel, Administrative Division, are hereby rescinded.

L. M. PELLERZI,
Assistant Attorney General for Administration.

[FR Doc.71-4267 Filed 3-26-71;8:49 am]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 525—EMPLOYMENT OF HANDICAPPED CLIENTS IN SHELTERED WORKSHOPS

Change in Conditions for Renewal of Special Certificates

On January 5, 1971, a proposal was published in the FEDERAL REGISTER at page 69 to amend Part 525 of Title 29 of the Code of Federal Regulations to provide for a simplified procedure for the renewal of special certificates for the employment of handicapped clients in sheltered workshops at special minimum wages by eliminating the requirement in § 525.10(a) that an application for renewal of a special certificate be filed in the same manner as an original application.

Interested parties were given 30 days in which to submit written data, views or arguments regarding the proposed amendment. Numerous responses have been received, unanimously in favor of the change. The proposal is hereby adopted without change.

The amendment shall become effective on the date of its publication in the FEDERAL REGISTER (3-27-71).

As amended, § 525.10(a) reads as follows:

§ 525.10 Renewal of special certificates.

(a) Application may be filed for renewal of any special certificate.

* * * * *

(Sec. 14, 52 Stat. 1068 as amended; 29 U.S.C. 214)

Signed at Washington, D.C., this 19th day of March 1971.

ROBERT D. MORAN,
Administrator, Wage and Hour Division.

[FR Doc.71-4268 Filed 3-26-71;8:49 am]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER A—ADMINISTRATION

PART 806—DISCLOSURE OF AIR FORCE RECORDS

Material That May Be Withheld From Disclosure

The introductory text to § 806.5 as appears in 36 F.R. 4700, March 11, 1971, is amended to read as follows:

§ 806.5 Material that may be withheld from disclosure.

Records within the categories listed in this section are not required to be made available to members of the public. Nevertheless, any record that falls under one of these exempted categories should be made available to a requester if, in the judgment of the disclosure authority designated under § 806.6, no significant purpose would be served by withholding it.

* * * * *

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[FR Doc.71-4222 Filed 3-26-71;8:46 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter IV—St. Lawrence Seaway Development Corporation

PART 401—SEAWAY REGULATIONS AND RULES

Miscellaneous Amendments

On pages 2518-2520 of the FEDERAL REGISTER of February 5, 1971, and page 3829 of the FEDERAL REGISTER of February 27, 1971, there were published notices of proposed rule making by the St. Lawrence Seaway Development Corporation to amend Subpart B—Rules of 33 CFR Part 401. In amending the Rules, the Corporation is acting jointly and in coordination with the St. Lawrence Seaway Authority of Canada pursuant to the provisions of its enabling act (33 U.S.C. 981, et seq.).

Interested parties were invited to submit written comments and suggestions with respect to the proposed amendments. The written comments received do not require a revision of the proposal; therefore, the proposed regulations are hereby adopted without change.

Because these amendments were developed jointly with the St. Lawrence Seaway Authority of Canada and will be adopted by that agency at the beginning of the 1971 navigation season, I find that good cause exists for making the amendments effective in less than 30 days. Accordingly, they shall become effective on the date of their publication in the FEDERAL REGISTER (3-27-71).

D. W. OBERLIN,
Administrator.

I. Amend § 401.102-10 by deleting the words "in excess of 40 feet in overall length", and inserting the word "self-propelled" after the word "All". All self-propelled vessels other than pleasure craft of less than 65 feet are now required to be equipped with VHF (very high frequency) radiotelephone equipment. The revised section reads as follows:

§ 401.102-10 Radiotelephone equipment.

All self-propelled vessels, other than pleasure craft of less than 65 feet, must be equipped with VHF (very high frequency) radiotelephone equipment. The radio transmitters must have sufficient power output to enable the vessel to communicate with Authority stations from a distance of 30 miles and must be fitted to operate from the wheelhouse and to communicate on 156.55, 156.6, 156.7, and 156.8 MHz.

II. Amend the rules on Radio Communications to provide a more readable and workable procedure and to require communications necessary to implement the new positive system of traffic control. A new section is added after § 401.103-3 and present sections 401.103-4 and 401.103-5 are renumbered and revised, as follows:

§ 401.103-4 VHF Radio coverage and procedure.

(a) Vessels must use the channels of communication in each Control Sector as listed below:

Station		Control sector No. and limits	Call in	Work	Listening watch
Seaway Beauharnois	1	C.I.P. No. 2 to C.I.P. No. 6-7	Ch. 14	Ch. 14	Ch. 14.
Seaway Eisenhower	2	C.I.P. No. 6-7 to C.I.P. No. 10-11	Ch. 12	Ch. 12	Ch. 12.
Seaway Iroquois	3	C.I.P. No. 10-11 to Whaleback Shoal	Ch. 14	Ch. 14	Ch. 14.
WAG Clayton	4	Whaleback Shoal to Tibbetts Point	Ch. 16	Ch. 12	Ch. 16.
Seaway Picton	5	Tibbetts Point to Mid Lake Ontario	Ch. 11	Ch. 11	Ch. 16.
Seaway Oshawa	5	Mid Lake Ontario to C.I.P. No. 15	Ch. 11	Ch. 11	Ch. 16.
Seaway Welland	6	C.I.P. No. 15 to C.I.P. No. 16	Ch. 14	Ch. 14	Ch. 14.
Seaway Long Point	7	C.I.P. No. 16 to Long Point	Ch. 11	Ch. 11	Ch. 16.
Seaway Sault	8	C.I.P. No. 17 to C.I.P. No. 18	Ch. 14	Ch. 14	Ch. 16.

(b) Initial calls originating from Seaway Stations to vessels in Sectors 4, 5, 7 and 8 will be on Channel 16, switching to the working channel for conversation.

(c) Vessels arriving at either Call-in-Point 15 or 16 should call "Seaway Welland" on Channel 14. If the vessel is called directly into the canal, it will remain on Channel 14. If the vessel is not to come directly into the canal, it will be sent to anchorage and instructed to guard Channel 16 until called in.

§ 401.103–5 Calling-in.

(a) * * *

C.I.P. and check point	Station to call	Message content
	UPBOUND VESSELS	
* * *	* * *	* * *
C.I.P. 7—Entering Sector 2.	Seaway Eisenhower Ch. 12.	1. Name of Vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. ETA Snell Lock (if pilot required).
C.I.P. 8—(Order of passing through established).	do	1. Name of Vessel. 2. Location.
C.I.P. 8A	do	1. Name of Vessel. 2. Location.
* * *	* * *	* * *
Whaleback Shoal—Entering Sector 4.	WAG Clayton (Call Ch. 16; Work Ch. 12).	1. Name of Vessel. 2. Location. 3. ETA Cape Vincent. 4. Confirmation pilot requirement—Lake Ontario.
Tibbetts Point—Leaving Sector 4.	do	1. Name of Vessel. 2. Location.
Tibbetts Point—Entering Sector 5.	Seaway Picton Channel 11.	1. Name of Vessel. 2. Location. 3. ETA Point Petre. 4. ETA Port Weller. (C.I.P. 15) or Lake Ontario Port. 5. Pilot requirement—Port Weller.
* * *	* * *	* * *
Newcastle	Seaway Oshawa Channel 11.	1. Name of Vessel. 2. Location. 3. Updated ETA Port Weller (C.I.P. 15). 4. Confirmation pilot requirement—Port Weller.
* * *	* * *	* * *
Long Point—Leaving Sector 7.	Seaway Long Point Ch. 11.	1. Name of Vessel. 2. Location.
* * *	* * *	* * *
	DOWNBOUND VESSELS	
* * *	* * *	* * *
Long Point—Entering Sector 7.	Seaway Long Point Ch. 11.	1. Name of Vessel. 2. Location. 3. ETA C.I.P. 16.
* * *	* * *	* * *
* * *	* * *	* * *
Point Petre	Seaway Picton Ch. 11.	1. Name of Vessel. 2. Location. 3. Updated ETA Tibbetts Point or Lake Ontario Port. 4. Confirmation pilot requirement—Cape Vincent.
* * *	* * *	* * *
Tibbetts Point Entering Sector 4.	WAG Clayton (Call Ch. 16; Work Ch. 12).	1. Name of Vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo.
Whaleback Shoal Leaving Sector 4.	do	1. Name of Vessel. 2. Location.
Whaleback Shoal Entering Sector 3.	Seaway Iroquois Ch. 14.	1. Name of Vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo.
C.I.P. 14	do	1. Name of Vessel. 2. Location.
* * *	* * *	* * *
C.I.P. 10—Entering Sector 2.	Seaway Eisenhower Ch. 12.	1. Name of Vessel. 2. Location.
C.I.P. 9	do	1. Name of Vessel. 2. Location. 3. ETA Snell Lock (if pilot required).
* * *	* * *	* * *
St. Lambert to C.I.P. 2—Leaving Sector 1.	Seaway Beauharnois Ch. 14.	1. Name of Vessel. 2. Location. 3. See paragraph (b) of this section.

(b) A downbound vessel in St. Lambert Lock wishing to communicate with Montreal Marine Control will switch to Channel 13 (156.65 MHz) for a Montreal Harbor situation report. After completing the call, the vessel will return to guarding Channel 14 (156.7 MHz) before exiting the lock. When the vessel has cleared the downstream end of the lower approach wall of St. Lambert Lock, the master or pilot will call "Seaway Beauharnois" and request permission to switch to Channel 13 (156.65 MHz). Seaway Beauharnois will concur and advise the vessel of any upbound traffic cleared for Seaway entry but not yet at C.I.P. 2. In the event of expected vessel meeting(s) between the downstream end of the lower approach wall and C.I.P. 2, the downbound vessel will be told to remain on Channel 14 (156.7 MHz) until the meet has been completed. After the meeting, the downbound vessel will call back before going to Channel 13 (156.65 MHz).

* * * * *

(d) Changes in information provided under paragraph (a) of this section shall be reported to the appropriate Seaway Station.

§ 401.103–6 Communication—ports, docks and anchorages.

* * * * *

(b) Vessels entering or leaving a lake port shall report to the appropriate Seaway Station as follows:

Toronto and Hamilton—1 mile outside of harbor limits.
Other lake ports—When crossing the harbor entrance.

III. Amend the rules on Transit Instructions as follows:

1. Section 401.104–1 is amended to reflect the present agreement as to the duration of the navigation season and reads as follows:

§ 401.104–1 Navigation season.

Unless in the opinion of the Authority weather and ice conditions do not allow navigation on the Seaway will open and will close on the following dates in each year:

	Open	Close
Welland Canal	Apr. 1	Dec. 22
Sault Ste. Marie Canal (Canada)	Apr. 4	Dec. 12
South Shore, Beauharnois, Wiley-Dondero, and Iroquois Canals	Apr. 1	Dec. 12

NOTE: The Seaway Entities are presently carrying out extensive studies directed towards the possible extension of the navigation season. Accordingly, where conditions warrant and other circumstances permit, the above dates may be modified in a Seaway Notice.

2. Section 401.104–12 is amended to clarify the restriction on the speed at which a vessel may travel when passing a moored vessel or equipment working in a canal. The revised section reads as follows:

§ 401.104–12 Speed passing moored vessel or working equipment.

A vessel passing a moored vessel or equipment working in a canal shall proceed at such a speed so as not to endanger the vessel or the occupants thereof.

§ 401.104–25 [Amended]

3. The Mooring Table in § 401.104–25 is amended under Lock 8 of the Welland Canal by striking the letter "S" for the upbound tieup walls and inserting the letters "P or S" in the place thereof. This permits an upbound vessel to tie up to either starboard or portside in that lock.

§ 401.104–32 [Amended]

4. Section 401.104–32 is amended by striking the word "Prescott" and inserting the words "Prescott and Union Park" in place thereof to reflect the present designation of Union Park as an anchorage area.

§ 401.104–34 [Amended]

5. Section 401.104–34 is amended by striking the words "one thousand, six hundred feet" and inserting the words "two thousand, two hundred feet" to properly state the existing distances for the "Whistle" signs.

6. A new § 401.104–50 is added to require reporting of certain deficiencies to navigation aids in order to provide more timely information on such problems. The new section reads as follows:

§ 401.104–50 Reporting navigation aid deficiencies.

Any aid to navigation that is extinguished, damaged, out of position, or missing shall be reported to the nearest Seaway Station.

IV. Amend the rules on Dangerous Cargo as follows:

1. Section 401.105–7 is amended to provide an exception to the requirement that a vessel carrying hazardous cargo shall be equipped with nonmetallic fenders. The exception resulted from a recent study and applies to a vessel that is carrying Bunker C oil or its equivalent and is equipped with gas free ballast wing tanks. The revised section reads as follows:

§ 401.105–7 Nonmetallic fenders.

An explosive vessel and a hazardous cargo vessel, other than one carrying the equivalent of Bunker C oil in the center tanks and which is equipped with gas free ballast wing tanks, must be equipped with a sufficient number of nonmetallic fenders to prevent any metallic part of the vessel from touching the side of a dock or lock wall.

2. Section 401.105–10 is amended to require the reporting of flashpoint for hazardous cargo when calling-in and to renumber the references to § 401.103–3 and § 401.103–4 to § 401.103–5. This will provide information which will facilitate the handling of vessels while transiting the locks. The revised section reads as follows:

§ 401.105–10 Calling-in.

An explosive vessel shall report the Seaway Explosive Permit number, and both explosive and hazardous cargo vessels shall report the nature of their cargo and its flashpoint (hazardous cargo), in addition to the other required information, when calling-in as provided by § 401.103–5.

(68 Stat. 93–97, 33 U.S.C. 981–990, as amended)

[FR Doc.71–4280 Filed 3–26–71;8:50 am]

Title 45—PUBLIC WELFARE

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

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Information Reporting Requirements, Internal Revenue Code

Interim policy was published in the FEDERAL REGISTER on February 28, 1970 (35 F.R. 3898) relating to information reporting requirements and to verification of services by providers in the medical assistance programs authorized under title XIX of the Social Security Act.

After consideration of comments received, the regulations are hereby republished with the following change: Section 250.71(c), requiring a system for verification of services provided, has been redesignated as § 250.80(f) and thereby incorporated in the State plan requirements relating to fraud in the medical assistance program, a more appropriate location. Accordingly, a new § 250.71 is added to Part 250 of Chapter II, Title 45, of the Code of Federal Regulations, as set forth below.

§ 250.71 Information reporting requirements, Internal Revenue Code.

State plan requirements: A State plan for medical assistance under title XIX of the Social Security Act must provide for:

(a) Identification of providers of service by social security number or by employer identification number. When the provider is in solo practice, identification shall be by social security number. When the provider is in other than solo practice, identification shall depend upon the group's billing practices; where billing is by the individual, then identification shall be by social security number; where billing is by a partnership or a corporation, then identification shall be by employer identification number.

(b) Compliance with the information reporting requirements of the Internal Revenue Code (26 U.S.C. 6041). With respect to payments for services under the plan, the Internal Revenue Code requires that annual information returns be filed showing aggregate amounts paid to providers of service identified by name, address, and social security number or employer identification number.

Effective date. These regulations are effective on the date of publication in the FEDERAL REGISTER (3–25–71).

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

Dated: January 15, 1971.

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

Approved: March 17, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71–4094 Filed 3–26–71;8:45 am]

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Fraud in the Medical Assistance Program

Interim policy which sets forth regulations to implement section 1902(a)(4)(A) of the Social Security Act with respect to fraud in the Medical Assistance Program was published in the FEDERAL REGISTER of December 17, 1969 (34 F.R. 19775). After consideration of views presented by interested persons, the following changes in the regulations were made:

1. Interim policy 250.80(a)(4) has been revised to indicate that States, in reporting each case of suspected fraud by a provider which has been referred to law enforcement officials, shall identify the provider by a numbering system which does not disclose the identity of the provider, unless the Social and Rehabilitation Service specifically requests such disclosure. (See § 250.80(d)(1).)

2. Interim policy § 250.80(a)(5) has been amended to allow an alternative method for certification by providers regarding payments of their claims. A statement similar to the one required on the claims forms can instead be printed above the claimant's endorsement on the reverse of checks or warrants payable to all providers. (See § 250.80(e)(2).)

3. A requirement for a system to verify that services billed were received by clients, published February 28, 1970 (35 F.R. 3898) as part of the interim policy on information reporting requirements, is incorporated in this regulation (§ 250.80(f)) as a more appropriate location.

Accordingly, the regulations as so amended and set forth below are hereby codified as § 250.80 of Chapter II of Title 45 of the Code of Federal Regulations.

§ 250.80 Fraud in the medical assistance program.

State plan requirements: A State plan for medical assistance under title XIX of the Social Security Act must:

(a) Provide that the State agency will establish and maintain (1) methods and criteria for identifying situations in which a question of fraud in the program may exist, and (2) procedures developed in cooperation with State legal authorities for referring to law enforcement officials situations in which there is valid reason to suspect that fraud has been practiced. The definition of fraud for purposes of this section will be determined in accordance with State law.

(b) Provide for methods of investigation of situations in which there is a question of fraud that do not infringe on the legal rights of persons involved and are consistent with principles recognized as affording due process of law.

(c) Provide that the State agency will designate positions that are responsible for referring situations involving suspected fraud to the proper authorities.

(d) Provide that the State agency will establish and maintain procedures for reporting promptly to the Social and Rehabilitation Service (1) by a numbering system which does not disclose identity of the provider (unless the Social and Rehabilitation Service specifically requests such disclosure) each case of suspected fraud by a provider which has been referred by the State or local agency to law enforcement officials for appropriate action and subsequently (2) the disposition thereof by such law enforcement officials.

(e) (1) Provide for the following statements (or alternate wording approved by the Social and Rehabilitation Service Regional Commissioner) to be imprinted in boldface type on all provider claims forms above the claimant's signature:

(i) "This is to certify that the foregoing information is true, accurate, and complete."

(ii) "I understand that payment and satisfaction of this claim will be from Federal and State funds, and that any false claims, statements, or documents, or concealment of a material fact, may be prosecuted under applicable Federal or State laws"; or alternatively,

(2) Provide for the following wording to appear on the reverse of checks (or warrants) payable to all providers above the claimant's endorsement:

I understand that endorsement hereon or deposit to the accounts of the within named payee is done with the understanding that payment will be from Federal and State funds and that any false claims, statements, or documents, or concealment of a material fact, may be prosecuted under applicable Federal or State laws.

(f) Provide for establishing a basis for verifying with recipients whether services billed by providers were actually received. Such basis may be by random sample of patients for each provider who is paid significant amounts under the program and for groups of providers, none of whom receive a significant amount.

Effective date. The regulations set forth above shall be effective on date of publication in the FEDERAL REGISTER (3-25-71), except for § 250.80 (d) and (e) which shall become effective 120 days after date of publication.

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

Dated: February 16, 1971.

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

Approved: March 17, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-4093 Filed 3-26-71;8:45 am]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER J—MISCELLANEOUS

[General Order 84, 2d Rev.]

PART 360—TRANSFER OF MARINE EQUIPMENT TO SHIP OPERATORS AND SHIPYARDS

Part 360 of this title and chapter is hereby revised to read as follows:

Sec.
360.1 Purpose.
360.2 Definitions.
360.3 Policy.
360.4 Procedure.

AUTHORITY: The provisions of this Part 360 issued under section 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114.

§ 360.1 Purpose.

To set forth the policy and procedures governing the transfer of marine equipment by the Maritime Administration to operators of merchant ships and to shipyards for the construction or repair of merchant ships, on the basis of replacement at the earliest possible date.

§ 360.2 Definitions.

(a) The term "transfer," as used herein, shall be deemed to be a transfer of possession with passage of title upon delivery of the equipment to the operator or shipyard, and with obligation for replacement of the equipment by the transferee.

(b) The terms "marine equipment" and "equipment," as used herein, shall be deemed to include machinery, spare parts, and equipment required for the operation, construction, or repair of merchant ships.

§ 360.3 Policy.

(a) Transfers of marine equipment owned by the Maritime Administration will be made, upon request, only in cases of emergency under the following conditions:

(1) There must be a need which cannot be filled within a reasonable time by a manufacturer or other source;

(2) The transferee shall agree to stand all costs incurred in connection with the transfer;

(3) The transferee shall agree to take possession and custody of the equipment at a time and place designated by the Maritime Administration, and there shall be no liability on the part of the Maritime Administration for any failure of the equipment thereafter; and

(4) The equipment transferred shall be replaced by the transferee, at his expense, at the earliest practicable date and at a point designated by the Maritime Administration to be suitable for ment of the same type and design or with equipment determined by the Maritime Administratio nto be suitable for the same use as the equipment transferred, in a condition satisfactory to the Maritime Administration and in compliance with American Bureau of Shipping and U.S. Coast Guard standards.

(b) Transfers which meet the above requirements may be made (1) to operators of U.S.-flag merchant ships and shipyards for the construction or repair of U.S.-flag merchant ships, and (2) to foreign-flag merchant ships and U.S. shipyards for the construction or repair of foreign-flag merchant ships, when it is determined by the Maritime Administration, in consultation with other Government agencies, as appropriate, that the transfer would be beneficial to the American merchant marine, the defense effort, or otherwise in the national interest.

(c) The transferee shall furnish a deposit to the Maritime Administration in the amount of the current acquisition value (new) of the equipment, as determined by the Maritime Administration, plus 10 percent of such amount to cover expenses which may be incurred by the Maritime Administration in connection with the transaction, including possible damages to Maritime Administration properties, and, where applicable, an additional amount equal to the estimated cost of closing any openings or reassembling any machinery made necessary by the transfer. This deposit, less the amount of any expenses or damages incurred by the Maritime Administration in connection with the transfer, will be returned to the transferee upon satisfactory replacement of the equipment.

(d) The transferee shall pay to the Maritime Administration a service charge in the amount of $200 to cover administrative and operating expenses incurred in processing the transfer. This amount is to be deposited to the credit of the Government, and will not be returned to the transferee.

§ 360.4 Procedure.

(a) Requests for the transfer of marine equipment shall be submitted, in writing, to the Chief, Division of Reserve Fleet, Maritime Administration, Washington, D.C. 20235, or to the appropriate Region Director in the field, and shall include the following information:

(1) Name and address of organization requesting the transfer;

(2) Description of the equipment required;

(3) Time and method of replacement of equipment;

(4) Name, type, and flag of ship involved, port at which installation is to be made, and trade route and type of trade in which ship is engaged; and

(5) A detailed explanation of the need, establishing that an emergency exists and that the equipment cannot be obtained elsewhere in time for the ship to sail on schedule or to continue a voyage.

(b) Upon determination by the Maritime Administration that the justification for the transfer meets the policy requirements of § 360.3 and that the equipment is available for transfer, the authorized transfer official shall obtain from the applicant, in writing, an agreement to the conditions of the transfer, including the conditions set forth in § 360.3 and such other conditions as may be appropriate, including the foregoing definition of the term "transfer."

(c) The transferee shall transmit to the Maritime Administration, Washington, D.C., or the appropriate Region Director a certified or cashier's check payable to "Maritime Adm.-Commerce" in the amount of the required deposit and the service charge, as determined under § 360.3 (c) and (d).

(d) Upon approval of the transfer, the Chief, Division of Supply Management or appropriate Region Director shall authorize the issuance of appropriate shipping and other necessary instructions for the transfer of the equipment to the ship operator or shipyard.

(e) Upon determination that the equipment transferred has been satisfactorily replaced and all conditions of the transfer have been complied with, the Maritime Administration will refund to the transferee the amount of his deposit less such deductions as are determined by the Maritime Administration to be appropriate.

Dated: March 22, 1971.

By order of the Deputy Assistant Secretary for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.71-4183 Filed 3-26-71;8:45 am]

Title 49—TRANSPORTATION

Chapter II—Federal Railroad Administration, Department of Transportation

PART 251—LOANS AND GUARANTEE OF LOANS UNDER RAIL PASSENGER SERVICE ACT OF 1970

The purpose of this amendment is to establish a new Part 251 setting forth the procedures and requirements for the filing of applications for loans or guarantee of loans by the Federal Railroad

Administrator under the Rail Passenger Service Act of 1970 (Public Law 91–518).

Since this amendement relates to loans and the guarantee of loans, notice and public procedure are not required and it may be made effective in less than 30 days.

In consideration of the foregoing, effective immediately, Chapter II of Subtitle B of Title 49, Code of Federal Regulations, is amended by adding a new Part 251, as set forth below.

