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HIGHLIGHTS OF THIS ISSUE

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

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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.

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Title 7—AGRICULTURE

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

PART 921—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Expenses and Rate of Assessment

Notice was published in the July 10, 1971, issue of the FEDERAL REGISTER (36 F.R. 12984) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the fiscal period ending March 31, 1971, under the marketing agreement and Order No. 921 (7 CFR Part 921) regulating the handling of fresh peaches grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington Fresh Peach Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 921.211 Expenses and rate of assessment.

(a) Expenses: The expenses that are reasonable and likely to be incurred by the Washington Fresh Peach Marketing Committee, during the fiscal period beginning April 1, 1971, and ending March 31, 1972, will amount to $7,094.

(b) Rate of assessment: The rate of assessment, payable by each handler in accordance with § 921.41 is fixed at seventy cents ($0.70) per ton of fresh peaches; and

(c) Reserve: Unexpended assessment funds in excess of expenses incurred during the fiscal period ended March 31, 1971, shall be carried over as a reserve in accordance with § 921.42 of said marketing agreement and order.

(d) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of peaches grown in the designated counties of Washington are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed shall be applicable to all assessable fresh peaches from the beginning of such period; and (3) such period began on April 1, 1971, and the rate of assessment herein fixed will automatically apply to all assessable fresh peaches beginning with such date.

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

Dated: July 22, 1971.

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

[FR Doc.71–10661 Filed 7–26–71;8:50 am]

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

[Milk Order No. 136]

PART 1136—MILK IN THE GREAT BASIN MARKETING AREA

Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Great Basin marketing area.

Notice was published in the FEDERAL REGISTER, May 5, 1971 (36 F.R. 8376), relative to the proposed suspension action for the months of seasonally high production, beginning with May 1971, in contemplation of new pooling provisions being included in the order. There were no objections to the proposed suspension.

It is hereby found and determined that for the month of July 1971 the provision in the first sentence of § 1136.11 (a) of the order which reads "there is disposed of on routes fluid milk products, except filled milk, of not less than 50 percent of the fluid milk products approved by a duly constituted health authority for fluid consumption that are physically received at such plant or diverted therefrom as producer milk to a nonpool plant pursuant to § 1136.13, and" does not tend to effectuate the declared policy of the Act.

STATEMENT OF CONSIDERATION

The above provision pertains to the qualification of a distributing plant as a pool plant. It was suspended from the order for May and June 1971 pending the effective date of revised pooling provisions, which will become effective August 1. The request for the suspension actions was made by a cooperative representing a majority of the Great Basin order producers.

Federated Dairy Farms is primarily responsible for handling a substantial portion of the reserve supplies for the Great Basin market. It also handles at its pool distributing plant the surplus production of other order markets. Without extension of the suspension action the cooperative indicates its distributing plant may not qualify as a pool plant for July 1971. This is because the reserve supplies of milk for the Great Basin market and the surplus production of other markets that are handled at such plant are likely to result in increasing its total milk receipts at the plant to the point where less than 50 percent of these receipts would be disposed of on routes.

Producer associations representing more than 90 percent of the producers on the market expressed support of the suspension action when it was proposed for the months of seasonally high production, beginning with May 1971, in contemplation of new pooling provisions to be effective July 1, 1971. As the new pooling provisions will be effective instead on August 1, 1971, upon further consideration and upon the same basis as for the previous suspension for May and June 1971, suspension for the month of July 1971 is hereby effected.

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

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area;

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

(c) This suspension action continues through July 1971 the suspension action that had been in effect for May and June 1971. That action, which was unopposed, was favored by more than 90 percent of the producers on the market.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for July 1971.

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

Effective date: Upon publication in the FEDERAL REGISTER (7–27–71).

Signed at Washington, D.C., on July 21, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71–10629 Filed 7–26–71;8:47 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71-EA-97; Amdt. 39-1250]

SUBCHAPTER C—AIRCRAFT

PART 39—AIRWORTHINESS DIRECTIVES

DeHavilland Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to DeHavilland Type DHC-6 airplanes.

There have been reports that deteriorated flapper valve seals in cells have permitted fuel to drain back into the transfer tanks. This could result in fuel starvation, causing a hazardous situation.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697, § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

DEHAVILLAND AIRCRAFT OF CANADA, LIMITED. Applies to DeHavilland Type DHC-6 Aircraft, Serial No. 1 through 299, inclusive.

Compliance required, unless already accomplished, within 30 days after the effective date of this AD for aircraft which have been in service for 12 months or more from date of first flight. For aircraft which have been in service less than 12 months, compliance required within 30 days after the accumulation of 12 months' service.

To preclude the possibility of engine flameout due to fuel starvation in the event of separation of the flapper valve seal in fuel cells No. 4 and No. 5, replace No. 4 and No. 5 flapper valve assemblies, P/N C6PF1026-3, with new like parts and repeat replacement thereafter at 12-month intervals until such time as DHC modification 6/1406 is incorporated in accordance with instructions contained in DHC Service Bulletin No. 6/269, dated February 19, 1971, or an equivalent modification approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Eastern Region.

This amendment is effective August 3, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on July 19, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.71-10606 Filed 7-26-71;8:46 am]

[Airspace Docket No. 71-NE-3]

SUBCHAPTER E—AIRSPACE

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

Alteration of Control Zones and Transition Areas

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the following control zones: Martha's Vineyard, Mass. (36 F.R. 2102), Groton, Conn. (36 F.R. 2087), Manchester, N.H. (36 F.R. 2101), East Hartford, Conn. (36 F.R. 2076), Westfield, Mass. (36 F.R. 2136), and § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the following transition areas: Falmouth, Mass. (36 F.R. 2184), and Hartford, Conn. (36 F.R. 2200).

The agency is attempting to eliminate duplicate names of navigational aids (NAVAIDs) to avoid possible pilot confusion. Therefore, an editorial change to the control zone and transition area descriptions to reflect the new name assignments will be required.

Since the foregoing amendments are editorial in nature, notice and public procedure hereon are unnecessary and the amendments may be made effective in less than 30 days.

In view of the foregoing, the Federal Aviation Administration, having completed review of the airspace requirements in the terminal airspace of the aforementioned locations, amends Part 71 of the Federal Aviation Regulations, as follows, effective 0901 G.m.t. October 14, 1971:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Martha's Vineyard, Mass., control zone by deleting, "Martha's Vineyard RBN" and substituting, "Edgartown RBN" therefor.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Groton, Conn., control zone by deleting, "Groton VOR" and substituting, "Trumbull VOR" therefor.

3. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Manchester, N.H., control zone by deleting, "Manchester RBN" and substituting "Derry RBN" therefor.

4. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the East Hartford, Conn., control zone by deleting, "Hartford RBN" and substituting, "Brainard RBN" therefor.

5. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Westfield, Mass., control zone by deleting, "Westfield VOR" and substituting, "Barnes VOR" therefor.

6. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Falmouth, Mass., 700-foot-floor transition area by deleting, "Martha's Vineyard RBN" and substituting, "Edgartown RBN" therefor.

7. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Hartford, Conn., 700-foot-floor transition area by deleting, "Hartford RBN" and substituting, "Brainard RBN" therefor.

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

Issued in Burlington, Mass., on July 14, 1971.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.71-10603 Filed 7-26-71;8:45 am]

[Airspace Docket No. 71-EA-30]

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

Alteration of Transition Area

On page 9663 of the FEDERAL REGISTER for May 27, 1971, the Federal Aviation Administration published a proposed rule which would alter the Selinsgrove, Pa., transition area (36 F.R. 2272).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. September 16, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on July 13, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Selinsgrove, Pa., 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the center, 40°49'04" N., 76°51'51" W. of Penn Valley Airport, Selinsgrove, Pa.; within 3.5 miles each side of the Selinsgrove, Pa., VORTAC 209° radial extending from the 10.5-mile radius area to 10.5 miles southwest of the VORTAC; within the arc of a 14-mile

radius circle centered on Penn Valley Airport extending clockwise from 095° to 125°.

[FR Doc.71-10602 Filed 7-26-71;8:45 am]

[Airspace Docket No. 71-EA-33]

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

Alteration of Transition Area

On page 9664 of the FEDERAL REGISTER for May 27, 1971, the Federal Aviation Administration published a proposed rule which would alter the Alliance, Ohio, transition area (36 F.R. 2144).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. September 16, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on July 13, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Alliance, Ohio, 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 40°59'00" N., 81°02'30" W. of Miller Airport, Alliance, Ohio, and within a 5.5-mile radius of the center, 40°54'22" N., 81°00'02" W. of Tri-City Airport, Sebring, Ohio.

[FR Doc.71-10601 Filed 7-26-71;8:45 am]

[Airspace Docket No. 71-WE-40]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to amend the description of the Yuma, Ariz., control zone.

The MCAS Yuma low frequency radio beacon was decommissioned on July 1, 1971, and the associated instrument approach procedure was concurrently canceled. The control zone extension described on the 044° T (030° M) bearing from the radio beacon is no longer required. A review of the airspace requirements revealed that a control zone extension is required described on the 037° T (023° M) radial of the TACAN. This control zone extension would provide controlled airspace protection for aircraft executing the TACAN Rwy. 21R approach procedure while operating below 1,000 feet above the surface. Action is taken herein to reflect these changes.

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

In consideration of the foregoing in § 71.171 (36 F.R. 2055) the description of the Yuma, Ariz., control zone is amended to read as follows:

YUMA, ARIZ.

Within a 5-mile radius of Yuma MCAS/Yuma International Airport (latitude 32°39'10" N., longitude 114°36'20" W.); within 2 miles each side of the Yuma VORTAC 181° radial, extending from the 5-mile-radius zone to 2 miles south of the VORTAC, and within 2.5 miles each side of the Yuma TACAN (latitude 32°38'48" N., longitude 114°36'46" W.) 037° radial, extending from the 5-mile-radius zone to 8 miles northeast of TACAN.

Effective date. This amendment shall be effective 0901 G.m.t., October 14, 1971.