Issued in Washington, D.C., on March 22, 1971.

CARL V. LYON,
Acting Administrator,
Federal Railroad Administration.

Sec.
251.1 Applicability.
251.3 Definitions.
251.5 Contents of application.
251.7 Required exhibits.
251.9 Additional information.
251.11 Fees for loan guarantees.
251.13 Execution and filing of application.
251.15 General instructions.

Appendix A—Required exhibits, documents, and certificates.
Appendix B—Forms.

AUTHORITY: The provisions of this Part 251 issued under secs. 602 and 701 of the Rail Passenger Service Act of 1970, Public Law 91-518; § 1.49(1), Regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(1).

§ 251.1 Applicability.

This part prescribes the procedures governing applications for loans or the guarantee of loans to railroads, the National Railroad Passenger Corporation or regional transportation agencies under section 602 or 701 of the Rail Passenger Service Act of 1970 (45 U.S.C. 501 et seq: 84 Stat. 1327).

§ 251.3 Definitions.

As used in this part—

"Act" means the Rail Passenger Service Act of 1970.

"Administrator" means the Federal Railroad Administrator.

"Commission" means the Interstate Commerce Commission.

"Railroad" means a common carrier by railroad as defined in section 1(3) of Part 1 of the Interstate Commerce Act, as amended (49 U.S.C. 1(3)).

§ 251.5 Contents of application.

(a) Each application shall include, in the order indicated and identified by applicable section numbers and letters corresponding to those used in this part, the following information as to the Applicant (or Trustee, if applicable) and the transaction:

(1) Full and correct name and principal business address.

(2) Name, title, and address of the person to whom correspondence regarding the application should be addressed.

(3) Brief description of the loan and its purpose or purposes, including statements of—

(i) The total amount of the loan;

(ii) The purpose or purposes for which the loan proceeds will be used;

(iii) The maturity date or dates;

(iv) Description of the security, if any, for the loan, including applicants' opinion of the value of any collateral and the basis for such opinion;

(v) The date or dates on which the applicant desires the funds to be made available;

(vi) The rate of interest;

(vii) Estimated total expenses in connection with the loan, including detail as to expenses estimated for legal and accounting services, printing and engraving, trustees' fees, State and Federal taxes, and commissions and discounts; and

(viii) If a guarantee, the portion of the loan concerning which guarantee by the Administrator is sought, description of the security for the loan and the guarantee, together with an opinion of the value of such collateral and the basis for such opinion.

(4) Statement, in summary form showing the Applicant's financial obligations to, or claims against, the United States, if any, as of date of application, or latest available date, listed as to—

(i) Balance on any direct loans;

(ii) Balance on any loans under which the United States is guarantor;

(iii) Status of any claims under litigation; and

(vi) Any other debits or credits existing between the Applicant and the United States, showing the department or agency involved in such loans, claims and other debts.

(b) Each application shall include, in the order indicated and identified by applicable section numbers and letters corresponding to those used in this part, the following information as to the lender or lenders:

(1) Full and correct name and principal business address.

(2) Names and addresses of principal executive officers and directors, or partners.

(3) Reference to applicable provisions of law and the charter or other governing instruments conferring authority to the lender to make the loan and to accept the mortgage or other obligation securing the loan.

(4) Brief statement of the circumstances and negotiations leading to the agreement by the lender to make the proposed loan, including the name and address of any person or persons, other than directors, officers, partners, or employees of the Applicant, representing or purporting to represent the Applicant in connection with such negotiations.

(5) Brief statement of the nature and extent of any affiliation or business relationship between the lender and any of its directors, partners, or principal executive officers, on the one hand, and, on the other, the Applicant and any of its directors, partners, or principal executive officers, or any person or persons whose name is required to be furnished under subparagraph (4) of this paragraph.

(6) Full and complete statement of all sums paid or to be paid and of any other consideration given or to be given by lender in connection with the proposed loan, including with respect thereto:

(i) Name and address of each person to whom the payment is made or to be made;

(ii) The amount of the cash payment, or the nature and value of other consideration;

(iii) The exact nature of the services rendered or to be rendered;

(iv) Any condition upon the obligation of the lender to make such payment; and

(v) The nature of any affiliation, association, or prior business relationship between any person listed in subdivision (i) of this subparagraph and the lender or any of its directors, partners, or officers.

§ 251.7 Required exhibits.

Each application and each copy thereof required by this part must have attached the exhibits listed in Appendix A to this part. If a particular exhibit is not applicable, the application shall so state.

§ 251.9 Additional information.

(a) Each application for a loan guarantee must include the following:

(1) A statement on behalf of the Applicant that it has endeavored to obtain a loan without a guarantee by the Administrator, but has not been able to obtain a loan upon reasonable terms, including in the statement the terms that are available and describing any facts relevant to the efforts to obtain a loan.

(2) Copies of correspondence from all, and not less than three, lending institutions to which application for the financing has been made, showing that they have declined the financing unless guaranteed by the Administrator or showing the terms upon which they will undertake the financing without a guarantee.

(b) Each application for a loan must include the following:

(1) A statement on behalf of the Applicant that it has endeavored to obtain a loan but has been unable to obtain a loan therefor upon reasonable terms, and including in the statement the terms that are available and describing any facts relevant to the efforts to obtain a loan.

(2) Copies of correspondence from all, but not less than three, lending institutions to which application for the financing has been made, showing that they have declined the financing.

§ 251.11 Fees for loan guarantees.

The lender of a loan guaranteed by the Administrator shall pay to the Administrator a guarantee fee that the Administrator determines to be reasonable under the circumstances. This guarantee fee is paid on the date of closing the loan and annually thereafter until the loan is repaid.

§ 251.13 Execution and filing of application.

(a) Each original application shall bear the date of execution and be signed by or on behalf of the Applicant and the

lender. Execution on behalf of the Applicant shall be by an officer having knowledge of the matters set forth in the application. Each person signing the application on behalf of the Applicant or lender shall also sign a certificate in the form as set forth in Appendix B to this part.

(b) Each original application shall include a certificate by the Chief Accounting Officer of the Applicant in the form set forth in Appendix B to this part.

(c) Each original application and supporting papers, and six copies thereof shall be filed with the Federal Railroad Administrator, Department of Transportation, Washington, D.C. One copy of the application and supporting papers for a loan under section 701 of the Act shall be filed with the Secretary of the Treasury, Washington, D.C. Each copy shall show the dates and signatures that appear in the original and shall be complete in itself.

(d) If unusual difficulties arise in the furnishing of any of the exhibits required by § 251.7, the Applicant or the lender may, upon appropriate showing and with the consent of the Administrator, omit filing those exhibits.

(e) If furnishing exhibits in the detail required by § 251.7 is shown by the Applicant or lender to be unduly burdensome in relation to the nature and amount of the loan, the Administrator may modify the requirements of said section.

(f) The Administrator may, with respect to individual loans, waive or modify any requirement of this part upon good cause shown, or make any additional requirements he deems necessary.

§ 251.15 General instructions.

(a) If the application is approved by the Administrator the documents listed in section II of Appendix A to this part shall be deposited with the Administrator at least 3 business days before the transaction is closed, together with any other document the Administrator may require.

(b) A loan or a guarantee of a loan by the Administrator under this part does not relieve the applicant from complying with section 20a of the Interstate Commerce Act (49 U.S.C. 20a) in relation to the issuance of securities.

APPENDIX A—REQUIRED EXHIBITS, DOCUMENTS, AND CERTIFICATES

I. *Exhibits.* (a) The following exhibits must be submitted with respect to the Applicant:

Exhibit 1. A duly certified copy of the Charter or Articles of Incorporation and the bylaws of the Applicant. (Submitted with the original application only.)

Exhibit 2. A certified copy of resolutions of the Board of Directors of the Applicant, or if the Applicant is in reorganization under Chapter 77 of the Bankruptcy Act, a certified copy of the order of the District Court having jurisdiction of Applicant, authorizing—

(i) The filing of the application;

(ii) The filing of an application with the Interstate Commerce Commission under section 20a of the Interstate Commerce Act, for authority to issue securities; and

(iii) The pledge of security for the loan or the guarantee.

Exhibit 3. A preliminary opinion of counsel for Applicant that he is familiar with the corporate or other organizational powers of the Applicant, that the Applicant is authorized to make the application, and that when proper corporate action has been taken, necessary authorizations obtained and the obligations executed, and security delivered as contemplated by the application, the obligations will constitute the valid and subsisting obligations of the Applicant.

Exhibit 4. A map of the railroad owned, operated, or leased by Applicant.

Exhibit 5. A statement as to whether or not any railroad affiliated with Applicant has applied for or received a loan guarantee under Title V of the Interstate Commerce Act, the Emergency Rail Services Act of 1970, or under this Act. If an affiliate has applied for or received such a guarantee, full particulars shall be given.

Exhibit 6. A statement showing total dividends declared and total dividends paid for each of the last 5 calendar years and for the current year to latest available date.

Exhibit 7. A copy of general balance sheet as of latest available date, but not earlier than the end of the third month preceding date of filing of the application, in the form and detail required in Schedules 200A and 200L of the Interstate Commerce Commission's annual report Form A, together with the following supporting schedules:

(i) Particulars of loans and notes receivable in form and detail as required in Schedule 201 of annual report Form A or the Class I railroads.

(ii) Particulars of investments in other companies in form and detail similar to that required in Schedules 205 and 206 of annual report Form A.

(iii) Particulars of balances in accounts 741 and 743, Other Assets and Deferred Charges, in form and detail as required in annual report Form A, Schedule 216.

(iv) Particulars of loans and notes payable in form and detail required in Schedule 223 of annual report Form A, as well as information as to bank loans, including the name of the bank, date and amount of the original loan, current balance, maturities, rate of interest, and any security given.

(v) Particulars of long-term debt in form and detail similar to that required in Schedules 218 and 219 of annual report Form A, including a brief statement concerning each mortgage, and indicating the property or securities encumbered.

(vi) Particulars of balance in account 784, Other Deferred Credits, in form and detail as required in Schedule 225 of annual report Form A.

(vii) Particulars as to contingent assets and liabilities in form and detail as required in Schedule 233 of annual report Form A.

(viii) Particulars as to guarantees and suretyships in form and detail as required in Schedule 110 of annual report Form A.

(ix) Particulars as to capital stock in form and detail as required in Schedules 228, 229, and 230 of annual report Form A.

The information required in this exhibit shall give effect to any modification of the Commission's Uniform System of Accounts for Railroad Companies in effect on the date the loan application is filed.

Exhibit 8. A statement showing comparative balance sheets as of December 31, for each of the last 2 years preceding the year in which the application is filed, in the form and detail required in annual report Form A, Schedules 200A and 200L, and if the Applicant's report to its stockholders includes a consolidated balance sheet for two or more railroads which differs from the returns in the balance sheet schedules of its annual reports to the Commission, reference shall be made to the sections of the stockholders' reports which include those consolidated balance sheets.

Exhibit 9. A copy of the Applicant's report to its stockholders for each of the 3 years preceding the year in which the application is filed. (Submitted with the original of the application only.)

Exhibit 10. A comparative income statement for last full quarter of the year preceding the month of the year in which the loan application is filed, including cumulative data to latest month shown, which may not be earlier than the third month preceding date of filing the application, compared with the same quarter of each of the 2 preceding years, in account form similar to that required in column (a) of Schedule 300 of annual report Form A. The information must be modified to include any revision of the Commission's Uniform System of Accounts for Railroad Companies in effect on the date the loan application is filed.

Exhibit 11. A comparative income statement showing data for each of the last 2 years in account form and detail required by Exhibit 10.

Exhibit 12. A pro forma income statement showing estimated income account for each of the remaining months in the current year and for each month of the following year, in the account form and detail required by Exhibit 10, together with a statement setting forth the basis for such estimates.

Exhibit 13. A comparative statement of total expenditures for maintenance of (i) way and structures and (ii) equipment for each of the past 2 years and for each month of the current year, together with estimated expenditures for the remaining months of the current year and the following year, including a statement showing the basis for the estimates.

Exhibit 14. A statement showing for the current calendar year and each year for 5 years thereafter, estimates for total operating revenues, total operating expenses, operating ratio, income available for fixed charges, and net income after fixed charges and contingent interest.

Exhibit 15. A statement showing actual cash balance at the beginning of each month and the actual cash receipts and disbursements during each month of the current year to the date of the latest balance sheet furnished as Exhibit 7, together with a monthly forecast (both before and after giving effect to use of proceeds from the proposed loan) for the balance of the current year and for the following year.

Exhibit 16. A statement showing, for each month to latest available month of the current year, compared with the same month of each of the 2 preceding years—

(i) Number of tons of revenue freight carried;

(ii) Number of revenue ton-miles;

(iii) Freight revenue (account 101);

(iv) Number of passengers carried;

(v) Number of passenger miles;

(vi) Passenger revenue (account 102); and

(vii) Estimated information for subdivisions (i) through (iii) for each of the remaining months in the current year and for the following year.

Exhibit 17. A comparative statement showing, for each year in the 2-year period preceding the year in which the application is filed, and on an estimated basis for the current year and each of the 4 years thereafter, the following:

(i) Total charges to operating expenses for depreciation of way and structures, and equipment;

(ii) Deductions for accelerated tax amortization under section 168 of the Internal Revenue Code in excess of charges listed in subdivision (i);

(iii) Net income reported in annual reports to the Commission; and

(iv) Pro forma net income which would have resulted without the benefit of deductions for accelerated tax amortization under section 168 of the Internal Revenue Code.

Exhibit 18. A general statement setting forth the facts as to estimated prospective earnings and other funds upon which Applicant relies to repay the loan.

(b) The following exhibits must be submitted with respect to the loan transaction:

Exhibit 19. Specimens or, where specimens are not available, forms of all securities to be pledged or otherwise issued in connection with the proposed loan and in case of a mortgage, a copy of the mortgage or indenture.

Exhibit 20. Copies of the loan agreement entered into, or to be entered into, between the Applicant and lender, and of any agreements or instruments executed or to be executed in connection with the proposed loan.

(c) The following must be submitted with applications under section 701 of the Act:

Exhibit 21. An executed copy of the Agreement between the Applicant and the National Railroad Passenger Corporation entered into under section 401 of the Act.

(d) If Applicant is not a carrier subject to the accounting requirements of the Commission, Exhibits 7, 8, 10–12 shall conform to generally accepted accounting principles and practices.

II. *Documents.* (a) The following documents must be submitted under § 251.15(a) before the closing of the loan transaction:

(1) A final opinion by counsel for the Applicant to the effect that he is familiar with the corporate powers of the Applicant; that the Applicant is authorized to execute and deliver the securities or other obligations evidencing them, and to pledge and hypothecate any securities pledged as collateral; that the securities or other obligations so executed and delivered constitute the valid and binding obligations of the Applicant; and that the securities or other obligations of the Applicant will obtain a lien on any security involved of the rank and priority represented by the Applicant. The opinion shall also cover the priority and lien of each item of the collateral offered.

(2) Certified copies of the resolutions of the Board of Directors of the Applicant or, where applicable, the order of the reorganization court, authorizing officers of Applicant to execute and deliver the securities or other obligations and to give the security under and according to the terms of the loan or guarantee as prescribed by the Administrator.

APPENDIX B—FORMS

I. The following is the form of the certificate to be made by each person signing an application on behalf of an Applicant or lender:

---------- certifies
(Name of official)
that he is the ---------- of the
(Title of official)
----------; that he
(Name of Applicant or lender)
is authorized by ----------to sign
(Name of Applicant or lender)
and file with the Administrator this application and the attached exhibits; that he has carefully examined all of the statements contained in the application and the attached exhibits relating to ----------;
(Name of Applicant or lender)
that he has knowledge of the matters set forth therein and that all statements made and matters set forth therein are true and correct to the best of his knowledge, information, and belief.

---------- ----------
(Date) (Signature)

II. The following is the form of the certificate to be made by the Chief Accounting Officer of an Applicant:

----------certifies that he
(Name of Officer)
is ---------- of
(Title of Officer)
----------; that he
(Name of Applicant)
has supervision over the books of account and other financial records of----------
---------- and has
(Name of Applicant)
control over the manner in which they are kept; that the accounts are maintained in good faith in accordance with the orders of the Interstate Commerce Commission or with generally acceped accounting principles and practices; that he has examined the financial statements and supporting schedules included in this application and to the best of his knowledge and belief those statements accurately reflect the accounts as stated in the books of account, and that, other than the matters set forth in the attached exceptions those financial statements and supporting schedules represent a true and complete statement of the financial position of the Applicant; and that there are no undisclosed assets, liabilities, commitments to purchase property or securities, other commitments, litigation in the courts, contingency rental agreements, or other contingent transactions which might materially affect the financial position of the Applicant.

---------- ----------
(Date) (Signature)

[FR Doc.71-4281 Filed 3-26-71;8:50 am]

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

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Seat Belt Assemblies for Passenger Cars, Multipurpose Passenger Vehicles, Trucks and Buses

The purpose of this notice is to amend Motor Vehicle Safety Standard No. 209, in § 571.21 of Title 49, Code of Federal Regulations, to clarify the method in which the buckle release force of a Type 3 seat belt assembly is measured.

The standard provides (S4.3(d)(1), S5.2(d)(1)) that the force required to release a Type 3 assembly buckle is measured following the assembly test of S5.3, with a force of 45±5 pounds applied to a torso block restrained by the Type 3 assembly. The test procedure was intended to represent the situation in which the vehicle is inverted and the child is held by the harness. The force applied along the line of the belt is of primary significance, but it appears that the release force of some buckles is significantly increased by the pressure of the torso block on the back of the buckle. This pressure is not regarded as representative of actual conditions, in that the hard surface of the torso block offers much more resistance than would a child's body. To eliminate the effects of such pressure by the torso block, section S5.3(c)(1) of the standard is amended to read as set forth below.

Since this amendment is interpretative and clarifying in intent and imposes no additional burden on any person, notice and public procedure thereon are unnecessary.

Effective date: April 1, 1971.

The major usage of Type 3 seat belt assembly buckles will be on child seating systems that comply with Standard No. 213, effective April 1, 1971. So that the amendment to Standard No. 209 will have maximum effect, good cause is found for establishing an effective date sooner than 180 days after issuance. Since the amendment is interpretive in nature and relieves a restriction, there is also good cause for establishing an effective date sooner than 30 days after issuance.

In consideration of the foregoing, Motor Vehicle Safety Standard No. 209, in § 571.21 of Title 49, Code of Federal Regulations, is amended as follows:

§ 571.21 **Federal Motor Vehicle Safety Standards.**

* * * * *

MOTOR VEHICLE SAFETY STANDARD NO. 209
SEAT BELT ASSEMBLIES—PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, AND BUSES

* * * * *

S5.3(c) * * *

(1) The testing machine shall conform to the requirements specified in S5.1(b). A torso having the dimensions shown in Figure 6, configured so that it does not contact a buckle in such a way as to affect the buckle release force, shall be attached to one head of the testing machine through a universal joint which is guided in essentially a frictionless manner to minimize lateral forces on the testing machine. An anchorage and simulated seat back shall be attached to the other head as shown in Figure 7.

* * * * *

(Secs. 103 and 119, National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51)

Issued on March 23, 1971.

DOUGLAS W. TOMS,
Acting Administrator.

[FR Doc.71-4282 Filed 3-26-71;8:50 am]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S. O. 1067, Amdt. 1]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 23d day of March 1971.

Upon consideration of requests of the Illinois Central Railroad Co. seeking suspension of certain provisions of Service Order No. 1067.

It appearing, that the provisions of paragraph (8) of section (a) of Service Order No. 1067 have resulted in severe shortages of plain 50-foot boxcars by shippers located on the lines of the Illinois Central Railroad Co.; that the provisions of Service Order No. 1067 which require the return to owners of plain 50-foot boxcars owned by the Illinois Central Railroad have not been in effect for a sufficient time to overcome the shortages caused by the limited use, authorized by Service Order No. 1067, of similar cars owned by railroads not named in various Interstate Commerce Commission service orders; and to prevent irreparable harm to the affected shippers during the necessary car-relocation period.

It is ordered, That:

Service Order No. 1067 be, and it is hereby, amended, by adding the following paragraph (a), subparagraph (8.1) to paragraph (a) of Service Order No. 1067:

§ 1033.1067 Service Order No. 1067.

(a) *Distribution of boxcars.* * * *

(8.1) The provisions of subparagraph (8) of this paragraph insofar as they apply to the Illinois Central Railroad Co. are hereby suspended until 12:01 a.m. April 5, 1971.

* * * * *

Effective date. This amendment shall become effective at 12:01 a.m., March 24, 1971.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1 (10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

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

[FR Doc.71-4312 Filed 3-26-71;8:53 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

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

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

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

Notice of Designation of Montana Under the Federal Meat Inspection Act

Statement of considerations. Paragraph 301(c) of the Federal Meat Inspection Act (21 U.S.C. 661(c)) required the Secretary of Agriculture to designate promptly after December 15, 1969, any State as one in which the requirements of Titles I and IV of said Act shall apply to intrastate operations and transactions, and to persons, firms and corporations engaged therein, with respect to meat products and other articles and animals subject to the Act, if he determined after consultation with the Governor of the State, or his representative, that the State involved had not developed and activated requirements, at least equal to those under Titles I and IV, with respect to establishments within the State at which cattle, sheep, swine, goats, or equines are slaughtered, or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State. However, if the Secretary had reason to believe that the State would activate the necessary requirements within an additional year, he could allow the State 1 additional year in which to activate such requirements.

The Secretary had reason to believe, after consultation with the Governor of the State of Montana that the State would develop and activate the prescribed requirements by December 15, 1970, and accordingly allowed the State the additional period of time for this purpose. However, the Secretary has now determined that Montana has not developed and activated the prescribed requirements. Therefore, notice is hereby given that the Secretary of Agriculture designates said State under paragraph 301(c) of the Act. Upon the expiration of 30 days after publication of this notice in the FEDERAL REGISTER, the provisions of Titles I and IV of said Act shall apply to intrastate operations and transactions in said State and persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce" within the meaning of the Act, and any establishment in Montana which conducts any slaughtering or preparation of carcasses or parts or products thereof as described above must have Federal inspection or cease its operations, unless it qualifies for an exemption under paragraph 23(a) or 301(c) of the Act. The exemption provisions of the Act are very limited.

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

Dr. L. H. Burkert, Director, 316 Robert Street, Room 638, St. Paul, MN 55101, Telephone: Area Code 612–725–7835.

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

State	*Effective date of designation*
Montana	April 27, 1971.

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

This amendment shall become effective upon publication in the FEDERAL REGISTER (3–27–71).

Done at Washington, D.C., on March 25, 1971.

RICHARD E. LYNG, *Assistant Secretary.*

[FR Doc.71-4402 Filed 3-26-71;11:26 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

[43 CFR Part 4]

MINE HEALTH AND SAFETY: HEARINGS AND APPEALS

Notice of Proposed Rule Making

In the FEDERAL REGISTER for March 28, 1970 (35 F.R. 5255–5258) there were published regulations governing administrative hearings and appeals under the Federal Coal Mine Health and Safety Act of 1969. These regulations are codified in Title 30, Code of Federal Regulations, under Chapter III, Part 301. As a result of experience gained to date in processing applications and petitions filed pursuant to the Act, it is determined desirable to propose a revision of these rules. It is also proposed to place these regulations in Subpart F, Part 4, Title 43. This is being done as a complete recodification of all hearing and appellate rules for administrative proceedings within the Department. The change will centralize and unify administrative proceedings within the Department. Accordingly, notice is hereby given of a revision of former Part 301 reading as set forth below in tentative form.

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 objections with respect to the proposed revised regulations to the Director, Office of Hearings and Appeals, Attention: Special Assistant to the Director (Regulations), 4015 Wilson Boulevard, Arlington, VA 22203, within 45 days from the date of publication of this notice in the FEDERAL REGISTER.

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

MARCH 23, 1971.