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

Issued in Los Angeles, Calif., on July 19, 1971.

LEE E. WARREN,
Acting Director, Western Region.

[FR Doc.71-10600 Filed 7-26-71;8:45 am]

[Airspace Docket No. 71-SO-99]

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

Alteration of Control Zone

On June 10, 1971, a Notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11222), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Fayetteville, N.C., control zone.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 16, 1971, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the Fayetteville, N.C., control zone is amended as follows: "* * * southwest of the VOR * * *" is deleted and "* * * southwest of the VOR; within 3 miles each side of Fayetteville VOR 015° radial, extending from the 5-mile-radius zone to 8.5 miles north of the VOR; excluding the portion within Simmons AAF control zone * * *" is substituted therefor.

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

Issued in East Point, Ga., on July 15, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-10604 Filed 7-26-71;8:45 am]

[Airspace Docket No. 71-SO-102]

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

Alteration of Transition Area

On June 10, 1971, a Notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11222), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Winchester, Ky., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 16, 1971, as hereinafter set forth.

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

WINCHESTER, KY.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Codell Airport (lat. 38°01'21" N., long. 84°13'00" W.); within 2 miles each side of Lexington VORTAC 074° radial, extending from the 5-mile-radius area to 8 miles east of the VORTAC.

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

Issued in East Point, Ga., on July 15, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-10605 Filed 7-26-71;8:45 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 11241; Amdt. 95-209]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective August 19, 1971, as follows:

1. By amending Subpart C as follows:

Section 95.102 *Amber Federal airway 2* is amended to read in part:

Bettles, Alaska LF/RBN; Chip River INT, Alaska; *10,000. *9,000—MOCA.

Section 95.625 *Blue Federal airway 25* is amended to read in part:

Cleare INT, Alaska; *Hinchinbrook, Alaska, LFR; 4,000. *5,500—MCA Hinchinbrook LFR, northeastbound.

Section 95.1001 *Direct routes—United States* is amended to delete:

Umiat, Alaska, LF/RBN; Point Barrow, Alaska, LF/RBN; *3,000. *10,000—MEA required without HF airborne communications equipment. *2,000—MOCA.

Umiat, Alaska, LF/RBN; Bettles, Alaska, LF/RBN; *10,000. *8,300—MOCA.

Umiat, Alaska, LF/RBN; Hills INT, Alaska; *2,700. *2,000—MOCA.

Hills INT, Alaska; Fresto INT, Alaska; *2,500. *1,700—MOCA.

Fresto INT, Alaska; Gayuk INT, Alaska; *2,000. *1,300—MOCA.

Gayuk INT, Alaska; Deadhorse, Alaska, LF/RBN; *2,000. *1,200.

Dinsmore, Fla., RBN; Gateway INT, Fla.; *2,000. *1,300—MOCA.

Bonita INT, Fla.; *Sailfish INT, Fla.; **3,000. *3,000—MRA. **1,200—MRA. MAA—45,000.

Palm Beach, Fla., VOR; Bonita INT, Fla.; *2,000. *1,600—MOCA. MAA—45,000.

Sailfish INT, Fla.; Tarpon INT, Fla.; *10,000. *1,200—MOCA.

Tarpon INT, Fla.; Barracuda INT, Fla.; *25,000. *1,000—MOCA. MAA—45,000.

Wilmington, N.C., VOR; Fayetteville, N.C., VOR; *1,900. *1,400—MOCA.

Norcross, Ga., VOR; Athens, Ga., VOR; *3,000. *2,300—MOCA.

Section 95.1001 *Direct routes—United States* is amended by adding:

From, to, and MEA

Rock Springs, Wyo., VORTAC via RKS 302/DBS 118; DuBois, Idaho, VORTAC; 18,000. MAA—41,000.

Rome, Oreg., VORTAC; McCall, Idaho, VORTAC; 24,000. MAA—45,000.

Rome, Oreg., VORTAC; DuBois, Idaho, VORTAC (COP 144 REO); 31,000. MAA—45,000.

Spokane, Wash., VORTAC via GEG 139/MYL 322; McCall, Idaho, VORTAC; 18,000. MAA—41,000.

Tonopah, Nev., VORTAC via TPH 077/BCE 261; Bryce Canyon, Utah, VORTAC; 23,000. MAA—41,000.

Fortuna, Calif., VORTAC; Rome, Oreg., VORTAC; #31,000. MAA—45,000. #MEA is established with a gap in navigation signal coverage.

Gunnison, Colo., VORTAC via GUC 069/HGO 249; Hugo, Colo., VOR; 18,000. MAA—41,000.

Hugo, Colo., VOR via HGO 067/HLC 251; Hill City, Kans., VORTAC; 18,000. MAA—41,000.

Lake Tahoe, Calif., VORTAC; Klamath Falls, Oreg., VORTAC; 28,000. MAA—45,000.

McCall, Idaho, VORTAC; Mullan Pass, Idaho, VORTAC; 24,000. MAA—45,000.

Mina, Nev., VORTAC; Wilson Creek, Nev., VORTAC; 18,000. MAA—45,000.

Peach Springs, Ariz., VORTAC via PGS 043/DVC 226; Dove Creek, Colo., VORTAC (COP 100 PGS); 18,000. MAA—41,000.

Priest, Calif., VORTAC via ROM 309/SJC 120; San Jose, Calif., VOR; *18,000. *6,500—MOCA. MAA—24,000.

Pueblo, Colo., VORTAC via PUB 037/HCT 221; Hayes Center, Nebr., VORTAC; 18,000. MAA—41,000.

From, to, and MEA

Mullen Pass, Idaho, VOR; Kimberly, British Columbia, Canada, LFR; 24,000. MAA—45,000.

Portland, Oreg., VORTAC via PDX 333/VR 150; Vancouver, British Columbia, Canada, VORTAC (COP 85 PDX); 18,000. MAA—41,000.

Spokane, Wash., VORTAC; Lethbridge, Alberta, Canada, VOR/18,000. MAA—45,000. #MEA is established with a gap in navigation signal coverage.

Battle Mountain, Nev., VORTAC; Fresno, Calif., VORTAC; 24,000. MAA—45,000.

Boise, Idaho, VORTAC via BOI 342/MYL 162; McCall, Idaho, VORTAC; 18,000. MAA—41,000.

Cheyenne, Wyo., VORTAC via CYS 090/HCT 275; Hayes Center, Nebr., VORTAC; 18,000. MAA—41,000.

Cheyenne, Wyo., VORTAC via CYS 265/RKS 079; Rock Springs, Wyo., VORTAC; 18,000. MAA—41,000.

DuBois, Idaho, VORTAC; Boysen Reservoir, Wyo., VORTAC; 18,000. MAA—45,000.

Fresno, Calif., VORTAC; Lake Tahoe, Calif., VORTAC; 28,000. MAA—45,000.

Alexandria, Minn., VOR; Jamestown, N. Dak., VOR; 18,000. MAA—22,000.

Bismarck, N. Dak., VOR; Dickinson, N. Dak., VOR; 18,000. MAA—24,000.

Bozeman, Mont., VOR; Drummond, Mont., VOR; 18,000. MAA—25,000.

Bozeman, Mont., VOR; DuBois, Idaho, VORTAC; 18,000. MAA—25,000.

Bradford, Ill., VOR; Des Moines, Iowa, VOR; 18,000. MAA—41,000.

Butler, Mo., VOR via BUM 084/VIH 268; Vichy, Mo., VORTAC; 18,000. MAA—41,000.

Dillon, Mont., VORTAC; Twin Falls, Idaho, VORTAC; 24,000. MAA—45,000.

Fargo, N. Dak., VOR; Jamestown, N. Dak., VOR; 18,000. MAA—24,000.

Fort Wayne, Ind., VORTAC; Allegheny, Pa., VORTAC; 18,000. MAA—41,000.

Jamestown, N. Dak., VOR; Bismarck, N. Dak., VOR; 18,000. MAA—24,000.

Joliet, Ill., VORTAC; South Bend, Ind., VORTAC; 18,000. MAA—41,000.

Lamoni, Iowa, VORTAC; Iowa City, Iowa, VORTAC; 18,000. MAA—42,000.

Miles City, Mont., VORTAC; Dupree, S. Dak., VORTAC; 18,000. MAA—45,000.

Missoula, Mont., VOR; Great Falls, Mont., VOR; 18,000. MAA—24,000.

Northbrook, Ill., VORTAC; Des Moines, Iowa, VORTAC; 18,000. MAA—41,000.

O'Neill, Nebr., VORTAC via ONL 068/MCW 257; Mason City, Iowa, VORTAC; 24,000. MAA—41,000.

Pawnee City, Nebr., VORTAC; Kansas City, Mo., VORTAC; 18,000. MAA—45,000.

Pawnee City, Nebr., VORTAC via PWE 081/IRK 266; Kirksville, Mo., VORTAC; 18,000. MAA—41,000.

Red River, N. Dak., VOR; Bismarck, N. Dak., VOR; 18,000. MAA—32,000.

South Bend, Ind., VORTAC; Litchfield, Mich., VORTAC; 18,000. MAA—41,000.

Vichy, Mo., VORTAC via VIH 087/EVV 272; Evansville, Ind., VORTAC; 18,000. MAA—41,000.

Wolbach, Nebr., VORTAC; Pawnee City, Nebr., VORTAC; 18,000. MAA—45,000.

Farmington, N. Mex., VORTAC via FMN 047/PUB 230; Pueblo, Colo, VORTAC; 24,000. MAA—45,000.

Hayes Center, Nebr., VORTAC via HCT 801/PWE 267; Pawnee City, Nebr., VORTAC; 18,000. MAA—41,000.

Hill City, Kans., VORTAC via HLC 077/MKC 263; Kansas City, Mo., VORTAC; 18,000. MAA—41,000.

Omaha, Nebr., VORTAC; Hill City, Kans., VORTAC; 18,000. MAA—45,000.

Scottsbluff, Nebr., VORTAC via BFF 083/OBH 269; Wolbach, Nebr., VORTAC; 18,000. MAA—45,000.

From, to, and MEA

Massena, N.Y., VOR; Ottowa, Canada, VOR; 18,000.

Plattsburgh, N.Y., VOR; Massena, N.Y., VOR; 18,000. MAA—45,000.

Lumpkin INT, Ga.; INT, 115° M rad, Tuskegee VOR and 218 M rad, Columbus VOR; *2,000. 1,700—MOCA.

Columbia, S.C., VOR; Pulaski, Va., VOR; 18,000.

Spartanburg, S.C., VOR; Raleigh-Durham, N.C., VOR; 18,000.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Hilltop INT, Calif.; Hesperia INT, Calif.; *8,000. *7,700—MOCA. MAA—18,000.

Section 95.5000 *High altitude RNAV routes.*

From/to; total distance; changeover point distance from geographic location; track angle; MEA and MAA

J801R is amended to read in part:

Paria, Ariz., W/P, Gypsum, Colo., W/P; 171; 65, Paria, 37°16'21" N., 101°39'29" W.; 54°/236° to COP, 58°/238° to Gypsum; 18,000; 45,000.

Gypsum, Colo., W/P; Powder Horn, Colo., W/P; 79.5; 23, Gypsum, 37°58'31" N., 108°05'57" W., 58°/238° to COP, 59°/239° to Powder Horn; 18,000; 45,000.

J802R is amended to read in part:

Nebo, Utah, W/P, Grafton, Nev., W/P; 140; 70, Nebo, 39°09'27" N., 113°05'58" W.; 241°/61° to COP, 239°/59° to Grafton; 18,000; 45,000.

J803R is amended to read in part:

Plum Creek, Nebr., W/P, Scales Mound, Ill., W/P; 289.6; 108, Plum Creek, 42°15'34" N., 94°28'37" W.; 76°/256° to COP, 83°/263° to Scales Mound; 18,000; 45,000.

J807R is added to read:

Belle Terre, Conn., W/P, Cherry Plain, N.Y., W/P; 98.7; 49.4, Belle Terre, 41°51'38" N., 73°13'28" W.; 010°/190° to COP, 009°/189° to Cherry Plain; 18,000; 45,000.

Cherry Plain, N.Y., W/P, Holland, Vt., W/P; 150.7; 75, Cherry Plain, 43°50'18" N., 72°-39'50" W.; 034°/214° to COP, 037°/217° to Holland; 18,000; 45,000.

J808R is added to read:

Squid, N.Y., W/P, Mary Ann, Mass., W/P; 133.6; 50, Squid, 40°53'34" N., 71°49'02" W.; 074°/254° to COP, 080°/260° to Mary Ann; 18,000; 45,000.

Mary Ann, Mass., W/P, Whaler, Mass., W/P; 147.2; 73.6, Mary Ann, 41°51'16" N., 68°35'17" W.; 087°/267° to COP, 087°/267° to Whaler; 18,000; 45,000.

J809R is added to read:

Squid, N.Y., W/P, Mary Ann, Mass., W/P; 133.6; 50; Squid, 40°53'34" N., 71°49'02" W;. 074°/254° to COP, 080°/260° to Mary Ann; 18,000; 45,000.

Mary Ann, Mass., W/P, Davey, Maine, W/P; 146.4; 73.2, Mary Ann, 42°13'09" N., 68°50'26" W.; 068°/248° to COP, 068°/248° to Davey; 18,000; 45,000.

J813R is added to read:

Bremen, Ga., W/P, Montgomery, Ala., VORTAC; 102.5; 51.2, Bremen, 32°56'35" N., 85°46'19" W.; 210°/030° to COP, 210°/030° to Montgomery; 18,000; 45,000.

Montgomery, Ala., VORTAC, Monroeville, Ala., W/P; 69.8; 34.9, Montgomery, 31°50'-30" N., 86°50'18" W.; 226°/046° to COP, 227°/047° to Monroeville; 18,000; 45,000.

Monroeville, Ala., W/P, New Orleans, La., VORTAC; 169.6; 49, Monroeville, 31°03'03" N., 88°10'43" W.; 238°/058° to COP, 233°/053° to New Orleans; 18,000; 45,000.

J814R is added to read:

New Orleans, La., VORTAC, Monroeville, Ala., W/P; 169; 120, New Orleans, 31°03'03" N., 88°10'43" W.; 053°/233° to COP, 058°/238° to Monroeville; 18,000; 45,000.

From, to, and MEA

Monroeville, Ala., W/P. Glenn, Ga., W/P; 144.5; 72.3, Monroeville, 32°15'22'' N., 86°-17'19'' W.; 046°/226° to COP, 046°/226 to Glenn; 18,000; 45,000.

J816R is added to read:

Social Circle, Ga., W/P, Lincolnton, N.C., W/P; 163.3; 81.6, Social Circle, 34°25'02'' N., 82°17'07'' W.; 057°/237° to COP, 057°/237° to Lincolnton; 18,000; 45,000.

Lincolnton, N.C., W/P, Richmond, Va., W/P; 222.7; 74, Lincolnton, 35°38'48'' N., 79°45'-24'' W.; 054°/234° to COP, 058°/238° to Richmond; 18,000; 45,000.

Richmond, Va., W/P, Marburg, Va., W/P; 61; not required; 015°/195° to Marburg; 18,000; 45,000.

J851R is added to read:

Logan, Calif., W/P, Virginia, Calif., W/P; 238; 143.8, Logan, 35°10'15'' N., 119°47'10'' W.; 123°/303° to COP, 125°/305° to Virginia; 18,000; 45,000.

J852R is added to read:

Lucky, Calif., W/P, Ceres, Calif., W/P; 264.4; 111, Lucky, 36°43'59'' N., 117°57'36'' W.; 276°/096° to COP, 273°/093° to Ceres; 18,000; 45,000.

J855R is added to read:

Wichita Falls, Tex., VORTAC, Texico, N. Mex., VORTAC; 213.4; 106.7, Wichita Falls, 34°15'38'' N., 100°42'35'' W.; 269°/089° to COP, 266°/086° to Texico; 20,000; 45,000.

Texico, N. Mex., VORTAC, Volcano, N. Mex., W/P; 192.2; 96.1, Texico, 34°49'00'' N., 104°44'28'' W.; 272°/092° to COP, 267°/087° to Volcano; 18,000; 45,000.

Volcano, N. Mex., W/P, Defiance, N. Mex., W/P; 114.7; 57.4, Volcano, 35°16'01'' N., 107°48'31'' W.; 267°/087° to COP, 264°/084° to Defiance; 18,000; 45,000.

Defiance, N. Mex., W/P, Peak, Ariz., W/P; 116.4; 58.7, Defiance, 35°33'17'' N., 110°-08'52'' W.; 265°/085° to COP, 262°/082° to Peak; 18,000; 45,000.

Peak, Ariz., W/P, Boulder City, Nev., VORTAC; 173.0; 86.5, Peak, 35°51'08'' N., 113°05'47'' W.; 262°/082° to COP, 260°/080° to Boulder City; 18,000; 45,000.

Boulder City, Nev., VORTAC, Lucky, Nev., W/P; 47.4; 23.7, Boulder City, 36°01'05'' N., 115°20'55'' W.; 256°/076° to Lucky; 18,000; 45,000.

Lucky, Nev., W/P, Crestview, Calif., VORTAC; 264.4; 111, Lucky, 36°43'59'' N., 117°57'-36'' W.; 276°/096° to COP, 273°/093° to Crestview; 18,000; 45,000.

J858R is added to read:

Bonny, Colo., W/P, Lenora, Kans., W/P; 92.1; 46.1, Bonny, 39°29'40'' N., 101°13'09'' W.; 080°/160° to COP, 080°/160° to Lenora; 18,000; 45,000.

Lenora, Kans., W/P, Potter, Kans., W/P; 243.4; 128.4, Lenora, 39°25'09'' N., 97°-27'57'' W.; 080°/160° to COP, 087°/167° to Potter; 18,000; 45,000.

J859R is added to read:

Walcott, Kans., W/P, Enterprise, Kans., W/P; 94.9; 47.4, Walcott, 39°05'49'' N., 95°59'41'' W.; 251°/071° to COP, 251°/071° to Enterprise; 18,000; 45,000.

Enterprise, Kans., W/P, Bonny, Colo., W/P; 245.2; 122.6, Enterprise, 39°15'32'' N., 99°35'40'' W.; 270°/090° to COP, 264°/084° to Bonny; 18,000; 45,000.

Section 95.5500 *High altitude RNAV routes.*

J949R is added to read:

Kay, Okla., W/P, Greater Southwest, Tex., VORTAC; 151.6; 75.8, Kay, 34°02'54'' N., 97°24'05'' W.; 157°/337° to COP, 157°/337° to Greater Southwest; 18,000; 45,000.

Greater Southwest, Tex., VORTAC, Magnolia, Tex., W/P; 172.4; 86.2, Greater Southwest, 31°29'19'' N., 96°23'45'' W.; 148°/328° to COP, 150°/330° to Magnolia; 18,000, 45,000.

J950 is added to read:

From, to, and MEA

Huffman, Tex., W/P, Scurry, Tex., VORTAC; 156.5; 78.3, Huffman, 31°15'42'' N., 95°-44'18'' W.; 329°/149° to COP, 329°/149° to Scurry; 18,000; 45,000.

Scurry, Tex., VORTAC, Cole, Okla., W/P; 172.6; 86.3, Scurry, 33°49'03'' N., 96°55'30'' W.; 331°/151° to COP, 331°/151° to Cole; 18,000; 45,000.

Section 95.6001 *VOR Federal airway 1* is amended by adding:

Kinston, N.C., VOR, via E alter.; *Pinetown INT, N.C., via E alter.; 2,000. *4,000—MCA Pinetown INT, northeastbound.

Pinetown INT, N.C., via E alter.; Sunbury INT, N.C., via E alter.; *4,000. *1,500—MOCA.