Subpart F—Special Rules Applicable to Mine Health and Safety Hearings and Appeals

PROCEDURES UNDER FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

GENERAL

INVESTIGATIONS PURSUANT TO SECTION 104(h) OF THE ACT

REVIEW OF ORDERS AND NOTICES

ASSESSMENT OF CIVIL PENALTIES

PETITION FOR MODIFICATION OF APPLICATION OF MANDATORY SAFETY STANDARDS

APPLICATION FOR COMPENSATION OR FOR REVIEW OF DISCHARGE OR ACTS OF DISCRIMINATION UNDER SECTION 110 OF THE ACT

APPLICATION FOR TEMPORARY RELIEF

HEARINGS

APPEALS TO THE BOARD

GENERAL

§ 4.505 Definitions.

As used in these rules:

(a) The term "Act" means the Federal Coal Mine Health and Safety Act of 1969, 83 Stat. 742; 30 U.S.C., Supp. V, 801–960 (1970).

(b) The terms "Secretary," "operator," "person," "agent," "miner," "coal mine," "imminent danger," and "mandatory health or safety standard," have the meanings set forth in section 3 of the Act.

(c) The term "notice of violation" means a notice issued under sections 104 (b), (c) or (i) of the Act or any modification thereof.

(d) The term "withdrawal order" means an order issued under section 104 of the Act.

(e) The term "Bureau" means Bureau of Mines of the Department of the Interior.

(f) The term "Office of Hearings and Appeals" means the Office of Hearings and Appeals of the Department of the Interior.

(g) The term "Board" means the Board of Mine Operations Appeals of the Office of Hearings and Appeals.

(h) The term "Examiner" means a Hearing Examiner appointed pursuant to section 3105 of title 5 of the United States Code.

(i) The term "Associate Solicitor" means the Associate Solicitor, Division of Mine Health and Safety, Department of the Interior, or his delegate.

(j) The term "representative of miners" means a person or organization designated by a group of miners to act as their representative for purposes of the Act.

§ 4.506 Scope and construction.

(a) The procedures and rules of practice set forth in these rules shall govern investigations pursuant to section 104 (h) of the Act, applications for review under section 105 of the Act, assessment of civil penalties under section 109 of the Act, applications under section 110 of the Act, and petitions for modification of the application of mandatory safety standards under section 301(c) of the Act.

(b) These rules shall be liberally construed to secure the just, prompt and inexpensive determination of all proceedings consistent with adequate consideration of the issues involved.

§ 4.507 Parties.

(a) All persons indicated in the Act as parties to administrative review proceedings under the Act shall be considered statutory parties. Such statutory parties include: (1) In all but penalty, compensation or discrimination proceedings, the Bureau of Mines as represented by the Solicitor, the operator of the mine, any representative of miners; (2) in a penalty proceeding under section 109 of the Act, the Bureau and the party against

whom the penalty is sought to be assessed; (3) in a compensation action under section 110 of the Act, the miners and operator affected; and (4) in a discrimination action under section 110 of the Act, the miner, miners, or representative of miners who claim discrimination and the operator affected.

(b) Any other person claiming a right of participation as an interested party or otherwise seeking to intervene in a proceeding may become a party upon petition to the Examiner or the Board and the granting of such petition.

(c) Where a person who is a statutory party, as described above, has not filed a pleading on or before the time permitted for the filing of a responsive pleading, that person shall no longer be considered a party to the proceeding unless otherwise ordered by the Examiner or the Board. Such person shall not thereafter be entitled to participate as a party in such proceedings and shall not thereafter be entitled to personal service of further pleadings or documents in the proceeding, unless the Examiner or the Board for good cause shown permits such person to intervene in the proceeding.

§ 4.508 Filing and form of documents.

(a) *Where to file.* All initial pleadings or documents in a proceeding described in these rules shall be filed with the Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203. Where a proceeding has been assigned to an Examiner, the parties will be notified of the name and address of the Examiner assigned to the case and thereafter all further documents shall be filed with the Examiner, Office of Hearings and Appeals at the address designated. Any person not notified of the Examiner's address should file pleadings at the address of the Office of Hearings and Appeals. If the case is before the Board, all further pleadings should be filed with the Board of Mine Operations Appeals, 4015 Wilson Boulevard, Arlington, VA 22203.

(b) *Number of copies.* Except as otherwise provided in these rules, a party shall furnish an original and two copies of all pleadings, briefs, petitions, applications and other documents required or permitted to be filed.

(c) *Caption, title, and signature.* (1) The documents filed in any proceeding brought under the Federal Coal Mine Health and Safety Act of 1969 shall be captioned in the name of the operator of the mine to which the proceeding relates and in the name of the mine. After a docket number has been assigned to the proceeding by the Office of Hearings and Appeals, the caption shall contain such docket number. The caption may include other information appropriate for identification of the proceeding, including any Bureau identification number.

(2) After the caption each such document shall contain a title which shall be descriptive of the document and which shall identify the party by whom the document is submitted.

(3) The original of all documents filed shall be signed at the end by the party submitting the document or, if the party is represented by an attorney, by such an attorney. The address of the party or the attorney shall appear beneath the signature.

§ 4.509 Service.

(a) Copies of all documents filed in any proceeding described in these rules and copies of all notices pertinent to such proceeding shall be served on all other persons made parties to the proceeding under § 4.507. Interested parties are given notice of proceedings under §§ 4.520 and 4.550 by posting such document on the bulletin board at the office of the mine affected and by publication in the FEDERAL REGISTER.

(b) Documents by which any proceeding is initiated shall be served on each other party personally or by registered or certified mail, return receipt requested. All subsequent documents may be served personally or by first-class mail. Service by mail is complete upon mailing.

(c) Whenever a party is represented by an attorney who has signed any document filed on behalf of such party or otherwise entered an appearance on behalf of such party, service thereafter shall be made upon the attorney.

(d) Any party initiating a proceeding under these rules shall file proof or service in the form of a return receipt where service is by registered or certified mail, an acknowledgment by the party served, or a verified return where service is made personally. A certificate of service shall accompany all other documents filed by a party in any proceeding.

§ 4.510 Motions.

Each motion filed with the Examiner or the Board during the pendency of any proceeding shall be in writing and shall contain a short and plain statement of the grounds upon which it is based. A statement in opposition to the motion may be filed by any party within 10 days after the date of service. Unless requested by the Examiner or the Board, oral argument on motions will not be permitted. The Examiner or the Board may permit oral motions during the course of proceedings.

§ 4.511 Consolidation of proceedings.

The Examiner or the Board may at any time order a proceeding described in these rules consolidated with any other such proceeding then pending before the Office of Hearings and Appeals which involves the same applicant or similar issues of law or fact.

§ 4.512 Withdrawal of pleading.

A party may withdraw a pleading at any stage of a proceeding without prejudice.

§ 4.513 Intervention.

A petition for leave to intervene may be filed at any stage of a proceeding. In the discretion of the Examiner or the Board a person may be denied intervention in a matter in which he could have participated as a party but failed to avail himself of the opportunity to do so. The petition must set forth the interest of the petitioner in the proceeding and show that the petitioner's participation will assist in the determination of the issues in question. The Examiner or the Board may grant or deny petitions for intervention or may permit intervention limited to particular stage of the proceeding.

§ 4.514 Expedition of proceedings.

(a) *Before the Examiner.* At any time after the commencement of a proceeding a party may move the Examiner to expedite the hearing and decision of the case. Such motion shall be in writing and accompanied by supporting documents that establish the party's claim of exigent circumstances warranting expedition. Service of such motions, where possible, shall be by personal delivery to all parties; otherwise, service shall be by telegraphic communication followed by registered or certified mail. Upon filing of a motion to expedite, the Office of Hearings and Appeals shall promptly present the motion to the Examiner assigned to the proceeding, or where no assignment has been made, shall promptly assign the proceeding to an Examiner and present the motion to him. The Examiner shall promptly review the motion and, if he deems appropriate, may advance the motion on his calendar and order such expedition of the proceeding, including expedited schedules for pleadings, prehearing conference and a hearing, as he deems appropriate. *Provided:* A hearing on the merits of the case shall not be scheduled with less than 5 days' notice to the parties unless all parties to the proceeding consent to an earlier hearing.

(b) *Before the Board.* A party taking an appeal to the Board may move the Board to expedite the appeal. Such motion shall be in writing and specifically state the grounds for requesting expedited proceedings. The Board shall promptly review such motion, including any opposing papers, and may, if it deems appropriate, advance the appeal on its calendar and order such other expedition as it deems appropriate, including an abbreviated schedule for briefing or oral argument.

§ 4.515 Waiver of hearing and initial decision by Examiner.

Any person entitled to a hearing and initial decision by an Examiner may waive such right in writing within the time permitted for filing all responsive pleadings and request the Board to decide the case on a stipulated factual record. The waivers must be unequivocal and request the Board to decide the matter at issue on the pleadings and written stipulation. Where the Board determines that the case presents factual issues which require a hearing, the case will be remanded to an Examiner for a de novo hearing and initial decision. Where a party has filed a waiver of hearing and initial decision, any other party who fails to file a response to an action shall be deemed to have waived his right under the Act to a hearing and initial decision by an Examiner.

§ 4.516 Applicability of general rules.

Reference should be made to the General Rules of Practice of the Office of Hearings and Appeals contained in subpart B of Part 4. All General Rules are binding and applicable to all Examiner and Board proceedings under the Act. Where conflict exists between a rule contained herein and a general rule, the rule in this subpart shall govern.

INVESTIGATIONS PURSUANT TO SECTION 104(h) OF THE ACT

§ 4.520 How initiated.

Investigation pursuant to section 104(h) of the Act shall be initiated whenever the Bureau files with the Office of Hearings and Appeals the notice provided in section 104(h)(1) of the Act. Such notice and findings shall be served by the Bureau on the operator of the affected mine and on any representative of miners at such mine.

§ 4.521 Participation by interested parties.

(a) The operator of the mine affected and the authorized representative of miners shall have 30 days from service to answer the 104(h) notice and present any information relating to that notice and request a public hearing.

(b) (1) Any interested person desiring to request a public hearing or otherwise participate in the 104(h) proceeding shall within 30 days of posting of the 104(h) notice in accordance with section 107(a) of the Act file with the Office of Hearings and Appeals a Petition to Intervene and serve a copy of the petition on the Bureau, the operator and any representative of miners at the affected mine.

(2) The Petition to Intervene shall comply with the applicable requirements and shall contain a short and plain statement of: (i) The petitioner's claimed interest in the matter; (ii) the petitioner's position with respect to each of the findings set forth in the notice; (iii) a request for public hearing where desired; and (iv) the action which petitioner contends should be taken as a result of the notice.

(c) Participation in the investigation by interested parties, including the operator of the mine affected and any authorized representative of miners, may be denied or limited for failure to file an answer or petition to intervene within the time herein provided.

§ 4.522 Application for hearing on abatement.

(a) (1) Where pursuant to section 104(h)(2) of the Act an order has been issued requiring an operator to withdraw persons from any part of a mine, any interested person (whether or not such person has previously participated in the investigation) may file an application for a hearing on the issue of whether the conditions upon which such order was based have been abated.

(2) The applicant shall serve the application on any party who participated in the investigation which resulted in the order, and if the applicant is not the operator of the mine affected by the order, on such operator. On the day of service and for a period of 10 days thereafter, the operator shall post the petition on the bulletin board of the Office of the mine in accordance with section 107(a) of the Act.

(b) Interested persons desiring to participate in the hearing, shall within 10 days of first posting of the application, file with the Office of Hearings and Appeals a Petition to Intervene. The petition shall comply with the applicable general requirements and shall contain a short and plain statement of: (1) The petitioner's claimed interest in the matter; and (2) the action which petitioner contends should be taken with respect to the application and the reasons therefor. Failure to file such petition within 10 days may be grounds for limiting or denying such person's participation in the hearing.

REVIEW OF ORDERS AND NOTICES

§ 4.530 Initiation of proceedings.

(a) *How initiated.* Proceedings for the review of a withdrawal order, a modification or termination thereof, or a notice of violation shall be initiated by filing an Application for Review.

(b) *Who may file.* An Application for Review may be filed by the operator of the mine affected by the order or notice sought to be reviewed or by a representative of miners employed at such mine.

(c) *Time for filing.* An Application for Review shall be filed within 30 days of receipt by the applicant of the order or notice sought to be reviewed or within 30 days of receipt of any modification or termination of an order where review is sought of the modification or termination. A copy of the Application for Review shall be served upon the representative of the miners (or the operator, as the case may be), and the Associate Solicitor.

(d) *Effect of failure to file.* An operator's failure to file an Application for Review of a withdrawal order or notice of violation shall not preclude the operator from challenging the fact of violation or raising any other pertinent matter in any other proceeding initiated under these rules.

§ 4.531 Answer.

The Bureau and any party desiring to participate in the proceeding in opposition to the Application for Review shall file an answer within 15 days of service of such Application for Review.

§ 4.532 Contents of application and answer.

(a) An Application for Review and an answer shall comply with applicable general requirements and shall contain:

(1) A short and plain statement of (i) such party's position with respect to each issue of law or fact which the party contends is pertinent to the legality or correctness of the order or notice; (ii) and the relief requested by such party;

(2) A statement of whether the party submitting the document requests a public hearing or waives it either as provided in § 4.516 or § 4.588.

(b) A copy of the order or notice sought to be reviewed shall be attached to any Application for Review.

§ 4.533 Review of subsequent order or notice.

(a) An applicant in a proceeding under these rules shall file, within 5 days of receipt thereof, any subsequent order or notice which modifies or extends the order or notice sought to be reviewed and any subsequent order or notice which relates to the violation charged in the order or notice sought to be reviewed. The Application for Review, unless withdrawn by the applicant, shall be deemed to challenge any such subsequent order or notice. Where clarification of the applicant's position is deemed desirable, the Examiner or the Board may require the applicant to file a new or amended application.

(b) An operator or a representative of miners, when not the applicant in a pending proceeding for review of a withdrawal order or notice of violation, may apply for review of a notice or order which modifies or extends the notice or order then being reviewed or of a notice or order which relates to the violation charged in the notice or order then being reviewed by filing an Application for Review in such pending proceeding within the time prescribed by § 4.530(c).

ASSESSMENT OF CIVIL PENALTIES

§ 4.540 How initiated.

(a) Where an operator, a miner or a director, officer or agent of a corporate operator has requested formal adjudication of a civil penalty assessment pursuant to § 100.4(i) of Title 30, proceedings for the assessment of a civil penalty shall be initiated by the Bureau by filing a Petition to Assess Penalty with the Office of Hearings and Appeals.

(b) Any notice or order previously issued pursuant to the Act with respect to the violation for which the penalty is sought to be assessed shall accompany the petition.

(c) Where appropriate, the Examiner or the Board shall consolidate penalty proceedings with other proceedings described herein.

§ 4.541 Contest of penalty.

A party against whom a penalty is sought shall file an Answer within 15 days of service of the petition.

§ 4.542 Contents of answer to penalty assessment.

An answer shall comply with applicable requirements of subpart A hereof and shall contain a short and plain statement of the party's position with respect to each issue of law or fact which the party contends is pertinent to the question of whether a penalty should be assessed against such party, including whether a violation occurred, and the amount of such penalty.

§ 4.543 Burden of proof.

(a) The Bureau shall have the burden of initiating all proceedings for the assessment of penalties by the filing of a

Petition to Assess Penalty and of introducing therein evidence sufficient to permit the Examiner or the Board to determine the fact of violation and the amount of penalty.

(b) Where a party fails to contest the assessment of a penalty within 15 days, it will be deemed a waiver of evidentiary hearing and the Examiner will find facts and assess the penalty based upon the written record of the case. The Examiner may assume for purposes of the assessment of an uncontested penalty: (1) The truth of each allegation contained in any Petition to Assess Penalty served on such party, (2) the legal validity of any withdrawal order or notice of violation on which the penalty against such party is sought to be based, and (3) the truth of any fact alleged in such order or notice.

§ 4.544 Assessment of penalty.

(a) Where, after opportunity for hearing and consideration of the record as a whole including the size of the business of the operator charged, whether the operator was negligent, the effect on the operator's ability to continue in business, the gravity of the violation and the demonstrated good faith of the operator charged in attempting to achieve rapid compliance after notification of violation, the Examiner or the Board finds that a violation of a mandatory health or safety standard or any other provision in the Act has occurred, he or they shall determine the amount of penalty which is warranted and incorporate in the decision concerning the violation an order requiring that the penalty be paid.

(b) Where the Board, upon review of the record and decision of an Examiner in a penalty proceeding, modifies the amount of penalty, it shall issue an order requiring the modified amount to be paid.

PETITIONS FOR MODIFICATION OF APPLICATION OF MANDATORY SAFETY STANDARDS

§ 4.550 Who may file.

A petition under section 301(c) of the Act for modification of the application of a mandatory safety standard may be filed by the operator of the affected mine or any representative of the miners at such mine.

§ 4.551 Form of petition.

(a) A Petition for Modification shall comply with the applicable general requirements and shall contain a detailed statement showing the following:

(1) The mandatory standard to which the petition is directed.

(2) The alternate standard the petitioner proposes to establish in lieu of the mandatory standard.

(3) That the alternate standard will at all times guarantee no less than the same measure of protection afforded the miners at the affected mine by the mandatory standard or that the application of the mandatory standard will result in diminution of safety to miners in the affected mine (or specific area thereof).

(b) A Petition for Modification shall not include a request for modification of the application of more than one safety standard, and shall not include a request for any relief other than modification of the application of a safety standard. However, a petition for modification may be filed on behalf of more than one mine.

§ 4.552 Procedure.

(a) Promptly upon receipt of such petition for modification, the Office of Hearings and Appeals will give notice of the petition to each known representative of miners or the operator of the affected mine as appropriate and shall publish notice of the petition in the FEDERAL REGISTER. All interested parties including a representative of miners or an operator shall have 30 days from the date of publication of notice in the FEDERAL REGISTER to answer the petition or otherwise comment or provide information.

(b) Such notice shall contain a statement that the petition has been filed, shall identify the petitioner and the mine or mines to which the petition relates, shall cite the section of the Act for which modification of application is sought, shall summarize the facts claimed by petitioner to warrant a modification and shall provide an opportunity for all interested parties to request a hearing and to present commentary or information relating to the proposed modification within 30 days of the date of publication of the notice.

APPLICATION FOR COMPENSATION OR FOR REVIEW OF DISCHARGE OR ACTS OF DISCRIMINATION UNDER SECTION 110 OF THE ACT

§ 4.560 Who may file.

An application for compensation or for review of an alleged discharge or act of discrimination may be initiated by a miner who has been idled by an order of withdrawal, by a miner who believes that he should have been withdrawn, by a miner who believes that he has been discharged or otherwise discriminated against by reason of invoking his rights, testifying, or awaiting to testify under the Act, by a representative of miners who believes that he has been discharged or otherwise discriminated against by reason of invoking his rights, the rights of the miners he is authorized to represent, testifying or awaiting to testify under the Act. Such applications may be brought on behalf of a miner or miners by an authorized representative of miners.

§ 4.561 When to file.

An application to review a discharge or act of discrimination shall be filed within 30 days after such discharge or act of discrimination occurs. An application for compensation shall be filed within 45 days after the date of issuance of the withdrawal order which gives rise to the claim.

§ 4.562 Contents of application.

(a) An application for compensation shall comply with the applicable general requirements and shall state or include:

(1) A statement of the period for which compensation is claimed;

(2) The total amount of the compensation claimed to be due;

(3) An allegation that a demand for compensation has been made on the operator and that such demand has not been satisfied; and

(4) A copy of any pertinent order of withdrawal, or information to sufficiently identify any such order.

(b) An application for review of discharge or acts of discrimination shall be supported by an affidavit of a person with knowledge of the facts surrounding the alleged discharge or acts of discrimination and a statement of the relief requested.

§ 4.563 Answer.

Within 15 days after the date of service of such application, the operator shall file an answer which shall respond to each allegation of the application.

APPLICATION FOR TEMPORARY RELIEF

§ 4.570 Procedure.

(a) An Application for Temporary Relief may be filed at any time prior to final decision by an Examiner or the Board in the matter to which the application relates. The application shall be addressed to the Examiner if the proceeding is then pending before an Examiner, and shall be made to the Board if the proceeding is then pending before the Board.

(b) All parties to the proceeding in which the application is filed shall have 3 days from the date of the application to file a written response to the application.

(c) At the discretion of the Examiner or the Board, oral argument shall be held at the request of any party or at the request of the Examiner or the Board.

(d) Where the application is before the Board, it may order a special hearing to be held before an Examiner on any issues raised by the application.

§ 4.571 Contents of application.

(a) An Application for Temporary Relief shall comply with the applicable general requirements and shall contain: (1) a statement of the specific relief requested, (2) a showing of substantial likelihood that the findings and decision of the Examiner or the Board in the matters to which the application relates will be favorable to the applicant; (3) a showing that the applicant will suffer substantial and irreparable injury if temporary relief is not granted; and (4) a showing that such relief will not adversely affect the health and safety of miners in the affected mine.

(b) An Application for Temporary Relief may be supported by affidavits or other evidentiary matter.

§ 4.572 Limitations.

(a) Temporary relief shall not be granted by the Examiner or the Board except in extraordinary cases and upon a clear and convincing showing that the applicant is entitled to such relief.

(b) Temporary relief shall not be granted with respect to any order issued under section 104(a) of the Act or with respect to any notice of violation issued under sections 104 (b) or (i) of the Act.

HEARINGS

§ 4.580 Hearings to be conducted by Examiners.

All hearings shall be presided over by an Examiner appointed under section 3105 of title 5 of the United States Code.

§ 4.581 Assignment of Examiners.

In any proceeding under the Act which requires an initial or recommended decision by an Examiner or where the Board remands a matter for hearing, an Examiner will be assigned. All subsequent motions, applications, and other papers thereafter filed in the proceeding shall be filed with the Examiner assigned to the proceeding at the address specified until his jurisdiction terminates.

§ 4.582 Powers of Hearing Examiners.

(a) Subject to the regulations of this subpart, an Examiner may:

(1) Administer oaths and affirmations;

(2) Issue subpoenas authorized by law;

(3) Rule on offers of proof and receive relevant evidence;

(4) Take depositions or have depositions taken when the ends of justice would be served;

(5) Regulate the course of the hearing;

(6) Hold conferences for the settlement or simplification of the issues;

(7) Dispose of procedural requests or similar matters;

(8) Make or recommend decisions in accordance with section 557 of title 5 of the United States Code;

(9) Take other action authorized by this part, by section 556 of title 5 of the United States Code, or by the Act.

(b) The Examiner may direct the parties to appear for a prehearing conference to consider:

(1) The simplification of the issues;

(2) The possibility of obtaining stipulations, admissions of fact and of producing documents which will avoid unnecessary proof;

(3) The possibility of agreement disposing of all or any of the issues in dispute;

(4) Such other matters as may aid in the disposition of the case.

(c) The Examiner's authority in each case shall terminate upon the filing of an appeal from an initial decision or other order dispositive of the proceeding or upon the expiration of the period within which an appeal to the Board may be filed or upon an order of the Board directing that the proceeding be reviewed by the Board.

§ 4.583 Notice of hearings; appearances.

Written notice of time, place, nature of hearing, the legal authority and jurisdiction under which the hearing is to be held, and the matters of fact and law asserted shall be given, at least 5 days prior to the date set for hearing, to all persons made parties to the proceeding by section 4.507 of these rules.

§ 4.584 Depositions.

(a) *When permitted.* The Examiner may, for good cause shown, order the taking of testimony of any person by deposition upon oral examination or written interrogatories for use as evidence or for the purpose of discovery.

(b) *Order on depositions.* Unless otherwise stipulated by the parties, the time, place and manner of taking depositions shall be governed by the order of the Examiner.

§ 4.585 Interrogatories and production of documents.

(a) Any party may serve written interrogatories or a request for admission of facts upon another party to a proceeding brought under these rules.

(b) A party served with written interrogatories shall answer such interrogatories within 15 days of service unless the proponent of the interrogatories agrees to a longer time or unless the Examiner by order specifies a different time or excuses the party from answering on good cause shown.

(c) For good cause shown, the Examiner may order a party to produce and permit inspection and copying or photographing of designated documents relevant to the proceeding.

§ 4.586 Subpoenas, witness fees.

(a) On written application of a party or on his own motion, the Examiner may issue subpoenas requiring the attendance of witnesses and the production of relevant papers, books and documents in their possession and under their control. A subpoena may be served by any person who is not a party and is not less than 18 years of age and the original subpoena bearing a certificate of service shall be filed with the Examiner. A witness may be required to attend a deposition or hearing at a place not more than 100 miles from the place of service.