Sunbury INT, N.C., via E alter.; Norfolk, Va., VOR, via E alter.; *2,000. *1,600—MOCA.

Section 95.6001 *VOR Federal airway 1* is amended to read in part:

Planter INT, S.C.; Myrtle Beach, S.C., VOR; *2,000. *1,400—MOCA.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

Helena, Mont., VOR; *Menard INT, Mont.; **9,500. *9,000—MCA Menard INT, northwestbound. **9,100—MOCA.

Menard INT, Mont.; *Bozeman, Mont., VOR; 8,500. *9,300—MCA Bozeman, Mont., VOR, southeastbound.

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

Rancho INT, Fla.; Biscayne Bay, Fla., VOR; *2,000. *1,600—MOCA.

Section 95.6004 *VOR Federal airway 4* is amended to read in part:

Port Angeles, Wash., VOR; Jamestown INT, Wash.; westbound, 3,600; eastbound, 4,100.

Section 95.6007 *VOR Federal airway 7* is amended to read in part:

Brewer INT, Wis.; Franksville INT, Wis.; 2,500.

Franksville INT, Wis.; Milwaukee, Wis., VOR; *2,700. *2,500—MOCA.

Brewer INT, Wis., via E alter.; Franksville INT, Wis., via E alter.; 2,500.

Franksville INT, Wis., via E alter.; Milwaukee, Wis., VOR; via E alter.; *2,700. *2,500—MOCA.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

Leeville, La., VOR; Pirate INT, La.; *2,500. *1,300—MOCA.

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

*Whiteface INT, Tex.; Shallowater INT, Tex.; **5,500. *8,000—MRA. **5,000—MOCA.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

Scholes, Tex., VOR; Houston, Tex., VOR; 2,200.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Trussell INT, Tex.; Millsap, Tex., VOR; *3,700. *3,100—MOCA.

Millsap, Tex., VOR; Acton, Tex., VOR; *2,800. *2,100—MOCA.

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

Millsap, Tex., VOR; Greater Southwest, Tex., VOR; *2,900. *2,700—MOCA.

From, to, and MEA

Section 95.6068 *VOR Federal airway 68* is amended to read in part:

Andrews INT, Tex.; Pipe Line INT, Tex.; *5,000. *4,700—MOCA.

Section 95.6071 *VOR Federal airway 71* is amended to read in part:

Monroe, La., VOR; El Dorado, Ark., VOR; 5,000.

Section 95.6076 *VOR Federal airway 76* is amended to read in part:

Houston, Tex., VOR; Scholes, Tex., VOR; 2,200.

Section 95.6088 *VOR Federal airway 88* is amended by adding:

INT. 051° M rad, Springfield VOR and 260° M rad, Forney VOR via S alter.; Forney, Mo., VOR, via S alter.; *3,000. *2,500—MOCA.

Forney, Mo., VOR via S alter.; Vichy, Mo., VOR via S alter.; *3,000. *2,500—MOCA.

Section 95.6093 *VOR Federal airway 93* is amended to read in part:

Grasonville INT, Md.; Baltimore, Md., VOR; 2,200.

Section 95.6137 *VOR Federal airway 137* is amended to read in part:

Arrowhead INT, Calif.; *Palmdale, Calif., VOR; 10,700.**6,800—MCA Palmdale VOR, southeastbound.

Section 95.6139 *VOR Federal airway 139* is amended to read in part:

Sunbury, INT, N.C.; Norfolk, Va., VOR; *2,000. *1,600—MOCA.

Section 95.6159 *VOR Federal airway 159* is amended to read in part:

Albany, Ga., VOR; *Shellman INT, Ga.; **2,000. *2,500—MRA. **1,700—MOCA.

Section 95.6163 *VOR Federal airway 163* is amended to read in part:

Acton, Tex., VOR via E alter.; Millsap, Tex., VOR via E alter.; *2,800. *2,100—MOCA.

*Mill INT, Tex.; Millsap, Tex., VOR; **3,000. *3,500—MRA. *2,400—MOCA.

Millsap, Tex., VOR; Bridgeport, Tex., VOR; *3,000. *2,500—MOCA.

Section 95.6172 *VOR Federal airway 172* is amended to read in part:

Grimes INT, Iowa; Elkhart INT, Iowa; 3,300.

Elkhart INT, Iowa; Newton, Iowa, VOR; *2,800. *2,100—MOCA.

Section 95.6191 *VOR Federal airway 191* is amended to read in part:

Pana INT, Ill.; Decatur, Ill., VOR; *2,400. *2,200—MOCA.

Section 95.6230 *VOR Federal airway 230* is amended by adding:

Salinas, Calif., VOR via S alter.; Los Banos, Calif., VOR via S alter.; 6,000.

Section 95.6233 *VOR Federal airway 233* is amended to delete:

Mount Pleasant, Mich., VOR; Traverse City, Mich., VOR; *2,800. *2400—MOCA.

Section 95.6233 *VOR Federal airway 233* is amended by adding:

Mount Pleasant, Mich., VOR; Gaylord, Mich., VOR; *4,500. *2,600—MOCA.

Gaylord, Mich., VOR; Pellston, Mich., VOR; *3,100. *2,600—MOCA.

Section 95.6287 *VOR Federal airway 287* is amended to read in part:

From, to, and MEA

Carr INT, Wash.; Lofall INT, Wash.; *5,000. *4,000—MOCA.
Lofall INT, Wash.; Jamestown INT, Wash.; 4,100.

Section 95.6295 *VOR Federal airway 295* is amended to read in part:

Basket INT, Fla.; *Turtle INT, Fla.; **4,500. *4,500—MRA. *1,200—MOCA.
Turtle INT, Fla.; Bluefish INT, Fla.; *4,500. **1,200—MOCA.
Bluefish INT, Fla.; Stuart INT, Fla.; *3,500. 1,200—MOCA.

Section 95.6296 *VOR Federal airway 296* is amended by adding:

Fayetteville, N.C., VOR; *Currie INT, N.C.; **1,900. *3,000—MRA. **1,400—MOCA. MAA—4,000.
Currie INT, N.C.; Wilmington, N.C., VOR; *1,900. *1,400—MOCA.

Section 95.6325 *VOR Federal airway 325* is amended by adding:

Columbia, S.C., VOR; Athens, Ga., VOR; *3,000. *2,300—MOCA.
Athens, Ga., VOR; Norcross, Ga., VOR; *3,000. *2,400—MOCA.

Section 95.6325 *VOR Federal airway 325* is amended to read in part:

Gadsden, Ala., VOR; Rountree INT, Ala.; 3,000. Rountree INT, Ala.; Muscle Shoals, Ala., VOR; *2,400. *2,000—MOCA.

Section 95.6420 *VOR Federal airway 420* is amended by adding:

Traverse City, Mich., VOR; Mount Pleasant, Mich., VOR; *2,800. *2,400—MOCA.

Section 95.6429 *VOR Federal airway 429* is amended to delete:

Elkhorn INT, Wis.; Milwaukee, Wis., VOR; *2,900. *2,700—MOCA.

Section 95.6429 *VOR Federal airway 429* is amended by adding:

Elkhorn INT, Wis.; Oshkosh, Wis., VOR; *5,000. *2,500—MOCA.

Section 95.6438 *VOR Federal airway 438* is amended by adding:

Fairbanks, Alaska, VOR, via W alter.; Fort Yukon, Alaska, VOR, via W alter.; *7,000. *6,800—MOCA.

Section 95.6451 *VOR Federal airway 451* is amended to read in part:

Whitman, Mass., VOR; Boston, Mass., VOR; 2,000.

Section 95.6498 *VOR Federal airway 498* is amended to read in part:

*Kateel Dme FIX, Alaska; Baldwin Dme FIX, Alaska; **8,000. *8,000—MRA. **5,300—MOCA.
Baldwin Dme FIX, Alaska; Kotzebue, Alaska, VOR; 2,000.

Section 95.6500 *VOR Federal airway 500* is amended to read in part:

Gateway INT, Oreg.; John Day, Oreg., VOR; *8,500. *7,900—MOCA.

Section 95.6506 *VOR Federal airway 506* is amended to read in part:

Bethel, Alaska, VOR; Marshall Dme FIX, Alaska; *2,000. *1,900-MOCA.
Marshall Dme FIX, Alaska; Kwikput INT, Alaska; #**7,000. *3,100—MOCA. #Continuous navigational coverage does not exist below 11,000 feet, between 91 nautical miles Bethel and 135 nautical miles Nome.
*Kwikput INT, Alaska; Nome, Alaska, VOR; northwestbound, **5,000; southeastbound, **7,000. *4,200—MRA. *3,200—MOCA.

From, to, and MEA

Nome, Alaska, VOR; *Mary's Igloo INT, Alaska; **7,000. *13,000—MRA. **5,700—MOCA.
Mary's Igloo INT, Alaska; Sound Dme FIX, Alaska; *7,000. *5,700—MOCA.
Sound Dme FIX, Alaska; Kotzebue, Alaska, VOR; 2,000.

Section 95.7023 *Jet Route No. 23* is amended to read in part:

From, to, MEA and MAA

San Antonio, Tex., VORTAC; Millsap, Tex., VORTAC; 18,000; 45,000.
Millsap, Tex., VORTAC; Oklahoma City, Okla., VORTAC; 18,000; 45,000.

Section 95.7086 *Jet Route No. 86* is amended to read in part:

Humble, Tex., VORTAC; Leeville, La., VOR TAC; 18,000; 45,000.

Section 95.7160 *Jet Route No. 160* is added to read:

Fairbanks, Alaska, VORTAC; Fort Yukon, Alaska, VOR; 18,000; 45,000.

(Secs. 307, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on July 15, 1971.

WILLIAM G. SHREVE, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.71-10429 Filed 7-26-71;8:45 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71-189]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Public International Organizations Entitled to Free-Entry Privileges

By Executive Order 11596, signed June 5, 1971, the President designated the Customs Cooperation Council as an international organization entitled to enjoy certain privileges, exemptions, and immunities conferred by the International Organizations Immunities Act of December 29, 1945.

The list of public international organizations currently entitled to free-entry privileges in § 10.30a(a) of the Customs Regulations is, therefore, amended by inserting in the proper alphabetical order the following:

Organization	Executive Order	Date
Customs Cooperation Council....	11596	June 5, 1971

(80 Stat. 379, R.S. 251; 5 U.S.C. 301, 19

EUGENE T. ROSSIDES,

[SEAL] ROBERT V. MCINTYRE,
Acting Commissioner of Customs.

Approved: July 15, 1971.
Eugene T. Rossides,
Assistant Secretary of the Treasury.

[FR Doc.71-10660 Filed 7-26-71;8:50 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter IV—Government National Mortgage Association, Department of Housing and Urban Development

SUBCHAPTER C—MANAGEMENT AND LIQUIDATING FUNCTIONS

[Docket No. R-71-112]

PART 1665—GUARANTY OF MORTGAGE BACKED SECURITIES

Subpart A—Pass-Through Type Securities

NET WORTH REQUIREMENTS

On May 27, 1971 (36 F.R. 9667), notice was given that the Government National Mortgage Association, under the authority contained in section 309 of the National Housing Act (12 U.S.C. 1723a), was considering the amendment of § 1665.3 of Part 1665 of Title 24 of the Code of Federal Regulations. Interested persons were invited to submit written data, views, or statements with regard to the proposed amendments. Comment was received from the Mortgage Bankers Association of America, which generally supported the proposed changes, but suggested a minimum net worth requirement of $200,000 for unlimited users, in lieu of $250,000 as proposed in paragraph (b) of the notice of rule making. The Association does not consider that a reduction below the $250,000 minimum, as proposed, would be advisable at this time.

Accordingly, 24 CFR 1665.3 is amended to read as follows:

§ 1665.3 Eligible issuers of securities.

Any mortgagee, including a State or local governmental instrumentality, which has been approved by the Federal Housing Administration and which has adequate experience and facilities to issue mortgage-backed securities may be approved for a guaranty by the Association, except that no guaranty shall be made of any security which is tax exempt under the Internal Revenue Code of 1954. No issue of securities will be approved for guaranty unless the issuer has net worth, in assets acceptable to the Association, in the following amounts:

(a) For straight pass-through securities, $100,000.

(b) For modified pass-through securities based on and backed by mortgages upon one- to four-family residences, (1) not less than 2 percent of the first $5 million of modified pass-through securities outstanding after such issue, and (2) not less than 1 percent on all such securities outstanding over $5 million, but in no case need such net worth exceed $250,000.

(c) For modified pass-through securities other than those described in paragraph (b) of this section, (1) not less than 3 percent of the first $5 million of modified pass-through securities outstanding after such issue, and (2) not less than 2 percent on the succeeding $5 million of such securities, and (3) not

less than 1 percent on all over $10 million, but in no case need such net worth exceed $500,000.

(Sec. 309, 82 Stat. 540, 12 U.S.C. 1723a; Bylaws of the Association, 35 F.R. 2606, Feb. 5, 1970, 36 F.R. 11229, June 9, 1971)

Effective date. This amendment is effective on July 1, 1971.

WOODWARD KINGMAN,
President, Government National Mortgage Association.

[FR Doc.71-10659 Filed 7-26-71;8:50 am]

Title 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 1—DISCLOSURE OF RECORDS

Records Made Available

Existing provisions of Part 1 relate to the access by members of the public and government agencies to official records of the Treasury Department and to testimony by Treasury Department officers and employees with respect to official information and the production of official records. It has been determined that it would be in the public interest to add provisions liberalizing existing practices with respect to the availability to members of the public of submissions made in response to published notices of proposed rulemaking by the Treasury Department and its bureaus and offices.

Under the new provisions, interested members of the public will be entitled to access to copies of all submissions except those which the person making the submission asserts contain information which is confidential and which an appropriate Treasury Department official has determined is entitled to exemption from disclosure under existing regulations.

The new provisions, while representing general Treasury Department policy, are applicable only in the absence of regulations promulgated by the particular bureaus or offices of the Department governing the availability of submissions. Where a bureau or office of the Department has published its own regulations on this subject, such regulations shall govern in the areas specified. The Internal Revenue Service and the Bureau of Customs, have already adopted regulations concerning the availability of such submissions (26 CFR 601.601(b), 19 CFR 103.3).

The proposed regulations are deemed to be procedural and involve, insofar as the public is concerned, a liberalization of existing practice and procedure. Accordingly, notice and public procedure thereon are unnecessary.

Part 1 of Title 31 of the Code of Federal Regulations is amended by adding a new paragraph (h) to § 1.4 to read as follows:

§ 1.4 Records made available.

* * * * *

(h) *Submissions in response to notice of proposed rulemaking.* Comments submitted in response to public notice of proposed rulemaking are classed as identifiable records for purposes of this part. Unless the person making the submission states that the submission contains privileged or confidential information, and unless an official of the office or bureau authorized to issue the rule under consideration determines that the submission in whole or in part is entitled to exemption from disclosure in accordance with section 1.5 of these regulations, the submission, or the nonconfidential portion thereof, shall be made available to the public upon request therefor. Each notice of proposed rulemaking shall contain a statement advising the public of this regulation.

(5 U.S.C. 301, 552)

Effective date: This amendment is effective upon publication in the FEDERAL REGISTER (7-27-71).

Dated: July 21, 1971.

SAMUEL R. PIERCE,
General Counsel.

[FR Doc.71-10637 Filed 7-26-71;8:48 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 209—ADMINISTRATIVE PROCEDURE

Permits for Discharges or Deposits Into Navigable Waters

On March 23, 1971, notice was published in the FEDERAL REGISTER (36 F.R. 5431) that a draft permit was being considered for use in the permit program being instituted pursuant to 33 U.S.C. 407 and Executive Order 11574 (35 F.R. 19627).

On April 7, 1971, regulations were published as § 209.131 in the FEDERAL REGISTER (36 F.R. 6564) relating to the policy, practice, and procedure in connection with applications for permits authorizing discharges or deposits into navigable waters of the United States or into any tributary from which discharged matter shall float or be washed into a navigable water (33 U.S.C. 407).

Pursuant to the notice of March 23, 1971, a number of comments have been received from interested persons, and due consideration has been given to all relevant matters presented. In light of the preceding, a number of revisions have been made in the permit form. The permit form is included in paragraph (o) of § 209.131 effective on publication in the FEDERAL REGISTER, as follows:

§ 209.131 Permits for discharges or deposits into navigable waters.

* * * * *

(o) *Permit Form.* (1) The permit form (ENG Form 4343, July 1971) is as follows:

Application No._____
Acronym name of applicant_____
Effective date_____
Expiration date_____

DEPARTMENT OF THE ARMY

PERMIT

Referring to application number _____ dated _____ for a permit to discharge or work in navigable waters or their tributaries, upon the recommendation of the Chief of Engineers, and under the provisions of sections 10 and 13 of the Act of Congress approved March 3, 1899 (33 U.S.C. 403 and 407), entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes,"_____

_____

_____

(Here insert the full name and address of the permittee)

is hereby authorized by the Secretary of the Army to discharge, deposit or work in navigable waters and their tributaries under conditions in the manner and in accordance with General Conditions I (a) through (o) and the Special Conditions II (a) through ( ) hereinafter set forth; in

(Here name the specific body of water and locate the discharge or deposit by either (a) naming the nearest well known locality—preferably a city or town—and the distance in miles and tenths from some definite point in the same, stating whether above or below or giving direction by point of compass; (b) stating coordinates showing longitude and latitude; or (c) stating the state, county, township, range and section in which the discharge or deposit is located.)

as shown on the plat attached hereto subject to the following:

I. General Conditions:

(a) That all discharges or deposits shall be consistent with the terms and conditions of this permit; the discharge or deposit of any material or substance not specifically identified and authorized herein or the discharge or deposit of any material or substance more frequently than or at a level in excess of that identified and authorized herein shall constitute a violation of the terms and conditions of this permit; a violation of any of the terms and conditions of this permit may result in the modification, suspension, or revocation of this permit in whole or in part; any violation of the terms and conditions of this permit shall be unlawful and may result in the institution of such legal proceedings as the Government may consider appropriate, whether or not this permit has been previously modified, suspended or revoked in whole or in part.

(b) That, except as provided in General Condition I(c) below, the discharge or deposit authorized by this permit shall at all times be consistent with applicable water quality standards (including, but not limited to, applicable water quality criteria, implementation plans, water use classifications, and statements of antidegradation adopted in connection with water quality standards or abatement proceedings) whether established pursuant to section 10(c) of the Federal Water Pollution Control

Act, as amended, or pursuant to State Law. In the event that two or more sets of such standards (including, but not limited to, conflicting water quality criteria contained in two or more water use classifications pertaining to the same receiving waters) are applicable to the discharge or deposit, the discharge or deposit must be consistent with the more stringent standard.

(c) That if applicable water quality standards are revised or modified during the term of this permit, the discharge or deposit authorized by this permit shall, within 6 months of the effective date of any revision or modification of water quality standards or as directed by an implementation plan contained in such revised or modified standards or within such longer period of time as the District Engineer, in consultation with the Regional Representative of the Environmental Protection Agency, may determine to be reasonable under the circumstances, be given additional treatment or shall otherwise be modified, if necessary, to be consistent with such revised or modified water quality standards.

(d) That the permittee shall promptly comply with any lawful regulations, orders, or other directives affecting the discharge or deposit authorized herein which may be issued by the Administrator of the Environmental Protection Agency and with the recommendations of any enforcement conference held pursuant to the Federal Water Pollution Control Act, as amended.