(b) Witnesses subpoenaed by any party shall be paid the same fees and mileage as are paid for like attendance in the District Courts of the United States. The witness fees and mileage shall be paid by the party at whose instance the witness appears.

§ 4.587 Burden of proof.

Except as otherwise provided in these rules, the burden of proof shall be on the applicant for relief.

§ 4.588 Waiver of evidentiary presentation.

Any party who desires to submit written pleadings, comments or information in lieu of an evidentiary presentation may submit such documents for the Examiner's consideration in the matter. Within the time permitted for filing all responsive pleadings parties entitled to an evidentiary hearing may waive such right in writing, but unless all entitled parties file timely waivers, a hearing will be initiated. Such waiver must be unequivocal and request the Examiner to decide the matter at issue on the pleadings and written record of the case including any stipulation the parties might enter.

§ 4.589 Evidence.

(a) Any relevant evidence may be received at the discretion of the Examiner. The Examiner may exclude evidence which is unreliable or unduly repetitious.

(b) A party shall have the right to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full disclosure of the facts.

§ 4.590 Summary decision of Examiner.

(a) *Filing.* At any time after commencement of a proceeding and before the scheduling of a hearing on the merits, a party to the proceeding may move the Examiner to render summary decision disposing of all or part of the proceeding.

(b) *Grounds.* A motion for summary decision shall be granted only if the entire record, including the pleadings, depositions, answers to interrogatories, admissions and affidavits, shows (1) that there is no genuine issue as to any material fact and (2) that the moving party is entitled to summary decision as a matter of law.

(c) *Form of motion and affidavits.* The Motion may be supported by affidavits or other verified documents, and shall specify the grounds showing the party's right to the relief sought. Supporting and opposing affidavits shall be made on personal knowledge, shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or be incorporated if not otherwise a matter of record. The Examiner may permit affidavits to be supplemented or opposed by testimony, depositions, answers to interrogatories, admissions or further affidavits. When a motion for summary decision is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of his pleadings, but his response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for hearing. If he does not so respond, summary decision, if appropriate, shall be entered against him.

(d) *Case not fully adjudicated on motion.* If a motion for summary decision is denied in whole or in part, and the Examiner determines that an evidentiary hearing of the case is necessary, he shall, if practicable, and upon examination of all relevant documents and evidence before him, and upon interrogating counsel or the parties, ascertain what material facts are actually and in good faith controverted. He shall thereupon make an order specifying the facts that appear without substantial controversy,

and direct such further proceedings as deemed appropriate.

§ 4.591 Certification of interlocutory ruling.

In making a ruling not otherwise appealable under these rules, the Examiner shall at the request of a party or may on his own motion certify his ruling if he determines that such ruling involves a controlling question of law and that an immediate appeal therefrom may materially advance the ultimate disposition of the matter before him. An interlocutory appeal will not lie from an Examiner's denial of a request to certify an issue to the Board except for abuse of discretion.

§ 4.592 Proposed findings, conclusions and orders.

The Examiner may require the submission of proposed findings of fact, conclusions of law, and orders, together with a supporting brief. Such proposals shall be served upon all parties, and shall contain adequate references to the record and authorities relied upon.

§ 4.593 Initial decision.

As soon as practicable after conclusion of the hearing, the Examiner shall render an initial decision. The initial decision shall be in writing and shall include a statement of (a) findings and conclusions and the reasons or basis therefore on the material issues of fact, law or discretion presented on the record and (b) the appropriate ruling, or order, or denial of relief with the effective date. All initial or recommended decisions of the Examiner shall be served on all parties to the proceeding and the Board promptly upon issuance.

§ 4.594 Effect of initial decision.

An initial decision shall become final upon the expiration of 30 days of its issuance unless an appeal to the Board is filed within the time allowed or the Board determines within 30 days of the decision to review such decision on its own initiative. The timely filing of an appeal or a review by the Board on its own motion with notice to the parties shall stay the effect of the initial decision. However, when the public interest requires, the Board may modify the effective decision date of an initial decision.

§ 4.595 Certification of record.

Within 5 days after an initial decision has been rendered, the Examiner shall certify the official record of the proceedings including all exhibits and order the official record filed in the Office of Hearings and Appeals. Notice of certification shall be served on all parties to the proceedings and the Board.

APPEALS TO THE BOARD

§ 4.600 Notice of appeal.

Any party may appeal from an Examiner's order or from the initial decision by filing with the Board a notice of appeal within 20 days after service of the order or initial decision. Two or more parties may join in the same appeal; the Board may consolidate related appeals. Copies of a Notice of Appeal shall be served on all parties to the proceeding in accordance with section 4.510 of this part.

§ 4.601 Briefs.

(a) *Appellant's brief.* Within 20 days after filing the Notice of Appeal, appellant shall file his brief and serve copies on all other parties to the proceeding. When a party who has filed a notice of appeal fails to file a timely brief, or if the Notice of Appeal and the brief are not served upon all parties to the proceeding within the time required, the appeal shall be subject to summary dismissal. Appellant's brief shall set forth in detail the objections to the initial decision, the reasons for such objections and the relief requested. Any error contained in the initial decision that is not objected to may be deemed by the Board to have been waived. Where any objection is based upon evidence of record, such objection need not be considered by the Board if specific record citations to the pertinent evidence are not contained in appellant's brief.

(b) *Appellee's brief.* Within 15 days after service of appellant's brief, any other party to the proceeding may file a brief in opposition thereto as an appellee.

(c) *Number of copies.* Five copies of each brief shall be filed with the Board and two copies served on each party. Copies of briefs shall be legibly typewritten (double-spaced), printed or duplicated.

(d) *Length of brief.* Except by permission of the Board, appellant's brief may not exceed 50 pages and appellee's brief may not exceed 25 pages.

§ 4.602 Interlocutory appeals.

(a) *Requests for permission.* Interluctory appeals from rulings and orders of an Examiner may be filed only after permission is granted by the Board. The Board shall not entertain a request unless a party has first sought certification of the ruling by the Examiner pursuant to § 4.591. Any request for permission from the Board shall be in writing, not to exceed 10 pages in length, shall be granted only from rulings and orders of the Examiner on legal issues, and only in such cases where the issue affects substantial rights and is a controlling question of law which will materially advance the final disposition of the case.

(b) *Briefs.* Unless the Board directs otherwise, a brief shall be filed by each party permitted by the Board to take an interlocutory appeal within 5 days after notice of such permission. Within 5 days after service of any appellant's brief, any other party to the proceeding may file a brief as appellee.

(c) *Effect.* An interlocutory appeal shall not operate to suspend the hearing unless otherwise ordered by the Board or the Examiner.

(d) *Jurisdiction.* If an interlocutory appeal is permitted, the Board's jurisdiction shall be confined to review of the ruling or order to the Examiner on the legal issue raised by the appeal, and shall not extend to any other issues.

(e) *Decision and remand.* Upon affirmance, reversal or modification of the Examiner's interlocutory ruling or order the jurisdiction of the Board shall terminate, and the case will be promptly remanded to the Examiner for further proceedings.

§ 4.603 Remand.

Where any matter is before the Board, the Board may issue an order remanding the proceeding for further hearing in accordance with such order.

§ 4.604 Reconsideration.

Unless the Board orders otherwise, the filing of a petition for reconsideration shall not stay the effect of any decision or order and shall not affect the finality of any decision or order for purposes of judicial review.

§ 4.605 Final decisions.

Final decisions of the Board shall be rendered as promptly as practicable consistent with adequate consideration of the issues involved. The Board may adopt, modify or set aside any finding, conclusion or order of the Examiner.

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DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 42]

STANDARDS FOR CONDITION OF FOOD CONTAINERS

Notice of Proposed Rule Making

Notice is hereby given that the U.S. Department of Agriculture is considering amendments to the U.S. Standards For Condition of Food Containers, under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-1627).

Statement of considerations. The amendments are being proposed to more clearly state the purpose and use of the standard and to provide for broader application of the standard. Certain definitions would be changed for the sake of clarity. Other sections dealing with sampling plans, classifying defects and the application of switching rules would also be changed for clarification. The purpose and scope section would be rewritten to delete superfluous wording.

Superfluous wording would be deleted from titles in Tables I, IA, II, IIA, III, and IIIA. Provision would be made for appeal inspections, and a new Code would be added to Table III for an additional step from lot sizes over 36,000 to be consistent with Tables I and II. The new Code provides for a single plan of $n_c=315$ at the reduced level. Appropriate additions would be made in the affected sampling plans and Operating Characteristic curves listed in the standard.

In the tables for defects of containers, the following changes would be made:

Table IV—a new defect (minor) for "Wet containers (excluding refrigerated containers)" would be added.

Table VI—a new defect (major) would be added for "Component part missing." "Closure not sealed, crimped, or fitted properly" would be revised to provide for "major defect" on a primary container and "minor defect" on other than a primary container. The category for "Flap" would be changed to provide (minor) defects for (a) "Projects beyond edge of container more than ¼ inch," and (b) "Does not meet properly, allowing space of more than ¼ inch."

Table VII "Closure not sealed, crimped, stitched, or fitted properly" would be revised to provide for "major defect" on a primary container and "minor defect" on other than a primary container. "Torn container" would be revised to provide for "minor defect" not affecting usability, "major defect" when the usability is affected. Several other minor changes would be made solely for clarification.

All persons who desire to submit written data, views, or comments in connection with this proposal shall file the same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, DC 20250, no later than May 24, 1971.

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

The proposed amendments are as follows:

1. In § 42.102, the following definitions would be amended to read:

§ 42.102 **Definitions, general.**

* * * * *

Lot. A collection of filled food containers of the same size, type, and style. The term shall mean "inspection lot," i.e., a collection of units of product from which a sample is to be drawn and inspected to determine conformance with the applicable acceptance criteria. An inspection lot may differ from a collection of units designated as a lot for other purposes (e.g., production lot, shipping lot, etc.).

Operating Characteristic curve ((OC) curve). A curve that gives the probability of acceptance as a function of a specific lot quality level. It shows the discriminatory power of a sampling plan, i.e., how the probability of accepting a lot varies with the quality of the containers offered for inspection.

* * * * *

Primary container. The immediate container in which the product is packaged and which serves to protect, preserve, and maintain the condition of the product. It may be metal, glass or fiber, wood, textile, plastic, paper, or any other suitable type of material and may be supplemented by liners, overwraps, or other protective materials.

Random sampling. A process of selecting a sample from a lot whereby each unit in the lot has an equal chance of being chosen.

* * * * *

Shipping case. The container in which the product or primary containers of the product are placed to protect, preserve, and maintain the condition of the product during transit or storage. The shipping case may include strapping, liners or other protective material.

* * * * *

2. Paragraph (a) of § 42.103 would be amended to read:

§ 42.103 **Purpose and scope.**

(a) This subpart outlines the procedure to be used to establish the condition of containers in lots of packaged foods. This subpart shall be used to determine the acceptability of a lot based on specified acceptable quality levels and defects referenced in § 42.104 or any alternative plan which is approved by the Administrator. In addition, any other sampling plan in the tables with a larger first sample size than that indicated by the lot size range may be specified when approved by the Administrator. This subpart or approved alternative plan will be applied when a Government agency or private user of the C&MS inspection or grading services requests that filled primary containers or shipping cases, or both, be certified for condition. Unless the request for certification specifically asks that only the primary container or only the shipping case be examined, both containers will be examined.

* * * * *

3. Paragraph (a) of § 42.104 would be amended to read:

§ 42.104 **Sampling plans and defects.**

(a) *Sampling plans.* Sections 42.109 through 42.111 show the number of containers to examine for condition in relation to lot size ranges. The tables provide acceptance (Ac) and rejection (Re) numbers for lot acceptance (or rejection) based on the number, class, and type of defects present in the sample.

* * * * *

4. Subparagraphs (a)(5) and (c)(2) of § 42.105 would be amended to read, respectively:

§ 42.105 **Basis for selection of sample.**

(a) *Identification of lot.* * * *

(5) The inspection status (normal, tightened, or reduced).

* * * * *

(c) *Sample size.* * * *

(2) Select the appropriate sample size for the corresponding lot size range as indicated in the appropriate column headed "Sample Size."

* * * * *

5. Subparagraph (a)(1) of § 42.106 would be amended to read:

§ 52.106 **Classifying and recording defects.**

(a) *Classifying defects.* * * *

(1) Related defects are defects on a single container that are related to a single cause. If the initial incident causing one of the defects had not occurred, none of the other related defects on the container would be present. As an example of related defects, a can may be a leaker and the exterior may also be seriously rusted due to the leakage of the contents. In this case, the container is scored only once for these two defects since the rust condition can be attributed to the leak. Score the container according to whichever condition is the most serious. In this example, score as a "leaker" (a critical defect) and not as "pitted rust" (a major defect).

* * * * *

§ 42.107 **[Amended]**

6. In paragraphs (a) and (c) of § 42.107, the titles "Acceptance and rejection numbers" and "Acceptance or rejection," respectively, would be deleted.

7. In § 42.108, subparagraph (d)(1)(iii) would be deleted and paragraph (d), the introductory text in subparagraph (d)(1), subparagraph (d)(4), and paragraph (e) would be amended and a new paragraph (f) would be added to read, respectively:

§ 42.108 **Normal, tightened, or reduced inspection.**

* * * * *

(d) Switching rules: The normal inspection procedure shall be followed except when conditions in subparagraph (1) or (3) of this paragraph are applicable or unless otherwise specified. Application of the following switching rules will be restricted to the inspection of lots for one applicant at a single location (plant, warehouse, etc.), and will be based upon records of original inspections of lots (excluding resubmitted lots) at that same location.

(1) *Normal inspection to reduced inspection.* When normal inspection is in effect, reduced inspection shall be instituted providing that reduced inspection is considered desirable by the Administrator and further provided that all of the following conditions are satisfied for each class of defect:

* * * * *

(4) *Tightened inspection to normal inspection.* When tightened inspection is in effect, normal inspection shall be reinstituted when five consecutive inspection lots have been considered acceptable on original inspection.

(e) When the rules require a switch in the inspection status because of one or more classes of defects, all classes of defects shall be inspected under the new inspection criteria. At the option of the user of the service and when approved by the Administrator, such user may elect to remain on normal inspection when qualified for reduced inspection, or on tightened inspection when qualified for normal inspection.

(f) Appeal inspection:

(1) *Appeal request.* Any interested party who is not satisfied with the results of a condition inspection on packaged food containers, as stated on an official certificate, may request an appeal inspection.

(2) *How to file an appeal.* A request for an appeal inspection may be made orally

or in writing. If made orally, written confirmation may be required. The applicant shall clearly state the reasons for requesting the appeal service and a description of the product to be appealed.

(3) *When an application for an appeal inspection may be refused.* When it appears to the official with whom an appeal request is filed that: (i) the reasons given in the request are frivolous or not substantial, or (ii) the condition of the containers has undergone a material change since the original inspection, or (iii) the original lot is no longer intact, the applicant's request for the appeal inspection may be refused. In such case, the applicant shall be promptly notified of the reason(s) for such refusal.

(4) *Who shall perform the appeal.* An appeal inspection shall be performed by a person(s) other than the person who made the inspection being appealed.

(5) *Sampling procedures.* The sampling plan for an appeal inspection shall be the next larger sampling plan from the plan in the table used in the original inspection.

(6) *Appeal grading certificate.* Immediately after an appeal inspection is completed, an appeal certificate shall be issued to show that the original inspection was sustained or was not sustained. Such certificate shall supersede any previously issued certificate for the inspection involved and shall clearly identify the number and date of the superseded certificate. The issuance of the appeal certificate may be withheld until the previously issued certificate and all copies have been returned when such action is deemed necessary to protect the interest of the Government.

§ 42.109 [Amended]

8. In § 42.109, Table I, the parentheses and wording "(normal inspection)" would be deleted and in Table I A, the parentheses and wording "(normal inspection)" would be deleted and the word "Rejest" below the table would be changed to read "Reject."

§ 42.110 [Amended]

9. In § 42.110, Tables II and II A, the parentheses and wording "(normal inspection)" and "(tightened inspection)," respectively, would be deleted.

10. In § 42.111, Table III A, the parentheses and wording "(reduced inspection)" would be deleted and Table III would be amended to read:

§ 42.111 Sampling plans for reduced condition of container inspection, Tables III and III–A; and limit number for reduced inspection, Table III–B.

TABLE III—SAMPLING PLANS FOR REDUCED CONDITION OF CONTAINER INSPECTION

Code	Lot size ranges—Number of containers in lot	Type of plan	Sample size		Acceptable quality levels																	
					0.15		0.25		0.50		1.0		1.5		2.5		4.0		6.5		10.0	
					Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re
CAA	6,000 or less	Single		29	1	2	1	2	1	2	1	2	1	2	2	3	3	4	4	5	5	6
		Double	1st	18	0	2	0	2	0	2	0	2	0	2	0	3	1	3	1	4	2	5
			2d	18																		
			Total	36	1	2	1	2	1	2	1	2	1	2	2	3	4	5	5	6	6	7
CA	6,001–36,000	Single		84	1	2	1	2	1	2	2	3	3	4	4	5	6	7	9	10	13	14
		Double	1st	36	0	2	0	2	0	2	0	3	0	4	0	4	0	5	2	7	3	9
			2d	60																		
			Total	96	1	2	1	2	1	2	2	3	3	4	4	5	7	8	10	11	15	16
CB	Over 36,000	Single		168	1	2	1	2	2	3	4	5	5	6	7	8	11	12	16	17	23	24
		Double	1st	120	0	2	0	2	0	3	2	5	2	6	3	7	6	10	10	14	14	19
			2d	60																		
			Total	180	1	2	1	2	2	3	4	5	5	6	8	9	12	13	17	18	25	26
CC		Single		315	1	2	2	3	3	4	6	7	8	9	13	14	19	20	28	29	41	42

11. Tables IV, VI, and VII of § 42.112 would be amended to read, respectively:

§ 42.112 *Defects of containers; Tables IV, VI, and VII.*

* * * * * * *

TABLE IV—METAL CONTAINERS

Defects	Categories		
	Critical	Major	Minor
Type or size of container or component parts not as specified	None permitted		
Closure incomplete, not located correctly or not sealed, crimped, or fitted properly		101	
Dirty, stained or smeared container			201
Key opening metal containers (when required):			
(a) Key missing		102	
(b) Key does not fit tab		103	
(c) Tab of opening band insufficient to provide accessibility to key		104	
(d) Improper scoring (band would not be removed in one continuous strip		105	
Open top with plastic overcap (when required):			
(a) Plastic overcap missing		106	
(b) Plastic overcap warped (making opening or reapplication difficult)		107	
Outside tinplate or coating (when required):			
(a) Missing or incomplete			202
(b) Blistered, flaked, sagged, or wrinkled			203
(c) Scratched or scored			204
(d) Fine cracks			205
Rust (rust stain confined to the top or bottom double seam or rust that can be removed with a soft cloth is not scored a defect):			
(a) Rust stain (nonmilitary purchases)			206
(b) Rust stain (military purchases)		108	
(c) Pitted rust		109	
Wet cans (excluding refrigerated containers)			207
Dent:			
(a) Materially affecting appearance but not usability			208
(b) Materially affecting usability		110	
Buckle:			
(a) Not involving end seam			209
(b) Extending into the end seam		111	
Collapsed container		112	
Paneled side materially affecting appearance but not usability			210
Solder missing when required		113	
Cable cut exposing seam		114	
Improper side seam		115	
Swell, springer, or flipper (not applicable to gas or pressure packed product nor frozen products)	1		
Leaker or blown container	2		
Frozen products only:			
(a) Bulging ends 3/16" to 1/4" beyond lip			211
(b) Bulging ends more than 1/4" beyond lip		116	

* * * * * * *

TABLE VI—RIGID AND SEMIRIGID CONTAINERS—CORRUGATED OR SOLID FIBERBOARD, CHIPBOARD, WOOD, ETC.
(Excluding Glass and Metal)

Defects	Categories		
	Critical	Major	Minor
Type or size of container or component parts not as specified	None permitted		
Component part missing		101	
Closure not sealed, crimped, or fitted properly:			
(a) Primary container		102	
(b) Other than primary container			201
Dirty, stained, or smeared container			202
Wet or damp (excluding ice packs):			
(a) Materially affecting appearance but not usability			203
(b) Materially affecting usability		103	
Moldy area	1		
Crushed or torn area:			
(a) Materially affecting appearance but not usability			204
(b) Materially affecting usability		104	
Separation of lamination (corrugated fiberboard):			
(a) Materially affecting appearance but not usability			205
(b) Materially affecting usability		105	
Product sifting or leaking		106	
Nails or staples (when required):			
(a) Not as required, insufficient number or improperly positioned			206
(b) Nails or staples protruding		107	
Glue or adhesive (when required); not holding properly, not covering area specified, or not covering sufficient area to hold properly:			
(a) Primary container		108	
(b) Other than primary container			207
Flap:			
(a) Projects beyond edge of container more than 1/4 inch			208
(b) Does not meet properly, allowing space of more than 1/4 inch			209
Sealing tape or strapping (when required):			
(a) Missing		109	
(b) Improperly placed or applied			210

TABLE VII—FLEXIBLE CONTAINERS (PLASTIC, CELLO, PAPER, TEXTILE, ETC.)

Defects	Catergories		
	Critical	Major	Minor
Type or size of container or component parts not as specified	None permitted		
Closure not sealed, crimped, stitched, or fitted properly:			
(a) Primary container		101	
(b) Other than primary container			201
Dirty, stained, or smeared container			202
Unmelted gels in plastic			203
Torn container:			
(a) Materially affecting appearance but not usability			204
(b) Materially affecting usability		102	
Product sifting or leaking		103	
Moldy area	1		
Individual packages sticking together or to shipping case (tear when separated)		104	
Not fully covering product		105	
Wet or damp (excluding ice packs):			
(a) Materially affecting apperance but not usability			205
(b) Materially affecting usability		106	
Overwrap (when required):			
(a) Missing		107	
(b) Loose, not sealed or closed			206
(c) Improperly applied			207
Sealing tape, strapping or adhesives (when required):			
(a) Missing		108	
(b) Improperly placed, applied, torn, or wrinkled			208
Tape over bottom and top closures (when required):			
(a) Not covering stitching		109	
(b) Torn (exposing stiching)		110	
(c) Wrinkled (exposing stitching)		111	
(d) Not adhering to bag:			
1. Exposing stitching		112	
2. Not exposing stitching			209
(e) Improper placement			210

12. In § 42.115, Reduced and Normal Inspection Plans for AQL=0.25 would be amended by changing the title N5 to read N and R5 and OC Curve N5 would be amended to read N and R5; Reduced and Normal Inspection Plans for AQL's=0.50, 1.00, 1.50, 2.50, 4.00, 6.50, and 10.00 would be amended by changing the title N4 to read N and R4 and OC Curves N4 would be amended to read N and R4 whenever they appear, respectively, and; the sampling plan and OC Curves chart for Reduced and Normal Inspection Plans for AQL=0.15 would be amended to read:

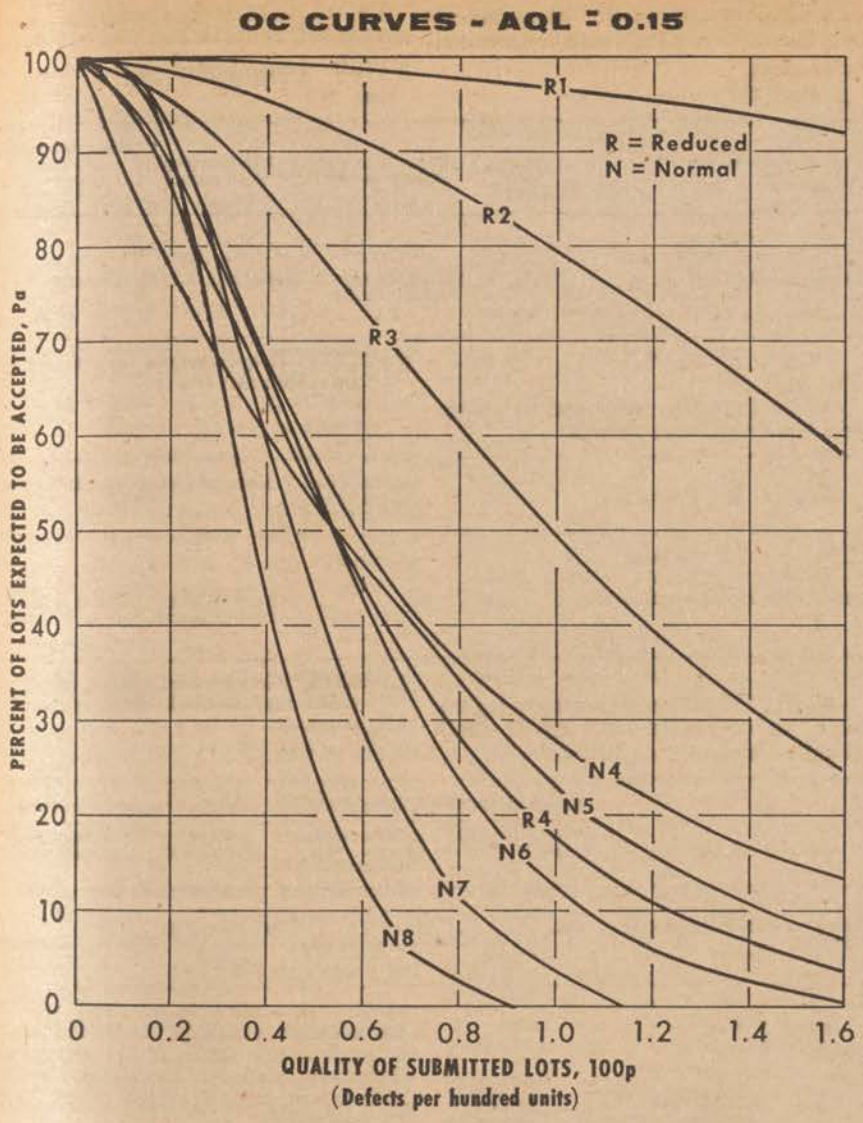
§ 42.115 Operating Characteristic (OC) Curves.