(e) That the permittee shall permit authorized representatives and designees of the U.S. Army Corps of Engineers and the Environmental Protection Agency to visit such plants or facilities as may be related to the discharge or deposit authorized by this permit for the purpose of inspecting discharge or deposit records and monitoring, sampling and related equipment; taking samples of discharges or deposits; or conducting such other on-site inspection as they may deem necessary to monitor compliance with the terms and conditions of this permit. Such visits as are contemplated by this provision shall be at reasonable times and within reasonable limits and shall follow the presentation of appropriate credentials to the owner, operator, or agent in charge of the plants or facilities. If a sample is taken, the representative making the inspection shall, upon completion of the inspection and before leaving the premises, give to the owner, operator, or agent in charge a receipt describing the sample obtained and, upon request, a representative portion of the sample taken. The permittee shall provide such reasonable assistance as may be necessary to effectively and safely conduct such sampling or inspection.

(f) That the permittee shall maintain detailed records as to the nature and frequency of all discharges or deposits from the plant or other facility identified herein and as to such other information as may be reasonably required by the District Engineer in consultation with the Regional Representative. The permittee shall provide the District Engineer and the Regional Representative with periodic reports concerning such discharges or deposits and such other information required to be maintained. Such reports shall be provided periodically at such intervals determined by the District Engineer, in consultation with the Regional Representative, to be reasonably necessary. Such records and periodic reports shall contain such information and shall be in such form as may be determined by the District Engineer in consultation with the permittee and the Regional Representative.

(g) That in issuing this permit, the Government has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete, or inaccurate, this permit may be modified, suspended, or revoked in whole or in part, and/or the Government may institute appropriate legal proceedings.

(h) That (1) this permit, (2) water quality certification pursuant to section 21(b) of the Federal Water Pollution Control Act, as amended, (3) the comments of all governmental agencies on a permit application, and (4) all information and data identifying the nature and frequency of a discharge or deposit submitted by the permittee in connection with his application, furnished by the permittee in connection with required periodic reports, or obtained in a plant visit or inspection pursuant to General Condition I(e) above, shall be available to the public without restriction. All other information and data obtained by the means indicated above shall also be available to the public, unless the applicant or permittee specifically identifies and is able to demonstrate to the satisfaction of the Secretary of the Army or his authorized representative that the disclosure of such information or data to the general public would divulge confidential commercial or financial information or methods or processes entitled to protection as trade secrets.

(i) That the Federal Government shall not be precluded by the issuance of this permit from imposing in the future such taxes or other charges relating to the discharge or deposit authorized herein as may be authorized or required by Federal law or regulation.

(j) That this instrument does not convey any property rights either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations, nor does it obviate the necessity of obtaining whatever State or local assent may be required by law for the discharge or deposit authorized herein.

(k) That unless specifically provided herein, this permit does not authorize or approve the construction of physical structures or facilities or the undertaking of any work in any navigable waters of the United States or tributaries thereof.

(l) That this permit may not be transferred to a third party without prior written notice to the District Engineer either by the transferee's written agreement to comply with all terms and conditions of this permit or by subscribing to this permit in the space provided hereinafter for the transferee's agreement to comply with the terms and conditions of this permit.

(m) That this permit may be summarily modified, suspended or revoked in whole or in part if the Secretary of the Army or his authorized representative in the Office of the Secretary of the Army, after consultation with the Administrator of the Environmental Protection Agency or his authorized representative and, where practicable, with the permittee, determines that the discharge or deposit authorized by this permit may pose an imminent hazard to public health or safety. Such modification, suspension or revocation shall be effective upon receipt by the permittee of a written notice specifically indicating (1) the nature of the imminent hazard to public health or safety, (2) the factual considerations leading to the action taken by the Secretary of the Army or his authorized representative in the Office of the Secretary of the Army and (3) the measures the permittee shall take to abate the imminent hazard to public health or safety. The permittee shall take immediate steps to comply with directives contained in the notice received. Following receipt of the notice and after complying with its terms, the permittee may submit to the Secretary of the Army or his authorized representative a request for a public hearing at which the permittee and various other persons shall be afforded an opportunity to present oral and written evidence on the basis for the modification, suspension or revocation. The conduct of this hearing and the procedures for making a final decision either to affirm, rescind, or modify the action previously taken shall be governed by the regulation of the Chief of Engineers concerning these matters.

(n) That this permit may be modified, suspended or revoked in whole or in part if the Secretary of the Army or his authorized representative determines that there has been a violation of any of the terms or conditions of this permit. Any such modification, suspension or revocation shall become effective 30 days after receipt by the permittee of written notice of the facts or conduct warranting such action issued by the Secretary of the Army or his authorized representative with the approval of the Office of the Secretary of the Army, unless (1) within the 30-day period the permittee is able to demonstrate to the satisfaction of the Secretary of the Army or his authorized representative either that (a) the alleged violation of the terms or conditions of this permit did not, in fact, occur or (b) the alleged violation was accidental and the permittee has been operating in compliance with the terms and conditions of this permit and provides assurances satisfactory to the Secretary of the Army or his authorized representative that future operations shall be in full compliance with the terms and conditions of this permit; or (2) within 10 days after denial of the relief authorized in clause (1) hereof, or within the aforesaid 30-day period, if relief under clause (1) hereof is not sought by the permittee, the permittee requests the holding of a public hearing at which the permittee and various other persons shall be afforded an opportunity to present oral and written evidence on the basis for modification, suspension or revocation. The conduct of this hearing and the procedures for making a final decision either to modify, suspend or revoke this permit in whole or in part shall be governed by the regulation of the Chief of Engineers concerning these matters.

(o) That any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United States.

II. Special Conditions:

(Here list conditions relating specifically to the discharge, deposit or work, if any, which are authorized by this permit. Such conditions may include, but are not limited to, the following matters: (a) Limitations imposed upon the discharge or deposit authorized by this permit such as chemical content, water temperature differentials, oil, hazardous, or toxic substances, sewage, type and quantity of solids, and amount and frequency of discharge; (b) interim dates and requirements for treatment or control to be applied to the discharge or deposit authorized by this permit with which the permittee must comply during the duration of this permit; (c) monitoring, recording, and reporting requirements with respect to the discharge or deposit authorized by this permit; (d) citation of applicable water quality standards; (e) if the discharge or deposit authorized by this permit will include solids of any type, the permittee shall assume responsibility for the periodic removal of such solids by dredging or agree to reimburse the United States for costs

associated with such dredging; (f) plans and drawings attached, if any; and (g) other special conditions.)

This permit shall become effective on the date of the District Engineer's signature and shall expire ------ years from the date of the District Engineer's signature. This permit shall not become valid, however, until the permittee has acknowledged his agreement to comply with the terms and conditions hereof by subscribing below.

Permittee hereby agrees to comply with the terms and conditions of this permit.

---------- ----------
(Permittee) (Date)

By authority of the Secretary of the Army:

---------- ----------
(District Engineer) (Date)

Transferee hereby agrees to comply with the terms and conditions of this permit.

---------- ----------
(Transferee) (Date)

ENG Form 4343.
July 1971.

* * * * *

[Regs., July 21, 1971, ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1; sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

For the Adjutant General.

EDWIN A. DAYTON,
Chief, Plans Office,
Office of the Adjutant General.

[FR Doc.71-10672 Filed 7-26-71;8:50 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18920; FCC 71-727]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Establishment of Policies and Procedures

1. On July 6, 1971, the American Telephone and Telegraph Co., and associated operating companies (A.T. & T.) filed a "Request for Partial Stay" of the rules adopted in the "First Report and Order," released June 3, 1971 (FCC 71-547). Simultaneously, A.T. & T. filed a petition for partial reconsideration of the technical rules as adopted.

2. In support of the requested stay A.T. & T. states that it agrees with the new technical requirements but that immediate implementaion will cause serious adverse impact on interstate and intrastate communications for the reasons stated in its petition for reconsideration. It contends, in essence, that immediate implementation of the rules would require a massive effort to reengineer and redesign proposed routes and facilities involving 661 applications now on file and for 164 others under preparation. It therefore concludes that it will suffer irreparable injury and requests that the effectiveness of the rules (now July 15, 1971) be stayed pending Commission action on the petition for reconsideration.

3. We are not convinced that A.T. & T. has shown irreparable injury, a necessary ingredient in the justification of a stay. At most, A.T. & T. faces delayed Commission action on a number of its applications.[1] We do not intend to promptly review and resolve the questions raised by A.T. & T. in its petition for reconsideration, thus minimizing the impact of delay. The other primary facet in the consideration of a stay request is the likelihood of success in reconsideration. Here, the central and most important thrust of A.T.&T.'s petition concerns the request for a year's delay in the implementation of the frequency diversity rules, essentially justified on the grounds of the cost and delay of reengineering already planned facilities.

4. In Paragraph 141 of the "First Report and Order" we stated that the rules were being applied immediately to all applications because of the large number of pending proposals involving frequency diversity. However, we did distinguish between new facilities and the modification of existing facilities. In the latter case we recognized the problems inherent in converting existing facilities to meet these standards. Therefore, we adopted a flexible policy toward the modification of such facilities and stated that we would consider modification applications in context with a plan for conversion to be submitted by the carrier.

5. We realize that adequate time has not elapsed to permit many carriers to formulate and submit such conversion plants. In view of this, we believe that some relief with regard to modification of existing facilities would be equitable and consistent with the objectives of the "First Report and Order." However, insofar as applications proposing new stations or new routes we are not inclined to grant a stay because of the current impact and the long term consequences. As we noted in the "First Report and Order," once a frequency diversity system is constructed it cannot be easily converted to space diversity. Therefore, we conclude that the stay should be granted only with regard to modification of existing facilities (involving existing routes). Such stay is an interim measure only, pending reconsideration.

[1] A preliminary review of the affected pending applications listed in Appendices A and B to A.T. & T.'s petition for reconsideration indicates that it has apparently overestimated the impact of the new rules; many appear to be eligible for grant without modification. Moreover, a large number are not now ready for action due to the processing backlog.

6. *Accordingly, it is hereby ordered,* That the stay requested by A.T. & T. is granted in part as indicated above but is otherwise denied.

Adopted: July 14, 1971.

Released: July 19, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-10642 Filed 7-26-71;8:48 am]

[Docket No. 18920]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Establishment of Policies and Procedures

1. On July 14, 1971, motions for extension of time to file responses to the petitions for reconsideration of the first report and order in this proceeding (FCC 71-547), released June 3, 1971, were filed by Interdata Communications, Inc., and jointly by 15 MCI Carriers. Petitions for reconsideration or partial reconsideration have been filed by American Telephone and Telegraph Co., GTE Service Corp., and the National Association of Regulatory Utility Commissioners (NARUC). Because these petitions appeared on different public notices the present response date for the A.T. & T. and NARUC petitions is July 19 and July 26 for the GTE petition. Interdata requests an extension of time until July 28 and MCI until July 26.

2. In support of the request movants cite the press of other business and that copies of the petitions were not served. Although copies of such petitions are not required to be served under the Commission's rules,[1] we believe that an extension of time is justified on the basis of the size of the A.T. & T. petition and the importance of the matters involved. So that all responses are due on the same date, the extension will be granted to July 28.

3. Accordingly, it is ordered, pursuant to authority of § 0.303(c) of the Commission's rules, that the time for filing responses to said petitions for reconsideration is extended to and including July 28, 1971.

Adopted: July 19, 1971.

Released: July 19, 1971.

[SEAL] C. F. HEISTER,
Chief, Domestic Radio Division.

[FR Doc.71-10644 Filed 7-26-71;8:48 am]

[2] Commissioners Robert E. Lee and Wells absent.

[1] See Note to § 1.106.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 730]

RICE

Notice of Determinations To Be Made With Respect to Marketing Quotas, National, State, and County Acreage Allotments, County Normal Yields, and a Period for Conducting Referendum on Marketing Quotas for the 1972 Crop

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1352, 1353, 1354), the Secretary of Agriculture is preparing to determine whether marketing quotas are required to be proclaimed for the 1972 crop of rice; to determine and proclaim the national acreage allotment for the 1972 crop of rice; to apportion among States and counties the national acreage allotment for the 1972 crop of rice; to establish county normal yields for the 1972 crop of rice; and to establish a period for conducting a referendum on marketing quotas in event quotas are proclaimed for the 1972 crop of rice.

Section 354 of the act provides that whenever in the calendar year 1971 the Secretary determines that the total supply of rice for the 1971–72 marketing year will exceed the normal supply for such marketing year, the Secretary shall, not later than December 31, 1971, proclaim such fact and marketing quotas shall be in effect for the crop of rice produced in 1972. Within 30 days after the issuance of such proclamation, the Secretary shall conduct a referendum by secret ballot of farmers engaged in the production of the immediately preceding crop of rice to determine whether farmers are in favor of or opposed to such quotas.

Section 352 of the act, as amended, provides that the national acreage allotment of rice for 1972 shall be that acreage which the Secretary determines will, on the basis of the national average yield of rice for the 5 calendar years 1967 through 1971, produce an amount of rice adequate, together with the estimated carryover from the 1971–72 marketing year, to make available a supply for the 1972–73 marketing year not less than the normal supply. The Secretary is required under this section of the act to proclaim such national acreage allotment not later than December 31, 1971.

Section 353(c)(6) of the act, as amended, provides that the national acreage allotment of rice for 1972 shall be not less than the national acreage allotment for 1956, including the 13,512 acres apportioned to States pursuant to paragraph (5) of section 353(c) of the act. Under this provision, the national acreage allotment of rice for 1972 will be not less than 1,652,596 acres.

As defined in section 301 of the act, for purposes of these determinations, "total supply" for any marketing year is the carryover of rice for such marketing year, plus the estimated production of rice in the United States during the calendar year in which such marketing year begins and the estimated imports of rice into the United States during such marketing year; "normal supply" for any marketing year is the estimated domestic consumption of rice for the marketing year ending immediately prior to the marketing year for which normal supply is being determined, plus the estimated exports of rice for the marketing year for which normal supply is being determined, plus 10 per centum of such consumption and exports, with adjustments for current trends in consumption and for unusual conditions as deemed necessary; and "marketing year" for rice is the period August 1–July 31.

Section 353 (a) and (c)(6) of the act requires that the national acreage allotment of rice for the 1972 crop, less a reserve of not to exceed 1 per centum thereof for apportionment to farms receiving inadequate allotments because of insufficient State or county allotments or because rice was not planted on the farm during all the years of the base period, be apportioned among the several States in which rice is produced in the same proportion that they shared in the total acreage allotted to States in 1956 (State acreage allotments, plus the additional acreage allocated to States under section 353(c)(5) of the act as amended).

The State acreage allotment of rice for the 1972 crop would be apportioned to producers in "producer States" and to farmers in "farm States" in accordance with the Regulations for Determination of Acreage Allotments for 1969 and Subsequent Crops of Rice (§§ 730.61 to 730.87, 33 F.R. 14520, 17764; 34 F.R. 3733, 5629; 35 F.R. 5995, 11454; 36 F.R. 1465, 3258, 11849).

Section 301(b)(13)(D) of the act provides that the "normal yield" of rice for 1972 for any county shall be the average yield per acre of rice for the county during the 5 calendar years 1967 through 1971 adjusted for abnormal weather conditions and trends in yields. Provision is made therein that if for any such year data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations of the Secretary, taking into consideration the yields obtained in surrounding counties during such year and the yield in years for which data are available, shall be used as the actual yield for such year.

Section 301(b)(13)(F) of the act provides that if on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield for any county for any year during the years 1967 through 1971 is less than 75 per centum of the average, 75 per centum of such average shall be substituted therefor in calculating the normal yield per acre; and if on account of abnormally favorable weather conditions, the yield for any county for any year during the years 1967 through 1971 is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre.

Prior to making any of the foregoing determinations with respect to marketing quotas and national, State, and county acreage allotments, and county normal yields for the 1972 crop of rice, including national, State, and county reserves, and announcing the period of the referendum, if marketing quotas are required, consideration will be given to data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions must be postmarked not later than 10 days after the date of publication of this notice in the FEDERAL REGISTER to be sure of consideration. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C. on July 22, 1971.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-10701 Filed 7-23-71;12:22 pm]

Consumer and Marketing Service

[7 CFR Part 911]

LIMES GROWN IN FLORIDA

Reserve Fund

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, of reserve fund (7 CFR 911.204) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. This is a regulatory program effective under the Agricultural Marketing Agreement

Act of 1937, as amended (7 U.S.C. 601–674).

The amendment of the said reserve fund was proposed by the Florida Lime Administrative Committee, established under the said amended marketing agreement and order as the agency to administer the terms and provisions thereof and is authorized by an amendment of the order effective November 26, 1970. The amendment would increase the maximum amount of money which the Administrative Committee can maintain in the reserve under § 911.204 *Reserve fund.*

The proposal would amend § 911.204 to read as follows:

§ 911.204 Reserve fund.

The establishment of a reserve fund of an amount which shall not exceed approximately 3 fiscal years' operational expenses is appropriate and necessary to the maintenance and functioning of the Florida Lime Administrative Committee. Such reserve shall be used to provide for the maintenance and functioning of the committee in accordance with the provisions of the marketing agreement, as amended, and this part.

Terms used in this section shall have the same meaning as when used in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of the notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 21, 1971.

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

[FR Doc.71-10625 Filed 7-26-71;8:47 am]

[7 CFR Part 932]

[Docket No. AO-352-A2]

OLIVES GROWN IN CALIFORNIA

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

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to the proposed further amendment of the marketing agreement and order (7 CFR Part 932), hereinafter referred to collectively as the "order," regulating the handling of olives grown in California. The order is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act," and any amendment which may result from this proceeding will also be effective pursuant to the act.

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the close of business of the 15th day after publication hereof in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing, on the record of which this proposed amendment of the order was formulated, was held in Fresno, Calif., on March 3, 1971, pursuant to a notice thereof which was published in the FEDERAL REGISTER on February 19, 1971 (36 F.R. 3199). The notice contained amendment proposals which had been submitted to the Secretary of Agriculture by the Olive Administrative Committee (established pursuant to the marketing agreement and order) and by Mr. Ralph Fusano of Cristo Fusano & Sons, Inc., Sylmar, Calif.

Material issues. The material issues presented on the record were concerned with amending the order to:

(1) Amend the definition of "handle";

(2) Add and define "sublot";

(3) Add and define "limited use";

(4) Add and define "undersize olives" and "limited use size olives";

(5) Add and define noncanning";

(6) Revise the provisions authorizing marketing research and development projects to include authority for any form of production research;

(7) Revise the provisions in the incoming regulation by specifying larger minimum sizes for the various varieties of olives and by adding a requirement that the committee be notified by any handler of "tree-ripened" type olives upon receipt of such olives or upon separating such olives from other incoming olives;

(8) Revise the provisions of the outgoing regulations to:

(i) Authorize changes in minimum sizes;

(ii) Liberalize the tolerances in the existing minimum sizes;

(iii) Establish larger minimum sizes for "limited use" olives with authority for inclusion of tolerances;

(iv) Authorize restrictions on the total quantity of "limited use size olives" utilized in "limited use" during any crop year; and

(v) Specify appropriate disposition requirements for "limited use size olives" according to their canning or noncanning use.

(9) Amend the provisions that regulate interhandler transfers;

(10) Revise the provisions which specify the allocation of representation on the Olive Administrative Committee; and

(11) Make conforming changes.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

(1) The term "handle" is basic to the order because its definition specifies broadly which operations involving olives are subject to regulation and which are not. One important exclusion exists in the provisions of the current definition which states that "* * * This term shall not include olives acquired and used for fresh shipment * * *" The exemption, from regulation, of olives "for fresh shipment" was included in the original order language because there were and still are shipments of natural condition olives in lidded lug boxes or closed cardboard containers to wholesalers in the terminal produce markets for ultimate sale to individuals for use in home canning. The volume of olives used in this specialized outlet is small compared to other olive outlets. Contrary to the intent of the existing order provisions, it is possible for natural condition olives to be transferred out of the area by anyone in any quantity of size of lot for any purpose, particularly commercial processing into canned ripe olives. In order to forestall the transfer of natural condition olives out of the area for such processing, the order should be amended to redefine the term "handle" by deleting the words "for fresh shipment" and substituting in lieu thereof the words "for fresh market outlet."