* * * * *

REDUCED AND NORMAL INSPECTION PLANS SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=0.15 DEFECTS PER HUNDRED UNITS

(Sampling plans—AQL=0.15)

Comparable sampling plans	Identification number of OC curve																										
	R1			R2			R3			R4			N4			N5			N6			N7			N8		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	29	1	2	84	1	2	126	0	1	315	1	2	168	1	2	264	1	2	500	2	3	800	3	4	1250	4	5
Double	18	0	2	36	0	2	-----	-----	-----	-----	-----	-----	120	0	2	174	0	2	252	0	3	456	0	4	-----	-----	-----
	36	1	2	96	1	2	-----	-----	-----	-----	-----	-----	180	1	2	336	1	2	540	2	3	864	3	4	-----	-----	-----



Done at Washington, D.C., this 23d day of March 1971.

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

[FR Doc.71-4153 Filed 3-26-71;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Ch. II]

CONTRACT FORMS FOR CONSTRUCTION-DIFFERENTIAL SUBSIDY

Notice of Proposed Rule Making

The Merchant Marine Act, 1936, as amended (46 U.S.C. 1101, et seq.) as amended by the Merchant Marine Act of 1970 (Public Law 91-469), provides that a shipyard of the United States may apply for construction-differential subsidy to aid in the construction of merchant vessels to be used in the foreign commerce of the United States. This formal industry comment, draft contract forms for use in the implementation of the new Maritime Program authorized by the 1970 Act. Copies of the draft contract forms may be obtained from the Secretary, Maritime Subsidy Board.

Pursuant to sections 502 and 504, Merchant Marine Act, 1936, as amended (46 U.S.C. 1152 and 1154), notice is hereby given that the Maritime Subsidy Board is contemplating the adoption of contract forms, substantially in the form drafted as aforesaid, for use in the granting of construction-differential subsidy to aid in the construction of merchant vessels to be used in the foreign commerce of the United States.

While the construction-differential subsidy program is exempt from the requirements of section 4, Administrative Procedure Act (5 U.S.C. 553), the Board invites interested parties to submit written comments on the draft contract forms for consideration by the Board, in triplicate, to the Secretary, Maritime Subsidy Board, Maritime Administration, Washington, D.C. 20235, by the close of business on April 26, 1971.

Dated: March 25, 1971.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.71-4332 Filed 3-26-71;8:53 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 146]

[CGFR 71-22]

DIFLUOROMONOCHLOROETHANE IN TANK TRUCKS

Notice of Proposed Rule Making

The Coast Guard is considering amending the dangerous cargoes regulations to allow the carriage of shipments of difluoromonochloroethane in motor vehicle tank trucks complying with Department of Transportation regulations aboard trailerships and trainships.

Interested persons are invited to submit written data, views, or comments regarding the proposal to the Commandant (MHM), U.S. Coast Guard, Washington, D.C. 20591. Communications should identify the notice number, CGFR 71-22, any specific wording recommended, reasons for any recommended change, and the name, address, and organization, if any, of the commentator. The Coast Guard will hold an informal hearing on Tuesday, May 4, 1971, at 9:30 a.m. in Conference Room 2230, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. There will be no cross-examination of persons presenting statements. Comments received on or before May 11, 1971, or at the hearing, will be fully considered and evaluated before final action is taken on this proposal. Copies of all written communications received will be available for examination in Room 8306, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC., both before and after the closing date for the receipt of comments. The proposal contained in this document may be changed in the light of the comments received.

In Notice No. 71-9 (Docket No. HM-82) page 5806 of this issue of the FEDERAL REGISTER, the Hazardous Materials Regulations Board of the Department of Transportation proposes amendments to Parts 172 and 173 of Title 49,

Code of Federal Regulations relating to the authorization of shipments of difluoromonochloroethane in specification MC 330 and MC 331 cargo tanks, and 105A300W tank-car tanks. For reasons fully stated in that document, the Board has concluded that satisfactory special performance during the past 5 years with the proposed specification supports the proposal.

The proposed amendment of the hazardous materials regulations of the Department of Transportation in Title 49 would make these changes apply to shippers by water, air, and land, and to carriers by air and land. The adoption of the applicable provisions of the proposed amendment to Title 46 would make the change apply to carriers by water.

In consideration of the foregoing, the Coast Guard proposes to amend § 146.24–100 to allow the carriage of difluoromonochloroethane on deck in the open on board trailerships and trainships in motor vehicle tank trucks that comply with Department of Transportation regulations.

This proposal is made under authority of R.S. 4405, as amended, R.S. 4417a, as amended, R.S. 4462, as amended, R.S. 4472, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 391a, 416, 170, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).

Dated: March 19, 1971.

W. M. BENKERT,
Captain, U.S. Coast Guard, Acting Chief, Officer of Merchant Marine Safety.

[FR Doc.71–4156 Filed 3–26–71;8:48 am]

Hazardous Materials Regulations Board

[49 CFR Parts 172, 173]

[Docket No. HM–82; Notice No. 71–9]

TRANSPORTATION OF HAZARDOUS MATERIALS

Difluoromonochloroethane in Tank Trucks and Tank Cars

The Hazardous Materials Regulations Board is considering amending §§ 172.5, 173.314, and 173.315 to provide for the transportation of difluoromonochloroethane, a flammable compressed gas, in specifications MC 330 and MC 331 cargo tanks, and 105A300W tank car tanks.

This proposal is based on a current special permit, originally issued over 5 years ago, that has provided for the subject transportation. During this time, the experience has been satisfactory. Although the permit requires cargo tanks having a minimum design pressure of 250 p.s.i.g., the Board has no objection to cargo tanks of 100 p.s.i.g. minimum design. The vapor pressure of the commodity is reported as 75 p.s.i.g. at 115° F. Records indicate the 250 p.s.i.g. was a result of the petitioner's request. The Board notes that a 250 p.s.i.g. design pressure cargo tank is a common type tank in many transportation fleets because of its versatility.

In consideration of the foregoing, 49 CFR Parts 172 and 173 would be amended as follows:

I. Part 172:

(A) In § 172.5, paragraph (a), commodity list, would be amended as follows:

§ 172.5 List of hazardous materials.

(a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Change)				
* * *	* * *	* * *	* * *	* * *
Difluoromonochloroethane	F.G	173.306, 173.304, 173.314, 173.315.	Red Gas	300 pounds.
* * *	* * *	* * *	* * *	* * *

* * * * *

II. Part 173:

(A) In § 173.314, paragraph (c) table would be amended as follows:

§ 173.314 Requirements for compressed gases in tank cars.

* * * * *

(c) * * *

Kind of gas	Maximum permitted filling density, Note 1	Required tank car, see § 173.31(a) (2) and (3)
(Change)	*Percent*	
* * *	* * *	* * *
Difluoromonochloroethane Note 13	100	DOT–106A500X, 110A500W, Note 7. DOT–105A300W, Note 4.
* * *	* * *	* * *

* * * * *

(B) In § 173.315, subparagraphs (a)(1) table, (h)(2) table, and (i)(2) table would be amended as follows:

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

(a) * * *

(1) * * *

Kind of gas	Maximum permitted filling density: Percent by weight (see Note 1)	Maximum permitted filling density: Percent by volume (see par. (f) of this section)	Specification container required: Type (see Note 2)	Specification container required: Minimum design pressure (p.s.i.g.)
(Add)	* * *	* * *	* * *	* * *
Difluoromono-chloroethane (see Note 9).	100	Note 7	MC 330, MC 331	100.
* * *	* * *	* * *	* * *	* * *

* * * * *

(h) * * *

(2) * * *

Kind of gas (Add)	*Permitted gaging device*
* * *	* * *
Difluoromonochloroethane	None
* * *	* * *

* * * * *

(i) * * *

(2) * * *

pressure (p.s.i.g.)

Kind of gas (Add)	*Minimum start-to-discharge*
* * *	* * *
Difluoromonochloroethane	100.
* * *	* * *

* * * * *

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before May 11, 1971, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831–835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

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

W. M. BENKERT,
Captain, U.S. Coast Guard, by direction of the Commandant, U.S. Coast Guard.

CARL V. LYON,
Acting Administrator, Federal Railroad Administration.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

[FR Doc.71–4155 Filed 3–26–71;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19045]

TELEVISION BROADCAST STATIONS

Table of Assignments; Clarksville, Tenn.; Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.606, Table of Assignments, Television Broadcast Stations. (Clarksville, Tenn.), Docket No. 19045, RM–1637.

1. This proceeding was begun by a notice of proposed rule making (FCC 70–1099), adopted October 7, 1970, and published in the FEDERAL REGISTER October 15, 1970 (35 F.R. 16181). The date designated for reply comments has expired and reply comments are presently due on March 12, 1971.

2. On March 12, 1971 Professional Telecasting Systems, Inc. (Professional Telecasting), licensee of television Station WBKO in Bowling Green, Ky., filed a request to extend the time for filing reply comments to and including March 26, 1971. Professional Telecasting states that because of the press of other business and the need to gather additional material the additional time is necessary. Counsel for the rule making proponent has consented to the extension requested.

3. It appears that the requested extension is warranted and would serve the public interest. *Accordingly, it is ordered,* That the request of Professional Telecasting Systems, Inc., is granted to and including March 26, 1971, for reply comments.

4. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: March 23, 1971.

Released: March 24, 1971.

[SEAL] FRANCIS R. WALSH,
Chief, Broadcast Bureau.

[FR Doc.71-4303 Filed 3-26-71;8:52 am]

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. R-415]

RELIABILITY OF ELECTRIC SERVICE

Submission of a Weekly Fuel Report Under Emergency Conditions

MARCH 23, 1971.

Notice is hereby given that, pursuant to 5 U.S.C. 551, et seq. (1967), and sections 202, 301, 304a, 309, and 311 of the Federal Power Act (49 Stat. 848, 854, 855, 858, 859; 67 Stat. 461; 16 U.S.C. 824a, 825, 825c, 825h, 825j) the Commission proposed to amend Part 141—Statements and Reports (Schedules) in Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations, by adding a new § 141.59 prescribing new Weekly Fuel Emergency Report Forms Nos. 237a (Coal and 237B (Oil)). The Commission proposes to require all electric utilities or suppliers whether investor owned, publicly owned or cooperatively owned to submit the proposed Weekly Fuel Emergency Reports (Forms Nos. 237A and 237B) whenever the utility, in the proper exercise of due diligence, shall determine that its fuel supplies are threatened or fall below a level which is necessary to assure reliability of service.

The reasons for promulgation of the proposed Weekly Fuel Emergency Report Form are: (a) To assure to the greatest extent possible an adequate and reliable supply of electric power and energy in the United States; (b) to assure proper utilization and conservation of natural resources in the United States; (c) to promote coordination among governmental agencies and electric utilities to solve the problem of fuel supply for electric generation, if when, and where the problem arises; (d) to collect in a timely manner such information on fuel supply as may be necessary to meet emergencies affecting reliability of electric service in the United States; and (e) to assist the Commission generally in the proper administration of the Federal Power Act.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than April 22, 1971, views and comments in writing concerning the proposed rulemaking. An original and 14 conformed copies of such comments shall be filed with the Secretary of the Commission and shall contain the name, title and mailing address of the person or persons to whom communications concerning the proposal should be addressed; and shall state whether the person filing comments requests a conference at the Federal Power Commission to discuss the proposed form and amendment. In addition, interested persons wishing to have their comments considered in the clearance of the proposed Weekly Fuel Emergency Report Forms pursuant to 44 U.S.C. 3501–3511 may, at the same time, submit a conformed copy of their comments directly to the Clearance Officer, Office of Statistical Policy, Office of Management and Budget, Washington, D.C. 20503. The Commission will consider all written submittals and responses before acting on the matter herein proposed.

The proposed amendment to Part 141—Statements and Reports (Schedules), prescribing new Weekly Fuel Emergency Report Forms Nos. 237A and 237B, would be issued under the authority granted the Federal Power Commission by the Federal Power Act as amended, particularly sections 202, 301, 304a, 309, and 311 (49 Stat. 848, 854, 855, 858, 859; 67 Stat. 461; 16 U.S.C. 824a, 825, 825c, 825, 825h, 825j).

Accordingly, it is proposed to amend Part 141—Statements and Reports (Schedules) in Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations by adding a new § 141.59 prescribing new FPC Forms Nos. 237A (Coal) and 237B (Oil), in the form set out in Attachment A hereto. New § 141.59 will read:

§ 141.59 Weekly Fuel Emergency Report, Form No. 237A (Coal) and Form No. 237B (Oil).

These forms are designed to obtain information on a weekly basis from electric utilities or suppliers whether investor owned, publicly owned or cooperatively owned facing fuel emergencies. The report must be filed in the first instance whenever a utility shall determine in the exercise of duel diligence that an emergency exists and must be filed weekly thereafter until the emergency terminates. A fuel emergency exists when supplies of fuels for generation are at a level which threatens projected operations or reliability of electric service. Form 237A[1] pertains to situations where coal is the principal fuel. Form 237B[1] pertains to oil as a principal fuel.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4283 Filed 3-26-71;8:50 am]

[1] Filed as part of the original document.

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

JOHN S. ANDERSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 5, 1971.

Dated: February 5, 1971.

JOHN S. ANDERSON.

[FR Doc.71-4257 Filed 3-26-71;8:48 am]

CHARLES A. CAMPBELL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of February 10, 1971.

Dated: February 10, 1971.

CHARLES A. CAMPBELL.

[FR Doc.71-4258 Filed 3-26-71;8:48 am]

GLENN J. HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.

(2) FMC Corp., Howmet Corp., Morrison-Knudsen Co., General Electric Co., Amalgamated Sugar Co., Idaho Power Co., First Security Bank Corp., Union Carbide Corp., Pacific Power & Lt. Co., Utah Power & Light Co., Union Pacific Corp., Portland G E Co., Washington Water Power Co., Montana Power Co., Westinghouse Electric Co., Puget Sound Power & Light Co., Howmedica Corp., Anaconda, Gulf Oil.

(3) No change.
(4) No change.

This statement is made as of February 19, 1971.

Dated: February 19, 1971.

GLENN J. HALL.

[FR Doc.71-4259 Filed 3-26-71;8:48 am]

DAVID G. JETER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of today.

Dated February 10, 1971.

DAVID G. JETER.

[FR Doc.71-4260 Filed 3-26-71:8:49 am]

J. W. KEPNER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 10, 1971.

Dated: February 10, 1971.

J. W. KEPNER.

[FR Doc.71-4261 Filed 3-26-71;8:49 am]

OWEN A. LENTZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of March 2, 1971.

Dated: March 2, 1971.

OWEN A. LENTZ.

[FR Doc. 71-4262 Filed 3-26-71;8:49 am]

ROBERT R. McLAGAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 1, 1971.

Dated: February 4, 1971.

ROBERT R. McLAGAN.

[FR Doc.71-4263 Filed 3-26-71;8:49 am]

JULIO A. NEGRONI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 1971.

Dated: February 8, 1971.

JULIO A. NEGRONI.

[FR Doc.71-4214 Filed 3-26-71;8:49 am]

LEROY J. SCHULTZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of February 8, 1971.

Dated: February 8, 1971.

LEROY J. SCHULTZ.

[FR Doc.71-4265 Filed 3-26-71;8:49 am]

CHARLES W. WATSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 3, 1971.

Dated: February 3, 1971.

CHARLES W. WATSON.

[FR Doc.71-4266 Filed 3-26-71;8:49 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ARIZONA

Designation of Area 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 county in the State of Arizona natural disasters have caused a general need for agricultural credit:

ARIZONA

Yuma.

Emergency loans will not be made in the above-named county under this designation after June 30, 1971, except subsequent loans to qualified borrowers who receive initial loans under this designation on or before that date.

Done at Washington, D.C., this 24th day of March 1971.

J. PHIL CAMPBELL,
Acting Secretary.

[FR Doc.71-4276 Filed 3-26-71;8:50 am]

CONSUMER AND MARKETING SERVICE

Organization and Delegations

Pursuant to the authority contained in 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953, section 110c of Secretary's Order dated December 3, 1969 (34 F.R. 19474), is amended by adding a new subparagraph (30), which will read as follows:

(30) Potato Research and Promotion Act (Public Law 91-670).

Done at Washington, D.C., this 24th day of March 1971.

J. PHIL CAMPBELL,
Acting Secretary of Agriculture.

[FR Doc.71-4309 Filed 3-26-71;8:53 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

DETERMINATION OF DIRECTOR REGARDING VOTING RIGHTS

Alaska et al.

In accordance with section 4(b)(2) of the Voting Rights Act of 1965 (42 U.S.C. 1973b) as amended by section 4 of the Voting Rights Act Amendment of 1970 (Public Law 91-285) and the determination of the Attorney General made pursuant to section 4(b)(1) of the Act and amendments thereto published in the August 1, 1970, issue of the FEDERAL REGISTER (35 F.R. 12354), I have determined that in the following political subdivisions considered as a separate unit less than 50 per centum of the persons of voting age residing therein voted in the presidential election of November 1968.

ALASKA (ELECTION DISTRICTS)

8 Anchorage.
11 Kodiak.
12 Aleutian Islands.
16 Fairbanks-Fork Yukon.

ARIZONA

Apache County.
Cochise County.
Coconino County.
Mohave County.
Navajo County.
Pima County.
Pinal County.
Santa Cruz County.

CALIFORNIA

Monterey County.
Yuba County.

IDAHO

Elmore County.

NEW YORK

Bronx County.
Kings County.
New York County.

WYOMING

Campbell County.

GEORGE H. BROWN,
Director, Bureau of the Census.

MARCH 15, 1971.

[FR Doc.71-4220 Filed 3-26-71;8:45 am]

Office of the Secretary

[Dept. Organ. Order 30-2B, Amdt. 1]

NATIONAL BUREAU OF STANDARDS

Organization and Functions

The following amendment to the order was issued by the Secretary of Commerce on March 15, 1971. This material amends the material appearing at 35 F.R. 18550 of December 5, 1970.

Department Organization Order 30-2B, dated November 16, 1970, is hereby amended as follows:

1. SEC. 7. *Office of the Associate Director for Information Programs.*

a. Paragraph .05, The Office of Public Information is deleted.

b. Paragraph .06 is renumbered .05.

2. The attached organization chart dated March 15, 1971 supersedes the organization chart dated November 16, 1970. (A copy of the organization chart is on file with the original of this document with the Office of the Federal Register.)

Effective date: March 15, 1971.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.71-4221 Filed 3-26-71;8:46 am]

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

OFFICIAL SYMBOL FOR BICENTENNIAL COMMEMORATION

Interim Rules and Regulations

MARCH 18, 1971.

Pursuant to the authority vested in the American Revolution Bicentennial Commission by section 6(g) of Public Law 89-491, as amended by Public Law 91-528, and the delegation of authority from the Commission to the Chairman contained in the Commission's Resolution J approved February 5, 1971, to issue rules and regulations and take necessary actions to implement said provisions of law, there are hereby prescribed the following interim regulations governing the manufacture, importation, reproduction or use of an official symbol for use in connection with the commemoration of the American Revolution Bicentennial.

SECTION 1. *Authority and definitions.* (a) *Authority.* Section 6(g) of Public Law 89-491 as amended by Public Law 91-528 provides:

> Whoever, except as authorized under rules and regulations issued by the Commission, knowingly manufactures, reproduces, or uses any logos, symbols, or marks originated under authority of and certified by the Commission for use in connection with the commemoration of the American Revolution Bicentennial, or any facsimile thereof, or in such a manner as suggests any such logos, symbols, or marks, shall be fined not more than $250 or imprisioned not more than 6 months or both: *Provided*, that this section shall be applicable upon publication in the FEDERAL REGISTER of notification of certification hereunder by the Commission with respect to each such logo, symbol, or mark.

(b) *Definitions.* (1) The term "Commission" means the American Revolution Bicentennial Commission.

(2) The term "official symbol" means a five pointed white star outlined in red, white, and blue rounded contour (whether used with or without text) originated under the authority of and adopted by the Commission on February 5, 1971, as the official symbol for the commemoration of the American Revolution Bicentennial Commission, or any reproduction of facsimile thereof, sufficiently similar as to suggest the said symbol.

(3) The term "Chairman" means the Chairman of the American Revolution Bicentennial Commission or any person designated to act for him.

SEC. 2. *Unauthorized use.* The manufacture, importation, reproduction or use of the symbol except as licensed by the Chairman is unauthorized.

It is to the benefit of the public that these interim regulations be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedures Act (60 Stat. 238), it is found upon good cause that notice and public procedure on the interim regulations are impracticable, unnecessary and contrary to the public interest, and good cause is found for making these regulations effective upon publication.

Washington, D.C.

DAVID J. MAHONEY,
Chairman, American Revolution, Bicentennial Commission.

RESOLUTION J

ARBC OFFICIAL SYMBOL

Be it resolved, That the ARBC, meeting in San Francisco, Calif., in regular session and with a required quorum for doing business, hereby adopts a symbol designed by the firm of Chermayeff and Geismar Associates, Inc., as the official symbol of the Commission for use in connection with the commemoration of the American Revolution Bicentennial.

Said symbol is a five pointed white star outlined in red, white, and blue rounded contour (a copy of which is attached). The symbol was designed by Chermayeff and Geismar Associates, Inc., under letter agreement with the Commission dated December 4, 1970.

The Chairman is hereby authorized and directed to certify on behalf of the Commission, as may be required by statute or otherwise, that said symbol originated under the authority of the Commission and has been adopted by the Commission as its official symbol for use in connection with the Bicentennial commemoration.

The Chairman is authorized and directed to issue rules and regulations for use of the symbol and to take such actions as are necessary and proper to implement the provisions of Public Law 91-528 with respect to said symbol.

Agreed to this 5th day of February 1971 in the city of San Francisco.

I certify that the above is a true copy of a Resolution adopted by the American Revolution Bicentennial Commission at San Francisco on February 5, 1971.

M. L. SPECTOR,
Executive Director.
DAVID J. MAHONEY,
Chairman.

[FR Doc.71-4219 Filed 3-26-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22628; Order 71-3-122]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of March 1971.

By Order 71-2-88, dated February 19, 1971, the Board, among other things, deferred action with a view toward eventual approval on certain resolutions adopted by Traffic Conference 1 of the International Air Transport Association (IATA). These resolutions encompass fares and related provisions to apply in United States-Caribbean/Bermuda markets for a one-year period commencing April 1, 1971. In general terms, the agreement would result in a continuation of first-class fares at current levels and upward adjustments in economy-class fares. More significant revisions were proposed to the pattern of first-class and economy 21-day excursion fares. In the case of first-class excursion fares, the current midweek/weekend fare differential would be eliminated and a higher fare level would be applied all year throughout the entire week. The midweek/weekend fare differential would be retained at somewhat higher levels than at present for economy-class excursion travel, and these fares would be further differentiated so as to provide higher fare levels in the peak season. Other elements of the agreement include establishment of travel restrictions on group inclusive tour (GIT) travel and the introduction of an incentive/own use program for groups of 20 or more passengers.

In deferring action on matters relating to Bermuda and Caribbean travel, the Board commented that the carriers' current depressed earnings situation appeared to warrant the additional revenues which would flow from the agreement.[1] However, a period of 10 days was provided for the receipt of comments on the agreement. No comments have been received, and we will therefore finalize our tentative conclusions set forth in Order 71-2-88.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Agreement CAB 22051, R-26, R-27, R-29, and R-30 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[2]

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-4223 Filed 3-26-71;8:46 am]

[1] The resolutions provide for some rather substantial increases, particularly the 10-14 percent hike in the all-important 21-day excursion fares during the high season. We find that approval of such increases is in the public interest primarily because of the fact that Pan American experienced an operating loss of $36 million in its Latin American operations for the 12 months ended Sept. 30, 1970, the great bulk of which was sustained in the Caribbean markets which are covered by these resolutions.

[2] Dissenting statement of Member Minetti filed as part of the original document.

[Docket No. 22975; Order 71-3-124]

OVERSEAS NATIONAL AIRWAYS, INC.

Order of Investigation

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

By tariff revisions[1] filed February 19, and effective March 24, 1971, Overseas National Airways, Inc. (ONA), proposes to establish charges for cargo charters in its DC-9 aircraft from Atlanta to New York of $1,256 and from New York to Detroit of $806. The charges would yield $1.68 and $1.67 per aircraft mile, respectively.

Airlift International, Inc. (Airlift), submitted a complaint requesting an expeditious investigation of the proposal to be conducted contemporaneously or consolidated with the investigation in Docket 22975, discussed below.

No justification for the proposed charges was submitted by ONA.

By Order 71-1-11, dated January 5, 1971, Docket 22975, the Board instituted an investigation of a charter charge proposed by ONA from Atlanta to Detroit, also yielding $1.68, on the ground that it may be unduly low. Consistent with the above order and in view of all other relevant factors, the Board finds that ONA's currently proposed charter charges may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. In view of the similarities of the issues, we shall consolidate the investigation of ONA's current proposals with the investigation instituted in Order 71-1-11. Although we shall not direct expedition of that investigation, we intend to proceed as soon as practicable in the light of other matters pending before the Board.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the cargo charter charges and provisions on Original Page 11 of Overseas National Airways, Inc.'s CAB No. 22 (Overseas National Airways Series) including subsequent revisions and reissues thereof, and rules, regulations, and practices affecting such charges and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charges and provisions, and rules, regulations, and practices affecting such charges and provisions;

2. The foregoing investigation be consolidated into the investigation instituted in Docket 22975;

3. The complaint of Airlift International, Inc., in Docket 23210, is dismissed, except to the extent granted herein; and

[1] Revisions to Overseas National Airways, Inc., Tariff CAB No. 22 (Overseas National Airways Series).

4. Copies of this order shall be served upon Overseas National Airways, Inc., Airlift International, Inc., and upon all other parties of record in Docket 22975.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-4224 Filed 3-26-71;8:46 am]

[Docket No. 22628; Order 71-3-131]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Reduced Fares for Spouses of Passenger Sales Agents

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of March 1971.

By Order 71-1-111, dated January 25, 1971, the Board deferred action, with a view toward disapproval, on a resolution adopted by the International Air Transport Association (IATA) which would permit the spouses of U.S.-based travel agents to travel at reduced fares.

In proposing to disapprove the resolution, the Board noted that the concept of reduced fares to travel agents is predicated on the business needs of the carriers and agents, including travel for familiarization purposes as well as that required in the day-to-day conduct of business activities, and indicated that no showing had been made that the granting of discounts to spouses of travel agents would enhance the agents' ability to sell air transportation. The Board allowed a 30-day period for the receipt of comments on its proposed action.

Comments have been received from the American Society of Travel Agents (ASTA), numerous travel agencies, and individuals numbering in excess of 100. Without exception, all of the responses urge that the Board reconsider its tentative action and approve the resolution granting reduced-rate privileges to spouses of travel agents. No air carrier comments have been received.

The gist of the many comments received is as follows: (1) Many travel agents are married women who hesitate to take trips without their spouses, and the effect of the Board's tentative action would be to deny these women a chance to become more proficient and to compete effectively in their profession; (2) many travel agents are unwilling to travel without their spouses and are not financially able to pay full fare for their spouses; (3) spouses are, in many cases, instrumental in obtaining business for the agent; (4) the Board should offer to the carriers in a program of this type; (5) approval would help fill empty airline seats and thus contribute to increased revenues; (6) the Board is guilty of discrimination in permitting discounts for spouses of foreign-based agents while denying the privilege to U.S. agents; and (7) the Board has permitted free and reduced-rate privileges to employees of the carriers and their families when the position of the employee may be completely unrelated to selling.

Upon consideration of the comments and all relevant matters before it, the Board has concluded to disapprove the agreement. The reduced-fare privileges accorded travel agents are an exception to the general rule inherent in the Federal Aviation Act that users of air transportation pay regular tariff rates for the services provided. Reduced fares for travel agents have been adopted by the carriers and approved by the Board in the past solely for the purpose of enhancing the sale of air transportation by travel agents. The privilege is not intended as a type of fringe benefit as is permitted by law to airline employees and their immediate families.[1] It may be that an agent's spouse is instrumental in the sale of air transportation in some instances. By the same token, it is likely that in other instances the spouse has little to do with the agent's professional activities. The carriers agreement does not, and probably could not, distinguish between these different factual situations. Neither can the Board perceive any objective basis for identifying those persons who should be eligible for the reduced-fare privilege other than their status as a bona fide employee of a travel agency. The provision of a reduced fare for a relatively narrow segment of the traveling public, i.e., agent's spouses, is a clear discrimination. Without the justification found in a resultant enhancement of sales of air transportation, we conclude that the discrimination is unjust and lawful.

We recognize that a degree of discrimination is inherent in treating U.S. agents differently from their foreign counterparts. However, the Board has generally declined to exercise jurisdiction over agents in other countries since they operate under differing laws and their activities are more appropriately the concern of their respective governments, and to a lesser extent because of the practical difficulties of enforcement. Moreover, we would observe that maintaining parity among agents selling transportation to and from the United States could, in this instance, serve as an incentive for foreign-based agents to sell other countries as a destination.

Accordingly, it is ordered, That:

Agreement CAB 22068, R-22, Resolution 203, Reduced Fares for Passenger Agents—USA—Amending is disapproved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-4308 Filed 3-26-71;8:53 am]

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[1] Section 403(b) of the Act permits carriers to transport their directors, officers, and employees, as well as certain other limited categories of persons, without regard to their effective tariffs.

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Tourism.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-4289 Filed 3-26-71;8:51 am]

DEPARTMENT OF DEFENSE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Assistant to Secretary of Defense for Strategic Arms Limitation Talks.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-4290 Filed 3-26-71;8:51 am]

DEPARTMENT OF LABOR

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Executive Director for Jobs for Veterans, Office of the Assistant Secretary for Manpower.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-4291 Filed 3-26-71;8:51 am]

DEPARTMENT OF TRANSPORTATION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the

excepted service the position of General Manager, National Transportation Safety Board.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 71-4292 Filed 3-26-71;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Associate Commissioner for Regional Office Coordination, Office of Education.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-4293 Filed 3-26-71;8:51 am]

DEPARTMENT OF THE INTERIOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-4294 Filed 3-26-71;8:51 am]

DEPARTMENT OF TRANSPORTATION

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Director, Office of International Transportation Policy and Programs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-4295 Filed 3-26-71;8:51 am]

FEDERAL COMMUNICATIONS COMMISSION

MEXICAN STANDARD BROADCAST STATIONS

Notification List

MARCH 22, 1971.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of change or commencement of operation
							Number radials	Length (feet)	
		810 kHz							
XERSV (PO: 5 kw, ND, D)	Ciudad Obregon, Sonora, N. 27°30'50", W. 109°56'16".	0.25	DA-N		II				
		860 kHz							
XEZR (PO: Daytime on 850 kHz)	Zaragoza, Coahuila, N. 28°29'00", W. 100°54'00".	0.25	DA-N		II				
		1530 kHz							
XEUR	Texcoco, Edo. de Mexico, N. 19°25'45", W. 98°56'57".	5	DA-1	U	II				

FCC NOTE: Notification of basic information for these changes in a notification list has not been received as of this issue date. Supplementary information was transmitted in accordance with provisional procedures for exchange of notifications established in a memorandum of understanding between the Delegations of the United States and Mexico signed in Washington on November 27, 1968.

Issued: March 22, 1971.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
MARTIN I. LEVY,
Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc.71-4302 Filed 3-26-71;8:52 am]

[Docket No. 19175; FCC 71-275]

TROPICAL RADIO TELEGRAPH CO. AND RCA GLOBAL COMMUNICATIONS, INC.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

Application for Transfer of Control of Tropical Radio Telegraph Co., a Radio Licensee, to RCA Global Communications, Inc., a subsidiary of Radio Corp. of America, Inc., File No. 537-C4-TC (4)-69.

1. By an application filed on July 29, 1968, pursuant to section 310(b) of the Communications Act of 1934, RCA Global Communications, Inc. (RCA Globcom), United Brands Corp. (United),[1] a corporation holding all the outstanding stock of Tropical Radio Telegraph Co. (Tropical), and Tropical request our consent to the transfer of control of Tropical, the holder of four licenses in the International Fixed Radio Service and two licenses in the Safety and Special Radio Services, to RCA Globcom, a wholly owned subsidiary of Radio Corp. of America, Inc. (RCA), by RCA Globcom acquiring all the issued and outstanding stock of Tropical.[2]

2. The price to be paid by RCA Globcom will either be an amount of RCA Common Stock, not to exceed 258,000 shares in the aggregate, or be an amount of cash equal to the excess of total assets over liabilities, excluding indebtedness due from Tropical to United and a United subsidiary, as shown on Tropical's balance sheet (Tropical's book value).[3] If Tropical's book value exceeds the value of 258,000 shares of RCA Common Stock, RCA Globcom will pay the difference in cash. RCA has covenanted and agreed to issue and deliver to RCA Globcom, at or immediately prior to the closing of the pending agreement, a stock certificate for the requisite number of shares of RCA Common Stock.

3. On May 23, 1969, the Commission released a memorandum opinion and order (17 FCC 2d 933) pursuant to which AMK Corp. was authorized to obtain control of Tropical by acquiring control of United Fruit Co., subject to the condition that AMK, if the proposed transfer to RCA Globcom were not approved, take such necessary action as may be required to assure the prompt availability of any need financial support Tropical may require to continue to provide, in an adequate manner, all the services Tropical then provided or may be authorized to provide. AMK accepted this condition by letter dated May 27, 1969.

4. Tropical was initially established as an operating division of United Fruit Co. in 1904 and was incorporated in 1913. At present less than 10 percent of its service is performed for United. For many years Tropical has provided international common carrier telegraph service between the United States and points in Central America, Mexico, South America, the West Indies, including the Bahamas, and with ships at sea. It operates gateways for telegraph service in Miami and New Orleans but maintains only a minimal number of traffic solicitation personnel elsewhere in the United States. Almost half of Tropical's outbound traffic from the United States is obtained from areas near its gateway operations, specifically from Florida, Louisiana, and Texas.

5. Tropical operates international communications facilities at Panama, Honduras, and Nicaragua, under concessions granted by those countries. By virtue of the concessions, Tropical provides international telephone service, principally as American Telephone and Telegraph's foreign correspondent and as a foreign international carrier. It also provides international record communication service between those countries and other foreign locations. More than half of Tropical's total revenues were derived from its operations as a foreign rather than as a United States carrier.

6. Tropical, in 1969, received 22 percent of total industry revenues from record services between the United States and Bermuda, total West Indies, Central America, and Colombia, South America. Its participation in record traffic between the United States and all overseas points in 1969 was 4 percent.

7. RCA Globcom is a communications common carrier certificated and licensed by the Commission under the Communications Act of 1934. It is engaged principally in the business of furnishing overseas communications services via submarine cable, radio and satellite facilities linking the continental United States directly with 76 other countries and overseas points.

8. RCA Globcom, in 1969, received 24 percent of total industry revenues from record services between the United States and Bermuda, total West Indies, Central America and Colombia, South America. Its participation in record traffic between the United States and all overseas points in 1969 was 40 percent.

9. RCA is engaged directly and through subsidiaries in the research, manufacture, distribution, sale, lease and servicing of electronic products including television, radios, phonographs, and tape recorders; tubes and semiconductors; records and recorded tapes; magnetic products; broadcast and communications equipment; instructional systems; information systems and graphic systems; and space and military equipment. It is also engaged either directly or through its subsidiaries in the operation of television and radio broadcasting networks and stations; licensing patents and providing technical know-how; renting and leasing of automobiles and trucks; book publishing; and conducting other related activities.

10. The application states that the requested transfer will serve the public interest, convenience and necessity by providing a small carrier with the technological and other assistance necessary for it to maintain its position as a successful carrier in its service area in the face of increasing competitive pressures from International Telephone and Telegraph and Western Union International, Inc. (WUI).

11. The application was listed in the Commission August 5, 1968, notice of applications accepted for filing and copies of the application were mailed to Western Union International, Inc. (WUI), ITT World Communcations, Inc. (ITT), and the Department of Justice. By letter dated September 3, 1968, ITT gave notice that it desired to be treated as an interested party. A petition to deny under section 309(d)(1) of the Communications Act of 1934 was filed by WUI on October 16, 1968. In addition, Western Union Telegraph Co. (WU) submitted comments on the proposed transfer by letter dated February 19, 1971.

12. WUI's petition states: That (a) RCA Globcom is the largest carrier in the industry and that its acquisition of Tropical would eliminate a competitive force, compound the dominant position of RCA Globcom and combine in one organization overwhelming shares of the relevant markets; (b) the proposed acquisition would substantially lessen competition and violate section 7 of the Clayton Act (15 U.S.C. sec. 18), section 1 of the Sherman Act (15 U.S.C. sec. 1) and section 314 of the Communications Act of 1934 as well as violate the public interest by eliminating a viable competitor, ending competition between RCA Globcom and Tropical to many points and allowing RCA Globcom to succeed to various favored positions; (c) the proposed acquisition is not in the public interest; and (d) the application is deficient for want of a necessary applicant—RCA

13. In their answers, RCA Globcom and Tropical state: That (a) the public interest would be served by the grant of the application; (b) the transfer would not have any significant adverse effect on competition; (c) the proposed transfer is not prohibited by section 314 of the Communications Act; (d) the antitrust type arguments of WUI lack substance, and, in any event, are not the controlling factor; (e) Tropical's economic circumstances preclude it from

[1] When the application was originally filed, Tropical was wholly owned by United Fruit Co. Thereafter, United Fruit Co. merged with AMK Corp. with United Fruit Co. surviving. The name of United Fruit Co. was subsequently changed to United Brands Co. United Brands Co. has applied to the Commission for approval of any transfer which may have occurred as a result of the foregoing and has requested that this matter be expedited pursuant to section 309(c)(2)(B) of the Communications Act of 1934. In its request, United Brands Co. acknowledges its assumption of the undertakings made by AMK Corp. to this Commission. (See paragraph 3, infra).

[2] Action on the application was held in abeyance for more than a year pending the outcome of negotiations between RCA Globcom, Western Union International (WUI) and Tropical for a possible joint venture arrangement between RCA Globcom and WUI. By memorandum of Oct. 9, 1970, Tropical informed the Commission that negotiations had been terminated and requested that the processing of the application be resumed.

[3] As of Dec. 31, 1969, Tropical's book value was somewhat in excess of $5,500,000.

taking action required to insure maintenance of its viability; and (f) the proper transferee is RCA Globcom and that such information which the Commission requires with respect to RCA has been furnished.

14. On June 18, 1969, the Department of Justice forwarded its comments on the proposed transfer of control to this Commission. It examined the competitive effects of the proposed acquisition on both inbound and outbound traffic and concluded that the proposed acquisition would significantly lessen competition for international record traffic outbound from the United States to Central America. It also postulated that, by giving RCA Globcom direct control over additional inbound traffic, the acquisition might help to increase RCA Globcom's leading position on the trans-Atlantic and other international routes. The Department of Justice further concluded that the proposed merger would have a significant effect on potential competition for traffic outbound from the United States to Central America and stated that, even if there were no new entrants who would be willing to purchase and operate Tropical as a separate business, it would seem that there are one or more existing international record carriers whose acquisition of Tropical would seem to present a less anticompetitive threat than that posed by the acquisition by RCA Globcom.

15. By letter dated February 3, 1971, ITT filed additional comments with the Commission urging that the application not be granted without a hearing. In support of its position ITT questions whether Tropical's continued viability depends on the proposed transfer of control. It also requests, that, to the extent the transfer, if consummated, would permit RCA Globcom to gain access to Tropical's gateway privileges in Miami and New Orleans, ITT should be granted identical privileges, and that all the international record carriers be granted equal opportunity to handle traffic to Mexico. ITT also contends that a review of the International Formula[4] for the distribution of unrouted outbound telegraph message traffic would be required in the event that the proposed acquisition be approved prior to a resolution of ITT's pending general complaint regarding the International Formula.

16. In its letter of February 19, 1971, to this Commission, WU requests that: (a) The Commission require RCA Globcom to make its intentions clear with respect to the acquisition of Tropical; (b) any grant of the application be made on the condition that RCA Globcom may continue to use New Orleans and Miami as gateway cities for the traffic of Tropical only; and (c) the Commission refrain from any action that might invoke demands by other international record carriers for enlarged opportunities with respect to message traffic to and from Mexico.

[4] Prescribed under sec. 222 of the Communications Act of 1934.

17. In view of all the foregoing, we find and conclude:

(a) That the pleadings and documents relating thereto demonstrate that United Brands Co. possesses the necessary statutory qualifications to become the transferee of control of Tropical Radio Telegraph Co.; that the public interest, convenience and necessity will be served by the transfer of control of Tropical Radio Telegraph Co. to United Brands Co.; and that we should consent to, and approve, the transfer of control of Tropical Radio Telegraph Co. as the holder of radio licenses to United Brands Co. as a result of the merger of AMK Corp. into United Brands Co.

(b) That the application for transfer of control makes it clear that RCA Globcom is a wholly owned subsidiary of RCA and to this extent the application is not deficient for want of a necessary party.

(c) That RCA Globcom appears to be technically and financially qualified to acquire and operate the facilities of Tropical.

(d) That a substantial and material question has been raised as to whether the proposed transfer will serve the public interest, convenience, and necessity, which question cannot be determined on the basis of the pleadings.

18. Accordingly, so that a determination may be made as to whether the proposed transfer of control of Tropical to RCA Globcom does and will serve the public interest, convenience, and necessity: *It is hereby ordered*, Pursuant to section 309(e) of the Communications Act of 1934, that the captioned application is designated for hearing in a proceeding at the Commission's offices in Washington, D.C., before an examiner and on a date to be hereafter specified by separate order, upon the following issues:

(a) To determine in what specific ways the proposed acquisition will benefit the public.

(b) To determine the line or lines of commerce and the nature and extent of the relevant market or markets to be considered in making a determination on this application.

(c) To determine the effect the proposed transfer of control will have on the carrier market in the Central American area or such other area or areas as shall be determined to constitute a relevant market.

(d) To determine the extent, if any, to which the acquisition may be prohibited under section 314 of the Communications Act of 1934.

(e) To determine the extent, if any, to which the proposed acquisition may be inconsistent with the policies set forth in the various antitrust laws of the United States.

(f) To determine whether Tropical can survive as a viable competitor if the proposed acquisition is not approved, and if not, if there are any other alternatives should the Commission deny the application.

(g) To determine in light of the foregoing, whether the proposed transfer will serve the public interest, convenience, and necessity.

19. *It is further ordered*, That the Commission hereby consents to, and approves the transfer of control of Tropical Radio Telegraph Co., as the holder of radio authorizations, to United Brands Co., in the manner described in the pleadings and documents relating thereto.

20. *It is further ordered*, That the applicants shall have the burden of going forward with the introduction of evidence and the burden proof on the issues.

21. *It is further ordered*, That Tropical Radio Telegraph Co., United Brands Co., RCA Global Communications, Inc., Western Union International, Inc., ITT World Communications, Inc., and the Chief, Common Carrier Bureau are made parties to the proceeding.

22. *It is further ordered*, That the parties desiring to participate herein shall file their appearances in accordance with 47 CFR 1.221.

23. *It is further ordered*, That the petitions and requests of Tropical Radio Telegraph Co., United Brands Co., RCA Global Communications, Inc., Western Union International, Inc., ITT World Communications, Inc., and Western Union Telegraph Co., to the extent they are not granted herein, are otherwise denied.

Adopted: March 17, 1971.

Released: March 24, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-4304 Filed 3-26-71;8:52 am]

[Dockets Nos. 19178, 19179; FCC 71-281]

ZIA TELE-COMMUNICATIONS, INC. AND ALVIN L. KORNGOLD

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Zia Tele-Communicatons, Inc., Albuquerque, N. Mex., Docket No. 19178, File No. BPH-6887, requests: 107.9 mcs, No. 300; 27.5 kw.(H); 27.5 kw.(V); 517 feet, Alvin L. Korngold, Albuquerque, N. Mex., Docket No. 19179, File No. BPH-6952, requests: 107.9 mcs, No. 300; 38.2 kw.; 495 feet; for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. According to its application, Zia Tele-Communications, Inc., would require $13,000 to construct and operate its proposed station for 1 year without reliance on revenues. Since the station would be operated on a nonduplicated, nonautomated basis during nighttime hours, the proposed operating budget of $8,500 does not appear to be reasonable.

Applicant has not provided a sufficient showing regarding the availability of any of the needed funds. Accordingly, a financial issue will be specified.

3. According to his application, Alvin Korngold would require $13,170 to construct and operate his proposed station for 1 year without reliance on revenues. The proposed operating budget of $8,670 does not appear adequate for the independent operation he proposes. To meet this requirement, applicant relies on funds on hand, but these funds appear to be the same as those relied on in connection with other FM proposals he has filed. Accordingly, a financial issue will be specified.

4. In Suburban Broadcasters, 30 FCC 951 (1961), our public notice of August 22, 1968, FCC 68–847, 13 RR 2d 1903, City of Camden (WCAM), 18 FCC 2d 412 (1969), and our Primer on Ascertainment of Community Problems by Broadcast Applicants, FCC 71–176, released February 23, 1971, we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. In this case, Zia Tele-Communications does not appear to have contacted a representative cross-section of the area nor has it adequately provided the comments regarding community needs otbained from such contacts. Likewise, it has not adequately provided a listing of specific programs responsive to specific community needs as evaluated. As a result, we are unable at this time to determine whether Zia Tele-Communications is aware of and responsive to the needs of the area. Accordingly, a Suburban issue is required.

5. Since no determination has yet been reached on whether the antenna proposed by Alvin Korngold would constitute a menace to air navigation, an issue regarding this matter is required.

6. Zia Tele-Communications proposes substantial AM duplication while Alvin Korngold proposes independent operation. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programming is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits and detriments to be derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be permitted in the absence of a specific programming inquiry— Jones T. Sudbury, 8 FCC 2d 360, FCC 67–614 (1967).

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the amount reasonably required by Zia Tele-Communications for construction and first-year operation of its proposed station without reliance on revenues and whether such funds are available to it to thus demonstrate its financial qualifications.

(2) To determine the amount reasonably required by Alvin Korngold for construction and first-year operation of his proposed station without reliance on revenues and whether such funds are available to him to thus demonstrate his financial qualifications.

(3) To determine the efforts made by Zia Tele-Communications to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(4) To determine whether there is a reasonable possibility that the tower height and location proposed by Alvin Korngold would constitute a menace to air navigation.

(5) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(6) To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications for construction permit should be granted.

9. *It is further ordered*, That the Federal Aviation Administration is made a party to the proceeding.

10. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

11. *It is further ordered*, That the applicants herein shall, pursuant to § 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: March 17, 1971.

Released: March 24, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71–4305 Filed 3–26–71;8:52 am]

FEDERAL MARITIME COMMISSION

MEDCHI FREIGHT POOL

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement led by:

Eric G. Brown, Secretary, Mediterranean-U.S.A. Great Lakes Westbound Freight Conference, 10, Place de la Joliette (2me), Marseilles, France.

Agreement No. 9020–11 effects preseason adjustments in the basic agreement which may be made by the Pool Committee without prior Commission approval pursuant to Article 20. Adjustments are made in the membership list, the amount of Carrying Money, the minimum Service Obligations, and the Pool Percentages. The parties also agreed not to have an interim pool settlement as of June 30, 1971.

Dated: March 24, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–4248 Filed 3–26–71;8:48 am]

PORT OF PALM BEACH AND WEST INDIA SHIPPING CO., INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New

York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act of detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. J. E. Jaudon, Port Director, Port of Palm Beach, Post Office Box 9935, Riviera Beach, FL 33409.

Agreement No. T-2499 (as amended), between the Port of Palm Beach (Port), and West India Shipping Co., Inc. (Company), provides for the 5-year exclusive use of certain facilities at the Port of Palm Beach, Fla. As compensation, the Company will pay the Port a total of $272,130.52 over the term of the agreement plus all applicable tariff charges. In addition, the Company also guarantees a minimum of 37,500 tons wharfage for each year of the agreement, charged to the Company at the prevailing tariff rates of the Port. The Company is granted the right of docking vessels for which it acts as husbanding agent at no charge for dockage at certain portions of the facility. The parties agree that Port's tariff rates will not exceed competitive port tariff charges as established by Southern Florida ports.

Dated: March 24, 1971.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-4247 Filed 3-26-71;8:48 am]

FEDERAL POWER COMMISSION

[Docket No. R-407]

ONE DAY SUSPENSION PERIOD

Order Denying Rehearing and Request for Stay of Order No. 423

MARCH 22, 1971.

The Public Service Commission of the State of New York (New York) on February 25, 1971, filed an application for rehearing of Order No. 423 issued on February 18, 1971, in the above-entitled proceeding. New York also requested a stay of the effectiveness of Order No. 423 pending action on its application for rehearing, and in the event it is denied, to continue such stay pending judicial review of that order.

By Order No. 423 the Commission amended section 2.56 in Part 3, General Policy and Interpretations, Chapter I, Title 18 of the Code of Federal Regulations by the addition of a new paragraph which provides that if it decides to suspend a rate change filing made by an independent producer under section 4(d) of the Natural Gas Act and such rate change is filed at least 60 days prior to its proposed effective date, the suspension period will be for 1 day unless the Commission waives the 60-day notice period or imposes a longer suspension period.

New York's application for rehearing sets forth no further facts or principles of law which were not fully considered in Order No. 423, or which, having now been considered, warrant any modification of that order.

Nor is there any justification for granting a stay here. Any increased rate proposed by a producer which is suspended for 1 day, in lieu of 5 months, will be collected subject to refund. To impose, as New York suggests, a 5-month suspension period for a producer increase in a situation where we believe a 1-day suspension period is sufficient would cause irreparable injury to the producer involved to the extent that the proposed increase is eventually determined to be just and reasonable since the producer cannot recover the revenues lost during the suspension period.

By our refusal to grant a stay of this order, we do not mean to imply that in individual cases we will not consider the effect of a 1 day as opposed to a 5-month suspension period. But, we certainly do not intend to impose 5-month suspension periods on all producer increases pending the outcome of judicial review.

The Commission orders:

The application for rehearing and the request for stay filed by New York on February 25, 1971, of Order No. 423 are denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4242 Filed 3-26-71;8:48 am]

[Docket No. CI62-1019 etc.]

CIROCO EXPLORATION, INC. ET AL.

Notice of Redesignation

MARCH 22, 1971.

By letters of October 16, 1970, and December 23, 1970, Ciroco Exploration, Inc., advised the Commission that its corporate name had been changed from Circle Drilling Co., Inc., as of June 6, 1969.

Accordingly, the following certificates of public convenience and necessity issued pursuant to section 7(c) of the Natural Gas Act to Circle Drilling Co., Inc., and the related FPC gas rate schedules are redesignated as those of Ciroco Exploration, Inc., with the rate schedules retaining their numerical designations:

Certificate Docket No.	*FPC gas rate schedule No.*
CI62-1019 [1]	[2] 4
CI64-715	1, 2
CI64-932	3

[1] (Operator) et al.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4243 Filed 3-26-71;8:48 am]

[Project No. 13]

NIAGARA MOHAWK POWER CORP.

Notice of Issuance of Annual License

MARCH 22, 1971.

On March 2, 1970, Niagara Mohawk Power Corp., licensee for Green Island Project No. 13 located in the vicinity of Albany County, N.Y., on the Hudson River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on December 28, 1970.

The license for Project No. 13 was issued effective March 3, 1921, for a period ending March 2, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Niagara Mohawk Power Corp. for continued operation and maintenance of Project No. 13.

Take notice that an annual license is issued to Niagara Mohawk Power Corp. (licensee) under section 15 of the Federal Power Act for the period March 3, 1971, to March 2, 1972, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Green Island Project No. 13, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4243 Filed 3-26-71;8:48 am]

[Docket No. AR64-2 etc.]

TEXAS GULF COAST AREA RATE PROCEEDING ET AL.

Notice of Further Extension of Time

MARCH 19, 1971.

Texas Gulf Coast Area Rate Proceeding, Docket No. AR64-2; Mobil Oil Corp., Docket No. RI70-1666; Petroleum Corporation of Texas, Docket No. RI71-477; J. S. Abercrombie Mineral Co., Inc., Docket No. RI71-479; Atlantic Richfield Co., Docket No. RI71-480; Pan American Petroleum Corp., Docket No. RI71-515; Sun Oil Co., Docket No. RI71-530; Mobil Oil Corp., Docket No. RI71-555; John W.

Pace (Operator), Docket No. RI71–556; Coastal States Gas Producting Co., Docket No. RI71–611.

Upon consideration, notice is hereby given that the time is further extended to and including April 19, 1971, within which answers may be filed to the motion filed by the Philadelphia Gas Works Division of UGI on February 18, 1971.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71–4245 Filed 3–26–71;8:48 am]

[Dockets Nos. E–7494, CP70–73]

IOWA POWER AND LIGHT CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Order Staying Date of Expiration of Commission Authorization for Consolidation

MARCH 23, 1971.

On March 12, 1971, Iowa Power and Light Co. and Iowa-Illinois Gas and Electric Co. (applicants) filed a motion for an extension of time within which to consummate consolidation pursuant to Opinon No. 590 issued December 24, 1970. Applicants note that the Examiner's initial decision, adopted by the Commission, provides that the Commission's authorization will expire unless consolidation is consummated within 90 days after the issuance of the order.

An application for rehearing and other relief was filed by the State of Iowa on January 25, 1971. The Commission on February 22, 1971, granted rehearing for the purpose of giving further consideration. Under the circumstances, we shall stay the date of expiration of the Commission's authorization pending issuance of the Commission's final order upon the State of Iowa's application for rehearing.

The Commission finds:

It is appropriate and proper in the administration of the Federal Power Act to stay the date of expiration of the Commission's authorization for consolidation pending issuance of a final order of the Commission on the State of Iowa's application for rehearing.

The Commission orders:

The date of expiration of the Commission's authorization for consolidation is hereby stayed pending the issuance of a final Commission order upon the State of Iowa's application for rehearing.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71–4285 Filed 3–26–71;8:51 am]

[Docket No. RP70–43]

NORTHERN NATURAL GAS CO.

Notice of Filing of Stipulation and Agreement and Revised Tariff Sheets

MARCH 22, 1971.

Take notice that on March 11, 1971, Northern Natural Gas Co. (Northern) filed in Docket No. RP70–43 a proposed stipulation and agreement, together with a schedule of proposed rates. The stipulation and agreement is stated to result from discussions among Northern, the Commission's Staff, and interested parties.

The stipulation and agreement would resolve all issues in Docket No. RP70–43 and generally provides for specified reduced rates to become effective as of December 27, 1971, for refund with interest of excess amounts collected during the period of December 27, 1971, to the date Northern shall first begin to collect charges under the rates shown and for contingent refunds and rate reductions.

Copies of the stipulation and agreement, the schedule of proposed rates and certain revised sheets of the general terms and conditions of Northern's gas tariff were served on all of Northern's customers, parties of record, and interested State commissions.

Comments or objections relating to the proposed stipulation and agreement may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before April 5, 1971.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71–4286 Filed 3–26–71;8:51 am]

[Project No. 1396]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Application for Amendment of License for Project

MARCH 23, 1971.

Public notice is hereby given that application for amendment of license has been filed pursuant to the Federal Power Act (16 U.S.C. 791(a)–825(r)) by Southern California Edison Co. (correspondence to : P. B. Peecock, Manager, Right-of-Way and Land Department, Post Office Box 350, Los Angeles, CA 90053), for transmission line Project No. 1396 located in the vicinity of Victorville, and San Bernardino in San Bernardino County, Calif., and affecting lands of the United States.

The licensee requests authorization for the relocation of a portion of the Bishop Tower Transmission Line to a new location to accommodate construction of the State of California's Cedar Springs Reservoir.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 5, 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. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71–4287 Filed 3–26–71;8:51 am]

OUTSTANDING SUSPENSION PROCEEDINGS AND TEMPORARY CERTIFICATES INVOLVING INDEPENDENT PRODUCERS

Order Granting in Part and Denying in Part Applications for Rehearing

MARCH 22, 1971.

The Public Service Commission of the State of New York (New York) filed on February 25, 1971, an application for rehearing of the Commission's order issued on February 18, 1971, in the above-entitled proceedings concurrently with the issuance of Order No. 423.

The Commission in its February 18 order shortened the suspension periods in outstanding suspension orders relating to producer rate changes so that such changes would become effective, subject to refund, as of March 21, 1971, or as of 1 day from the date a proposed change would otherwise become effective in the absence of suspension, whichever is later.[1] The Commission also waived conditions in temporary certificates prohibiting producers from filing for contractually authorized rate increases.[2]

New York also requests the Commission to suspend the effectiveness of this order until after action is taken on its application for rehearing, and to continue such stay if the Commission does not set aside such order until the completion of judicial review. In addition to its general attack on the February 18 order. New York also specially challenges the shortened suspension periods provided by that order for the proposed rates involved in Dockets Nos. RI71–425, RI71–694, R71–646, RI71–666, and RI71–530.

The Philadelphia Gas Works Division of UGI Corp. (PGW) on March 3, 1971, also filed an application for rehearing of the February 18 order insofar as it shortened the suspension periods previously ordered for the proposed increases in certain dockets,[3] and insofar as it eliminated

[1] This modification had no applicability to sales in the Southern Louisiana area or to those situations where the primary suspension period previously ordered by the Commission would expire prior to Mar. 21, 1971.

[2] The waiver did not apply to temporary certificates in the Hugoton-Anadarko area, the Appalachian and Illinois Basin areas, or the Southern Louisiana area.

[3] PGW refers to the same dockets specified by New York except for Docket No. RI71–694 and also refers to Dockets Nos. RI71–477, RI71–479, RI71–480, RI71–515, RI71–555, RI71–556, RI71–611, RI71–633, RI71–634, RI71–635, RI71–636, RI71–643, and RI71–669. The suspension periods for the increased rates filed by Pan American in Docket No. RI71–555 had expired prior to the issuance of the February 18 order, and thus were not affected by that order.

conditions precluding increased rate filings in temporary certificates.

The Commission in the past generally has waived conditions precluding increased rate filings above the guideline initial rates authorized in temporary certificates in those situations where permanent certificates are not issued within 3 years. The effect of our action in the February 18 order was to eliminate whatever remains of that 3-year period in each individual case. There is no justification in these inflationary times for continuing to limit producers operating under temporary certificates to guideline ceiling rates originally set almost 10 years ago.[4] In these circumstances, we consider our action in the February 18 order to be fully warranted.

The general reasons for shortening suspension periods[5] for producer rate filings are discussed in Order No. 423. No useful purpose would be served by repeating that discussion here.

New York and PGW, however, also object to the shortened suspension periods in certain specified rate proceedings. These proceedings involve 39 sales in the Gulf Coast Area (Texas RR. Dists. Nos. 2, 3, and 4) where the producers have sought increased rates ranging from 16 cents to 28 cents per Mcf and one sale from Texas RR. Dist. No. 6, which is in the Other Southwest Area, where the producer seeks an increased rate of 19 cents per Mcf. Most of these sales are old sales. Of the 40 proposed increased rates in the Gulf Coast Area, one is at 28 cents, three are at 25 cents, five are at 24.25 cents, four are at 22 cents, and the remainder are at or below 21 cents. Both the Gulf Coast and the Other Southwest cases are pending before this Commission on exceptions to initial decisions by Presiding Examiners. The just and reasonable rates for sales in these areas should therefore be determined soon.

In the meantime, however, we believe the February 18 order should be modified so as to withdraw the shortened suspension period for those increased rates which are in excess of 21 cents per Mcf. As a result, those increased rates above 21 cents per Mcf will remain under suspension for the full 5-month period previously ordered prior to the February 18 order.[5]

We do not mean by our action to suggest either that proposed rates not in excess of 21 cents per Mcf are just and reasonable or that proposed rates in excess of 21 cents per Mcf are necessarily not just and reasonable. We believe, however, that where the proposed rate for a sale of gas of the vintage involved here in the Gulf Coast Area exceeds 21 cents per Mcf, the ultimate consumer is entitled to the protection of a full 5-month suspension period. The rate of 21 cents per Mcf corresponds to the 22.375 cents per Mcf rate limitation established for increased rate filings in Southern Louisiana.

Similarly, there are certain other sales in Permian, Miss., Texas RR. Dist. Nos. 2, 3, 4, and 6, and the Aneth-Utah Area, which were not specifically mentioned by New York or PGW, involving proposed increased rates above the corresponding limitations imposed in Southern Louisiana.[6] These proposed increased rates shall also remain under suspension for the full 5-month period previously ordered.

The applications for rehearing filed by New York and PGW set forth no further facts or principles of law which were not fully considered in the February 18 order, or which, having now been considered, warrant any modification of that order, except as hereinafter provided. For the same reasons set forth in the order issued concurrently herewith denying the application for rehearing and request for a stay filed by New York with respect to Order No. 423, we also deny New York's request for a stay of the February 18 order.

The Commission orders:

(A) The above applications for rehearing and New York's request for a stay of the February 18, 1971, order in the above-entitled proceedings are denied, except as hereinafter provided.

(B) The February 18, 1971, order in the above-entitled proceedings is modified so as to reimpose the suspension periods ordered prior to the February 18 order for the proposed increased rates involved in Dockets Nos. RI71–334, RI71–450 (only insofar as it relates to Humble's FPC Gas Rate Schedules Nos. 110 and 338), RI71–451, RI71–508, RI71–645 (only insofar as it relates to Chevron's FPC Gas Rate Schedule No. 26), RI71–712, RI71–715, RI71–716, RI71–419, RI71–424, RI71–708 (only insofar as it relates to the 25-cent rate proposed under Continental's FPC Gas Rate Schedule No. 102), RI71–713 (only insofar as it relates to the 25-cent rate proposed under Continental's FPC Gas Rate Schedule No. 77), RI71–756 (only insofar as it relates to the proposed 25-cent rate under W. L. Pickens' FPC Gas Rate Schedule No. 5), RI71–758, RI71–811, RI71–425, RI71–479, RI71–555, RI71–636 (except for the proposed 21-cent rate under Pan American's FPC Gas Rate Schedule No. 92 in Docket No. RI71–636) and RI71–694 (only insofar as it relates to the proposed 25-cent rate under Harris' FPC Gas Rate Schedule No. 1), and those proposed increased rates under Atlantic's FPC Gas Rate Schedules Nos. 5, 6, 330, and 491 involved in Docket No. RI71–646. In the event or to the extent that the just and reasonable rates in these proceedings have not been determined by the Commission prior to the expiration of the respective suspension periods involved here, then the proposed increased rates affected by this paragraph shall become effective subject to refund, as of the expiration of the respective suspension periods provided herein, without any further action by the producer involved or by the Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4239 Filed 3-26-71;8:47 am]

[4] These guideline rates were originally set in the Commission's Statement of General Policy No. 61-1 issued Sept. 24, 1960, 24 FPC 818. Some of these guideline rates have been revised by subsequent amendments to that policy statement.

[5] The proposed increased rates in Dockets Nos RI71–425, RI71–479, RI71–555, RI71–636 (except for the proposed 21-cent rate under Pan American's FPC Gas Rate Schedule No. 92 in Docket No. RI71–636), and RI71–694 (only insofar as it relates to the proposed 25-cent rate under Harris' FPC Gas Rate Schedule No. 1) and those proposed increased rates under Atlantic's FPC Gas Rate Schedules Nos. 5, 6, 330, and 491 involved in Docket No. RI71–646 are affected by this determination.

[6] Dockets Nos. RI71–334, RI71–450 (only insofar as it relates to Humble's FPC Gas Rate Schedules Nos. 110 and 338, RI71–451, RI71–508, RI71–645 (only insofar as it relates to Chevron's FPC Gas Rate Schedule No. 26), RI71–712, RI71–715, RI71–716, RI71–419, RI71–424, RI71–708 (only insofar as it relates to the 25-cent rate proposed under Continental's FPC Gas Rate Schedule No. 102), RI71–713 (only insofar as it relates to the 25-cent rate proposed under Continental's FPC Gas Rate Schedule No. 77, RI71–756 (only insofar as it relates to the proposed 25-cent rate under W. L. Pickens FPC Gas Rate Schedule No. 5), RI71–758 and RI71–811.

FEDERAL RESERVE SYSTEM

MIDLAND NATIONAL CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by The Midland National Corp., which is a bank holding company located in Midland, Tex., for prior approval by the Board of Governors of the acquisition by applicant (which presently owns 24½ percent of the voting shares of Southwest National Bank of El Paso, El Paso, Tex.) of the remaining 75½ percent, less directors' qualifying shares, of the voting shares of the successor by merger to Southwest National Bank of El Paso, El Paso, Tex.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Dallas.

By order of the Board of Governors, March 18, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-4296 Filed 3-26-71;8:52 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs., Temporary Reg. F-94]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interest of the Federal Government in a gas service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Florida Public Service Commission in a proceeding (Docket No. 71001-GU) involving gas service rates of the Gulf Natural Gas Corp., Florida Gas Co., Miller Gas Co., Peoples Gas System, Inc., and City Gas Company of Florida.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: March 22, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-4297 Filed 3-26-71;8:52 am]

SECURITIES AND EXCHANGE COMMISSION

[812-2913]

AMERICAN-SOUTH AFRICAN INVESTMENT CO., LTD. AND SOUTH AFRICAN INVESTMENT ADVISER (PROPRIETARY) LTD.

Notice of Application for Exemption

MARCH 22, 1971.

Notice is hereby given that an application has been filed pursuant to Section 6(c) of the Investment Company Act of 1940 (Act) by American-South African Investment Co., Ltd. (ASAIC), 54 Marshall Street, Johannesburg, South Africa, a registered closed-end management investment company, and South-African Investment Adviser (Proprietary) Ltd. (SAIA), the investment adviser to ASAIC. The application requests an order of the Commission exempting SAIA from the requirements of section 15(a) of the Act and exempting ASAIC from the requirements of section 15(c) of the Act from the time of Mr. Charles W. Englehard's death on March 2, 1971, until the final adjournment of the 1971 Annual Shareholders Meeting of ASAIC, which meeting is scheduled to be held on April 26, 1971, thereby permitting SAIA to serve as investment adviser to ASAIC during that period. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein, which are summarized below.

The shareholders of ASAIC at its annual meeting on April 27, 1970, approved an Investment Advisory Agreement between ASAIC and SAIA. Dillon, Read & Co., Inc., owns 50 percent of the outstanding shares of SAIA. Mr. Englehard on March 2, 1971, owned indirectly, 50 percent of the outstanding shares of SAIA.

On March 2, 1971, Mr. Engelhard died. As a result of his death, his indirect ownership of 50 percent of the outstanding shares of SAIA was transferred to his estate by operation of law. The executors named in his will are his widow, a resident of New Jersey, Edward G. Beimfohr, a resident of New Jersey, and D. J. right indirectly to vote the shares of SAIA formerly owned indirectly by Mr. Engelhard and now owned indirectly by his estate.

Under the terms of Mr. Engelhard's will, the major portion of his estate, after payment of taxes, is left for the benefit of his widow and his children. The division of the property in the estate may be made in terms of value rather than in kind, and it will not be possible to determine how the assets of the deceased will be distributed until the assets of the estate have been valued and its liabilities determined and satisfied. The indirect ownership of the 50 percent of the outstanding voting securities of SAIA formerly owned indirectly by Mr. Engelhard will, therefore, remain in his estate until well after the 1971 Annual Meeting of Shareholders of ASAIC which is scheduled to be held on April 26, 1971.

The directors of SAIA prior to Mr. Engelhard's death were Mr. Engelhard, Nicholas Brady, John H. F. Haskell, Jr., Ian MacPherson, and D. J. Gevisser. Mr. Brady is president and Mr. Haskell is a vice president of Dillon, Read & Co., Inc. Mr. Engelhard was chairman of the board of SAIA for many years prior to his death, and Mr. MacPherson has been for many years, and still is, managing director and treasurer of SAIA. As managing director, Mr. MacPherson is charged with the supervision and management of the affairs of SAIA. The next annual shareholders meeting for the election of directors of SAIA is scheduled to be held in December 1971.

The transfer indirectly to the estate of Charles W. Engelhard of the securities of SAIA previously owned indirectly by Mr. Engelhard may be deemed, pursuant to sections 2(a)(4), 2(a)(9), and 15(a)(4) of the Act, to have constituted an assignment of the Investment Advisory Agreement between ASAIC and SAIA and to have terminated such Agreement. On March 9, 1971 the board of directors of ASAIC, and on March 15, 1971, the board of directors of SAIA, approved the terms of the investment advisory agreement in effect prior to Mr. Engelhard's death and readopted it.

The annual meeting of shareholders of ASAIC is scheduled to be held on April 26, 1971. The application states that it is impractical to hold a special meeting of shareholders of ASAIC to act on the investment advisory agreement before April 26, 1971.

Section 15(a) of the Act provides, among other things, that it shall be unlawful for any person to serve or act as investment adviser of a registered investment company except pursuant to a written contract which has been approved by the vote of a majority of the outstanding voting securities of such registered investment company and provides, in substance, for its automatic termination in the event of its assignment by the investment adviser.

Section 15(c) provides, among other things, that it is unlawful for any registered investment company having a board of directors to enter into, renew, or perform any investment advisory contract unless the terms of the contract and any renewal thereof are approved by a majority of the directors who are not parties to such contract or affiliated persons of any such party or by the vote of a majority of the outstanding voting securities of such company.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection

of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 8, 1971 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issue of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 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 applicants at the address stated above and care of Ernest B. Tracy, 46 William Street, New York, NY 10005. Proof of such service (by affidavit or in case of an attorney at law 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 showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

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

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71–4278 Filed 3–26–71;8:50 am]

[811–1379]

ENGINEERED ROYALTIES, INC.

Notice of Proposal To Terminate Registration

MARCH 22, 1971.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 (Act), to declare by order upon its own motion that Engineered Royalties, Inc. (Royalties), c/o Cruttenden & Co., Inc., 4500 Campus Drive, Newport Beach, CA 92660, registered under the Act as a closed-end, nondiversified, management investment company, has ceased to be an investment company.

On March 28, 1966, Pacific filed a notification of registration under the Act. Commission records disclose that Royalties does not intend to make a public offering of its securities, has no assets, and no security holders.

Section 3(c)(1) of the Act provides, in pertinent part, that any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities is not an investment company within the meaning of the Act.

Section 8(f) of the Act provides, in pertinent part, that when the Commission finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the effectiveness of such order, which may be issued upon the Commission's own motion where appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 15, 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 reasons 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 should order a hearing thereon. Any such communications 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 Pacific 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] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71–4279 Filed 3–26–71;8:50 am]

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 10/10–5158]

CIRCLE K INVESTMENT CORP.

Notice of Application for a License as a Minority Enterprise Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to section 107.102 of the Regulations Governing Small Business Investment Companies (13 CFR Part 107; 33 F.R. 326) under the name of Circle K Investment Corp., 900 Magoffin Avenue, El Paso, TX 79901, for a license to operate in the States of Texas, New Mexico, Arizona, California, Oregon, Idaho, and Montana as a minority enterprise small business investment company (MESBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act). The proposed officers and directors are as follows:

Fred Hervey, 904 Magoffin Avenue, El Paso, TX 79901, President, Director.
John A. Gillett, Jr., 2810 West Camelback, Phoenix, AZ 85017, Director.
Kenneth L. Carroll, 900 Magoffin Avenue, El Paso, TX 79901, Director.

The stock of the company will be wholly owned by Circle K Corp., 900 Magoffin Avenue, El Paso, TX 79901, which operates a chain of approximately 450 convenience stores (grocery stores).

The applicant, a Texas corporation will begin operations with $200,000 of paid-in capital and surplus consisting of 200,000 shares of common stock issued at $1 per share. As a MESBIC, the company's investment policy is that its investments will be made solely to small business concerns which will contribute to a well-balanced national economy by facilitating the acquisition or maintenance of ownership in such small business concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages. The applicant will not concentrate its investments in any particular industry but will invest in diversified enterprises.

Matters involved in CBA's consideration of the application include the general business reputation and character of the management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness in accordance with the Act and Regulations.

Notice is further given that any interested person may, not later than 10 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed company. Any communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in El Paso, Tex.

A. H. SINGER,
Associate Administrator for Investment.

MARCH 17, 1971.

[FR Doc.71–4269 Filed 3–26–71;8:49 am]

GOLD COAST CAPITAL CORP.

Approval of Application for Transfer of Control of a Licensed Small Business Investment Company

On March 5, 1971, a notice of application for transfer of control was published in the FEDERAL REGISTER (36 F.R. 4451) stating that an application had been filed with the Small Business Administration pursuant to § 107.701 of the SBA rules and regulations governing Small Business Investment Companies (33 F.R.

326, 13 CFR Part 107) for transfer of control of Gold Coast Capital Corp., License No. 05/05-0010, 1451 North Bayshore Drive, Miami, FL 33132, a Federal licensee under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.).

Interested persons were given until the close of business March 15, 1970, to submit their written comments to SBA. No comments were received.

SBA, having considered the application and all other pertinent information and facts with regard thereto, hereby approves the application for transfer of control to Messrs. Morris Bayroff and William I. Gold.

A. H. SINGER,
Associate Administrator for Investment.

MARCH 17, 1971.

[FR Doc.71-4270 Filed 3-26-71;8:49 am]

[Declaration of Disaster Loan Area 812]

TEXAS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of March 1971, because of the effects of certain disasters damage resulted to residences and business property located in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Bowie County, Tex., suffered damage or destruction resulting from tornado occurring on March 16, 1971.

OFFICE

Small Business Administration District Office, 505 East Travis Street, Marshall, TX 75670.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to September 30, 1971.

Dated: March 18, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-4271 Filed 3-26-71;8:49 am]

TARIFF COMMISSION

CERTAIN PANTY HOSE

Recommendation for Temporary Exclusion Order in Importation

The Tariff Commission today released a report of its findings in a preliminary investigation (No. 337-25) arising under section 337 of the Tariff Act of 1930 involving certain panty hose which is embraced within the claim of U.S. Patent No. Re. 25,360. Tights, Inc., of Greensboro, N.C., alleged unfair methods of competition and unfair acts of the importation and sale of panty hose manufactured in accordance with the claim of the patent owned by the complainant, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

Commissioners Clubb, Leonard, and Moore recommend that, pursuant to the authority in section 337(f) of the Tariff Act, the President request the Secretary of the Treasury to forbid entry into the United States, except under bond, of panty hose which is embraced within the claim of U.S. Patent No. Re. 25,360, except where the importation is made under license of the registered owner of the said patent. Presiding Commissioner Sutton recommends that this action not be taken. The Commission (Commissioner Young not participating) ordered the institution of a full investigation.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC 20436.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-4298 Filed 3-26-71;8:52 am]

[337-25]

PANTY HOSE

Notice of Investigation and Temporary Exclusion Order Action

A complaint was filed with the United States Tariff Commission on January 30, 1970, by Tights, Inc., of Greensboro, N.C., alleging unfair methods of competition and unfair acts in the importation and sale of certain panty hose which is embraced within the claim of U.S. Patent No. Re. 25,360 owned by the complainant in violation of the provisions of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Having conducted in accordance with section 203.3 of the Commission's rules of practice and procedure (19 CFR 203.3) a preliminary inquiry with respect to the matters alleged in the said complaint, the U.S. Tariff Commission, on October 15, 1970: *Ordered*, That, for the purposes of section 337 of the Tariff Act of 1930, an investigation is instituted with respect to the alleged violations in the importation and sale in the United States of the said panty hose.

Public notice of the receipt of the complaint was published in the FEDERAL REGISTER for February 18, 1970 (35 F.R. 3139-40) and the complaint was served on the parties named in the complaint and has been available for inspection by interested persons continuously since issuance of the notice, at the Office of the Secretary located in the Tariff Commission Building, and also in the New York City office of the Commission located in Room 437 of the Customhouse.

Complainant requested that the Commission recommend to the President the issuance of a temporary exclusion order in accordance with the provisions of section 337(f) of the Tariff Act of 1930. Commissioners Clubb, Leonard, and Moore recommended a temporary exclusion order with Presiding Commissioner Sutton dissenting. Commissioner Young did not participate in this decision. The recommendations are being forwarded to the President for his consideration, and his determination as to the issuance of a temporary exclusion order in accordance with section 337(f).

Issued: March 24, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-4299 Filed 3-26-71;8:52 am]

[AA1921-75]

EGGS FROM MEXICO

Notice of Investigation and Hearing

Having received advice from the Treasury Department on March 22, 1971, that chicken eggs in the shell from Mexico are being, and are likely to be, sold in the United States at less than fair value, the U.S. Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), 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.

HEARING. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m., e.d.s.t., on May 3, 1971. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least 5 days in advance of the date set for the hearing.

Issued: March 24, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-4300 Filed 3-26-71;8:52 am]

DEPARTMENT OF LABOR

Office of the Secretary

ARISTA MILLS CO.

Notice of Investigation Regarding Certification of Eligibility of Workers To Apply for Adjustment Assistance

The Department of Labor has received a Tariff Commission report containing

an affirmative finding under section 301 (c)(2) of the Trade Expansion Act of 1962 with respect to its investigation of a petition for determination of eligibility to apply for adjustment assistance filed on behalf of former workers of Arista Mills Co., Winston-Salem plant, located at Winston-Salem, N.C. (No. TEA-W-57). In view of the report and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 F.R. 437), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under Title III, Chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C., on or before March 31, 1971.

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

EDGAR I. EATON,
Director, Office of Foreign Economic Policy.

[FR Doc.71-4306 Filed 3-26-71;8:52 am]

INTERSTATE COMMERCE COMMISSION

[Notice 268]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 24, 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 5466 (Sub-No. 1 TA), filed March 22, 1971. Applicant: FRANK & BROTHERS MOVING CO., INC., 240 East 152d Street, Bronx, NY 10451. Applicant's representative: Brodsky, Linett & Altman, 1776 Broadway, New York, NY 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, in containers, between points in the New York Commercial Zone, on the one hand, and, on the other, points in New York, for 180 days. Supporting shippers: Swift Home-Wrap, Inc., 105 Leonard Street, New York, NY 10013; Interconex, Inc., 22 East 67th Street, New York, NY 10021. Send protests to: Marvin Kampel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 107515 (Sub-No. 742 TA), filed March 22, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050, also: 3901 Jonesboro Road SE. Applicant's representative: Alan E. Serby, Suite 1600, First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Appendix I, sections A, C, and D to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *equipment, materials, and supplies* used in the conduct of meat packing business, from the plantsite and other facilities of Illini Beef Packers, Inc., at Joslin, Ill., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Virginia, and Tennessee, for 180 days. Supporting shipper: Illini Beef Packers, Inc., 221 North LaSalle Street, Chicago, IL 60601. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 111401 (Sub-No. 324 TA), filed March 18, 1971. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, OK 73701, also: Post Office Box 632, Enid, OK. Applicant's representative: Victor Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing ink*, in bulk, from Tulsa, Okla., to Shreveport, La., St. Petersburg, Fla., Gulfport and Meridian, Miss., Lincoln, Nebr., Clovis, N. Mex., Austin, Beaumont, Grand Prairie, Lubbock, Marshall, Midland, Odessa, Temple, and Wichita Falls, Tex., for 180 days. Supporting shipper: Sun Chemical Corp., Mr. J. Bolzak, Director of Traffic, 631 Central Avenue, Carlstadt, NJ 02072. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 112750 (Sub-No. 270 TA), filed March 19, 1971. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments and business records* (except coin, currency, bullion, and negotiable securities), as are used in the business of banks, and banking institutions, between Augusta and Savannah, Ga., on the one hand, and, on the other, Charlotte, N.C., between Danville, Lynchburg, Martinsville, and Roanoke, Va., on the one hand, and, on the other, Charlotte and Raleigh, N.C., for 180 days. Supporting shipper: North Carolina National Bank, Post Office Box 120, Charlotte, NC 28201. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 113666 (Sub-No. 53 TA), filed March 19, 1971. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Applicant's representative: Daniel R. Smetanick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulverized limestone*, from Harrisville, Pa., to points in West Virginia, for 180 days. Supporting shipper: Allegheny Mineral Corp., Post Office Box 10, Kittanning, PA 16201. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 113843 (Sub-No. 167 TA), filed March 18, 1971. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in appendix 1, sections A, C, and D to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and (2) *equipment, materials and supplies*, used in the conduct of meatpacking businesses, from Joslin, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Illini

Beef Packers, Inc., Joslin, Ill. Send protests to: John B. Thomas, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 211–B John F. Kennedy Federal Building, Government Center, Boston, MA 02203.

No. MC 117592 (Sub-No. 4 TA), filed March 19, 1971. Applicant: GERALD L. KRAMER, Rural Delivery No. 4, Quakertown, PA 18951. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ground or pulverized ores, minerals, and metallics*, in dump-type or flat bed semitrailers, from Greenville, Pa., to points in Pennsylvania, New York, New Jersey, and Maryland (2) *ores, minerals, and metallics, to be processed*, in dump-type or on flat bed semitrailers, from points in Pennsylvania, New York, New Jersey, and Maryland, to East Greenville, Pa., for 180 days. Supporting shipper: AMSAT Corp., Custom Pulverizing Division, Post Office Box 95, East Greenville, PA 18041. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 118039 (Sub-No. 14 TA), filed March 22, 1971. Applicant: MUSTANG TRANSPORTATION, INC., 856 Warner Street SW., Atlanta, GA 30310. Applicant's representative: Virgil H. Smith, Suite 431, Tile Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting, carpeting remnants and rugs*, from plantsite and warehouse of Vernon Carpet Mills, Inc., Randolph County, Ala., to points in the United States (except Alaska and Hawaii), for 120 days. Supporting shipper: Vernon Carpet Mills, Inc., Post Office Box D–300, Wedowee, AL 36278. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 119426 (Sub-No. 7 TA), filed March 18, 1971. Applicant: COOKSTETTER HORSE VAN SERVICE, INC., Box 241, Coeur D'Alene, ID 83814. Applicant's representative: Donald A. Ericson, Suite 708, Old National Bank Building, Spokane, WA 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary, and in the same vehicle with such horses, *Stable supplies and equipment* used in their care, *mascots, and the personal effects of attendants*, between points in Oregon and points in California, for 180 days. Supporting shippers: Geraldine H. Pearson, 20451 South Central Point Road, Oregon City, OR 97045; Seaside Stock Farm, Inc., Route 1, Box 190, Seaside, OR 97138; Henry W. Turk, Post Office Box 694, Grants Pass, OR; Knute M. Qvale, Riveria Motors, 2400 Southeast Fifth, Beaverton, OR; C. E. Gregg, 1860 Highway Northeast, Salem, OR; W. R. Cummings, Box 28, Fern Hill Station, Tacoma, WA; F. E. Peery, 4885 Prairie Road, Junction City, OR; Norman L. Hux, 9000 Northeast Union, Portland, OR; N. E. Norton, 11412 Northeast 26th Avenue, Vancouver, WA 98665; C. W. Bernards, Route 2, Box 211, McMinnville, OR. Send protests to: Interstate Commerce Commission, Bureau of Operations, 401 U.S. Post Office, Spokane, WA 99201.

No. MC 119669 (Sub-No. 20 TA), filed March 18, 1971. Applicant: TEMPCO TRANSPORTATION, INC., 546 South 31A, Columbus, IN 47201. Applicant's representative: Donald McCameron (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 and (2) *equipment, materials, and supplies* used in the conduct of meat packing businesses, between the plantsite and warehouse facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Connecticut, Delaware, New Hampshire, Maine, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Illini Beef Packers, Inc., Joslin, Ill. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 802, Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 123490 (Sub-No. 15 TA), filed March 22, 1971. Applicant: CHIP CARRIERS, INC., 927 32d Avenue, Council Bluffs, IA 51501, also mail: Post Office Box 894. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, NE 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Urethane, polyurethane, foam pads or padding used for mattresses or upholstery*, from Council Bluffs, Iowa, to Newton, Kans., and Tulsa, Okla., for 150 days. Supporting shipper: Future Foam, Inc., 400 North 10th Street, Council Bluffs, Iowa 51501. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, NE 68102.

No. MC 124796 (Sub-No. 84 TA), filed March 19, 1971. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, Post Office Box 1257, City of Industry, CA 91747. Applicant's representative: William J. Monheim (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cove base*, for the account of Roberts Consolidated Industries, Inc., from City of Industry, Calif., to points in the United States (except Alaska, Hawaii, California, Nevada, Oregon, Washington, Idaho, Montana, and Wyoming), for 150 days. Supporting shipper: Roberts Consolidated Industries, Inc., 600 North Baldwin Park Boulevard, City of Industry, CA 91747. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 Los Angeles Street, Los Angeles, CA 90012.

No. MC 127042 (Sub-No. 76 TA), filed March 18, 1971. Applicant: HAGEN, INC., Post Office Box 6, Leeds Station, 4120 Floyd Boulevard, Sioux City, IA 51108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A, C, and D of Appendix 1 to the report in the description cases, from the plantsite and storage facilities utilized by Beefland International, Inc., at Council Bluffs, Iowa, and Omaha, Nebr., to points in Arizona, California, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nevada, Oregon, Utah, Washington, and Wisconsin, for 180 days. Supporting shipper: Beefland International, Inc., 2700 23d Avenue, Council Bluffs, IA 55501. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, IA 51101.

No. MC 128075 (Sub-No. 11 TA), filed March 18, 1971. Applicant: LEON JOHNSRUD, Cresco, IA 52136. Applicant's representative: F. O. Magdefrau, 1451 East Grand Avenue, Des Moines, IA 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk); and (2) *foodstuffs* (except commodities in bulk), when moving in the same vehicle with the commodities listed in (1) above; from the plantsite and warehouse facilities of George A. Hormel & Co., at Austin, Minn., to points in Maine, Massachusetts, New York, Pennsylvania, West Virginia, Vermont, Connecticut, New Jersey, Delaware, Virginia, Tennessee, New Hampshire, Rhode Island, District of Columbia, Maryland, and points in Hertford County, N.C., for 180 days. Supporting shipper: Geo. A. Hormel & Co., Post Office Box 800, Austin, MN 55912. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, IA 52801.

No. MC 133608 (Sub-No. 2 TA), filed March 22, 1971. Applicant: LESTER C. DENZIN, doing business as L. C. DENZIN

TRUCKING, Route No. 1, Oakfield, WI 53065. Applicant's representative: Lester C. Denzin (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Forage box units and Roll-A-Bout feeders* for the account of Denzin & Rahn Manufacturing, from Waupun, Wis., to Minneapolis, Minn.; Batavia and Oneida, N.Y.; Des Moines, Iowa; Lansing, Mich.; Memphis and Chattanooga, Tenn.; Fargo, N. Dak.; Statesville, N.C.; Bald Knob, Ark.; New Paris, Ind.; Kansas City, Mo., and Sioux Falls, S. Dak., for 180 days. Supporting shipper: Denzin & Rahn Manufacturing Co., Route 2, Highway 151 North, Waupun, WI 53963 (Erwin Denzin, President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 135350 (Sub-No. 1 TA), filed March 19, 1971. Applicant: W. G. LONG, 412 Cedar Street, Weldon, NC 27890. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap, iron or steel crushed*, such as scrap automobile and/or scrap automobile parts, from points in North Carolina to points in Virginia, for 180 days. Supporting Shipper: John R. Liles III, Liles Landscaping, Littleton, NC 27850. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26896, Raleigh, NC 27611.

No. MC 135399 (Sub-No. 1 TA), filed March 19, 1971. Applicant: HASKINS TRUCKING, INC., 3735 Gouldburn Street, Houston, TX 77045. Applicant's representative: J. L. Haskins (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, pulpboard and materials, equipment, and supplies* used in the manufacture and distribution thereof (except commodities in bulk and commodities which because of size or weight, require special equipment); (1) from the plantsite of Continental Can Co., Inc., Hodge, La., to points in Alabama, Mississippi, Tennessee, Kentucky, Virginia, North Carolina, South Carolina, Georgia, Florida, Texas (except points east of U.S. Highway 75 and except Dallas and Houston, Tex.), Phoenix, Mesa, and Tucson, Ariz., Albuquerque, Roswell, and Santa Fe, N. Mex.; and (2) from points in Alabama, Mississippi, Tennessee (except McMinn County), Kentucky, (except the plantsite of West Virginia Pulp & Paper Co. located at or near Wickliffe, Ky.), Virginia, North Carolina, South Carolina, Georgia (except Richmond County), Florida, Texas (except points east of U.S. Highway 75 and except Dallas and Houston, Tex.), Phoenix, Mesa, and Tucson, Ariz.; and Albuquerque, Roswell, and Santa Fe, N. Mex. to the plantsite of Continental Can Co., Inc., Hodge, La., for 150 days. Supporting shipper: Continental Can Co., Inc., 2 Executive Park West NE., Atlanta, GA 30329. Send protests to: District Supervisor John C. Redus, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, TX 77061.

No. MC 135403 TA, filed March 19, 1971. Applicant: CARROL G. MILLER, doing business as MILLER TRANSFER & STORAGE, 31259 East Highway 66, Barstow, CA 92311. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Los Angeles, Orange, San Diego, Riverside, Imperial, San Bernardino, Ventura, Kern, Santa Barbara, and San Luis Obispo Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shippers: Astron Forwarding Co., Post Office Box 161, Oakland, CA 94604; Columbia Export Pakers, Inc., 19000 South Vermont Avenue, Torrance, CA 90502; Davidson Forwarding Co., 3180 V Street NE., Washington, DC 20018; Imperial Household Shipping Co., Inc., Post Office Box 20124, St. Petersburg, FL 33702; Jet Forwarding Inc., 2945 Columbia Street, Torrance, CA 90503; Perfect Pak Co., 1001 Westlake Avenue North, Seattle, WA 98108. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 135406 TA, filed March 19, 1971. Applicant: LAMAR TRUCKING, INC., 19 Driscoll Street, Rockville Centre, NY. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, NY 10021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, minerals, mineral ores, pigments; and materials and supplies* used in the manufacture of paints, between points within the commercial zone of the city of New York as defined by the Interstate Commerce Commission, on the one hand, and, on the other, points in New York, New Jersey, and the city of Philadelphia, under continuing contract with the Smith Chemical & Color Co., of Brooklyn, N.Y., for 180 days. Supporting shipper: Smith Chemical & Color Co., Inc., 124 Commerce Street, Brooklyn, NY 11231. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 135416 TA, filed March 22, 1971. Applicant: ROBERT C. HUDAK, doing business as CHAMPION VAN & STORAGE, Post Office Box 194, 879 North Highway 101, Buellton, CA 93427. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household* goods, between points in Santa Barbara, San Luis Obispo and Ventura Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic for 180 days. Supporting shippers: Four Winds Forwarding, Inc., Post Office Box 2184, San Diego, CA 92112, and Jet Forwarding, Inc., Torrance, CA 90503. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 135418 TA, filed March 22, 1971. Applicant: ACIL J. JAGGERS AND CARL E. HOUGHTON, a partnership, doing business as CALICO TRANSFER & STORAGE, Post Office Box 1046, Barstow, CA 92311. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in San Bernardino and Riverside Counties, Calif., restricted to shipments having a prior or subsequent movement beyond said points in containers and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, or decontainerization of such shipments for 180 days. Supporting shippers: American Ensign Van Service, Inc., Post Office Box 2270, Wilmington, CA 90744; Four Winds Forwarding, Inc., Post Office Box 2184, San Diego, CA 92112; and Getz Bros. & Co. (U.S.), 640 Sacramento Street, San Francisco, CA 94111. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

Motor Carrier of Passengers

No. MC 135288 (Sub-No. 1 TA), filed March 18, 1971. Applicant: MCGILL'S TAXI AND BUS LINES, INC., doing business as ASHEBORO COACH CO., 151 Sunset Avenue, Asheboro, NC 27203. Applicant's representative: Clarence M. McGill (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and baggage*, in round trip charter operations, beginning and ending at points in Randolph, Chatham, Stanley, Robeson, Moore, Lee, Anson, Richmond, Scotland, and Montgomery Counties, N.C., and extending to points in Florida, Georgia, South Carolina, Virginia, District of Columbia, Maryland, Pennsylvania, New

Jersey, New York, and Tennessee, for 180 days. Supported by: There are approximately 18 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26896, Raleigh, NC 27611.

By the Commission.

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

[FR Doc.71-4310 Filed 3-26-71;8:53 am]

[Notice 670]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 24, 1971.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-72778. By application filed March 19, 1971, SOUTHERN OHIO TRUCK LINES, INC., 325 North Erie Boulevard, Hamilton, OH 45011, seeks temporary authority to lease the operating rights of UNIT TRANSPORTATION, INC., 845 East Avenue, Hamilton, OH 45012, under section 210a(b). The transfer to SOUTHERN OHIO TRUCK LINES, INC., of the operating rights of UNIT TRANSPORTATION, INC., is presently pending.

By the Commission.

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

[FR Doc.71-4311 Filed 3-26-71;8:53 am]

CUMULATIVE LIST OF PARTS AFFECTED—MARCH

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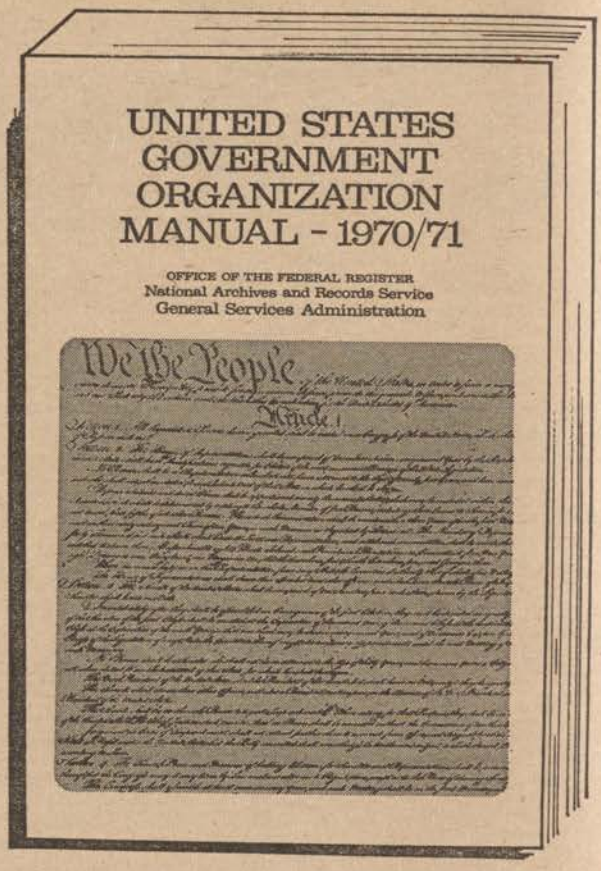

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