As used herein the words "fresh market outlet" refer to terminal produce markets such as New York or Los Angeles where natural condition olives are received and distributed mainly for home use. Specifically, the redefinition of "handle" would not apply to a processor or packager of olives operating outside the area because of the practical limitations upon enforcement of compliance with any regulation of handling. Insofar as "handle" (handling) involves the transfer of olives out of the area, except for "fresh market outlet," the term relates to Interhandler transfers, another section of the order for which amendment is hereinafter recommended. The addition to the latter section would authorize the Secretary to establish, under the Subpart—Rules and Regulations, provisions regulating the transfers of natural condition olives from a handler within the area to a processor or packager of olives outside the area.

Based on the foregoing, it is concluded that the term "handle" should be redefined as hereinafter set forth.

(2) The order presently defines "lot" for purposes of applying incoming regulations to natural condition olives and no changes in the definition are recommended. The order should be amended to include the term "sublot" which would

mean a quantity of olives resulting from a separation by the handler of a lot into two or more parts. The need for "sublot" as a defined term in the order is based on the revised provisions for incoming regulations, as hereinafter recommended at item (7), and on the related practicalities involved in operations by handlers. The incoming regulations currently provide that lots received by a handler solely for use in the production of green olives or canned ripe olives of the "tree-ripened" type may be handled without regard to the incoming regulations if, among other things, the identity of all lots of such olives is maintained by keeping them separate and apart from other olives he receives. In this connection the revision of the incoming regulations in the order, as hereinafter recommended, would make it clear that the aforesaid exemption from regulation would likewise apply to any "sublot" of olives. It is common practice for handlers to separate olives out of individual lots for specific uses according to the different characteristics among such factors as color, size, or quality of the olives. Actual methods of separation include, but are not necessarily limited to, "belt sortouts." When any lot is received and separated into two or more parts, each part thus becomes a "sublot." Furthermore, it is intended that after lots have been commingled for processing into ripe type olives, the olives may prior to such processing be separated later into "sublots" according to said factors of quality, size, and color or an alternate utilization. The parts resulting from any separation, as aforesaid, should each exist and remain as a "sublot" as long as they are identified and kept separate and apart from other olives.

Beginning with the second year of operations under the order, there have been certain provisions applicable to the handling of each lot of olives pursuant to Incoming regulations in the Subpart—Rules and Regulations. Such provisions relate to inspection, lot identification, and partially exempted lots. Inclusion in the order of the term "sublot" will extend the application of the aforesaid provisions insofar as they may actually apply to any "sublot".

The notice of hearing contained a proposal to include in the order a definition of belt sort-outs. The evidence of record shows that in industry parlance this term is frequently used in connection with olive operations. However, it also shows that sublots of olives created in accordance with the proposed definition of that term would not limit such sublots of olives to those hand-sorted while the olives are passing along on a moving belt. Thus, sublots that constitute belt sort-outs could not always be distinguished from sublots created in any other manner. Inasmuch as belt sort-outs will always be identifiable as sublots, and there are no special provisions made in the recommended amendatory language hereinafter set forth, for natural condition olives that consist entirely of belt sort-outs, there is no need to include a definition or to use such term in the order.

(3) The order contains provisions which, subject to modifications recommended by the Olive Administrative Committee and approved by the Secretary, specify the minimum grade and size requirements for processed olives to be used in the production of canned ripe olives. In particular, there are minimum sizes (specified as minimum weights) set forth for processed olives permitted to be used to produce the various styles of canned ripe olives such as whole olives, pitted olives, and olives of the halved, sliced, chopped, or minced styles. The smaller sizes of each variety are generally less desirable than the larger olives when packaged in the whole styles. The use of certain specified small sizes of olives of each variety is limited to the production of halved, sliced, chopped, or minced styles since the size of the whole olives used therefor is less critical to the quality of the end product. The restricted utilization of small olives is commonly referred to within the industry as "limited use." Defining "limited use" as hereinafter set forth will make it possible to avoid repeating the names of the several styles of canned ripe olives when reference is made to the category of smaller olives permitted to be used only in the production of such styles. The term has important usage in connection with the recommended further amendment of the Outgoing regulations section of the order (§ 932.52) to restrict the total quantity of small olives that may be utilized in "limited use."

Therefore, it is concluded that the order should be amended to include a definition of "limited use" as hereinafter set forth.

(4) Present provisions of the Incoming regulations section of the order (§ 932.51) require, among other things, that olives smaller than the sizes specified therein be disposed of as other than canned ripe olives. The smallest permissible sizes prescribed for incoming olives (for processing and packaging as canned ripe olives) are the same as the smallest sizes of processed olives that may be used (under the Outgoing regulations) in the production of canned ripe olives. Incidental to these requirements is another amendment hereinafter recommended which would make parallel increases in the aforesaid minimum sizes as specified for both "incoming" and "outgoing" olives.

Natural condition olives too small to meet the size requirements of the Incoming regulations have been commonly referred to as "undersize" in industry parlance. Inclusion in the order of the term "undersize olives" would make it possible to convey the meaning of the size concept without repeating the rather lengthy size requirements referenced by the term each time it is used in the order.

Therefore, it is concluded that the order should be amended to include a definition of the term "undersize olives" as hereinafter set forth.

With regard to processed olives used in the production of canned ripe olives, the order provisions specify certain minimum sizes for packaged olives in the whole and whole pitted styles, and smaller minimum sizes for the halved, sliced, chopped, or minced styles of canned ripe olives. As recommended heretofore, utilization of olives in the production of the latter styles would be categorized as "limited use." In addition the smaller olives eligible only for such use should be defined as "limited use size olives." Here again the use, in the order, of a defined term will make it possible to convey the meaning of the size concept without repeating the size requirements referenced by the term each time it is used in the order.

Therefore, it is concluded that the order should be amended to include a definition of the term "limited use size olives" as hereinafter set forth.

(5) In the handling of olives under the provisions of the order, there are presently three categories of olives that must be disposed of as other than canned ripe olives. Those three categories are:

(a) Natural condition olives too small to meet the size requirements specified in the Incoming regulations, i.e. "undersize";

(b) Processed olives too small to meet the size requirements, specified in the Outgoing regulations, for olives used in the production of canned ripe olives; and

(c) Olives designated as culls.

The disposal, as other than canned ripe olives, of olives in any of the aforementioned categories is commonly referred to in industry parlance as "noncanning use" and, where incoming (natural condition) olives are involved, each handler must dispose of into "noncanning" outlets a quantity of olives equal to the cull and "undersize" incoming olives he receives each season. Olives larger than the specified minimum sizes and of a quality better than culls are also utilized for so-called "noncanning" uses such as Spanish green, Sicilian, and Greek styles, or for olive oil, however, such utilization is not regulated under the order.

Another category of olives should be inclusion in the order language in connection with the "noncanning use" provisions of the Incoming regulation. In that connection, the Secretary could, upon recommendation of the Olive Administrative Committee, specify a portion of the total quantity of "limited use size olives" that may be used for "limited use" (production of halved, sliced, chopped, or minced styles) during any crop year. Thus any percentage of the "limited use size" olives that is excluded from "limited use" would become "noncanning" olives and each handler would be required to dispose of, as other than canned ripe olives, a quantity of such "limited use size olives" received during the crop year which represents the excluded olives.

On the basis of the foregoing, it is hereby concluded that the order should be amended to include a definition of "noncanning use" as hereinafter set forth.

(6) The order presently contains authority for committee expenditures on marketing research and development projects. Recently (June 25, 1970), the Agricultural Marketing Agreement Act of 1937 was further amended (Public Law 91–292) to permit the conduct of production research under marketing orders through the use of funds furnished by the program. In order to broaden the possibilities for research beneficial to the whole industry and its customers, the order should be amended, as hereinafter set forth, to include the authority for committee expenditures for production research.

The efficient production of a sustained supply of high quality olives requires a high degree of knowledge and proficiency on the part of olive producers. The production problems span the whole operation from the planting of trees to the harvest of the fruit. Furthermore, the marketing of high quality olives transcends the production phase and extends through all the operations of processing and marketing olives as a canned product because the processing and canning operation cannot improve the quality of a poor product from the trees.

One of the foremost production problems centers upon the fact that fresh olive production and overhead costs are increasingly burdened by the decline and demise of trees, as well as impairment of fresh olive quality, brought about through fungal and bacterial disease infection and insect pests. Practical and economical means of controlling or eliminating many of these diseases and pests are not yet known or such means have not yet reached a point of perfection that would permit their general use. Some agricultural chemicals, herbicides, insecticides, and plant growth regulators that have been used successfully in the past are no longer producing satisfactory results because of the tolerances or resistance developed by the target pests. In some instances such products are being prohibited or restricted by governmental decree based on ecological considerations. The latter restrictions require evidence that chemical and other residues, in excess of safe limits, do not remain in the finished food products and do not adversely affect the natural environment. It is possible that new laws and regulations, enacted for the protection of consumers and the environment, may necessitate monitoring and regulatory programs that require industrywide cooperation, hence, participation under the order offers a practical vehicle for its accomplishment.

One of the diseases seriously affecting olive trees is verticillium wilt. The major efforts at control of this disease, thus far, have been through research projects conducted by the University of California. Although there has been progress in the prevention of verticillium wilt, through the use of resistant rootstock developed by the University, there is no established method of controlling the disease in existing groves. This would be an appropriate field of research under the order. Another major field of technological development involves the mechanical harvesting of olives. Research is in progress which also involves the development of materials and methods to enhance abscission of olives for mechanical harvesting. Research has been done but more is needed on the effects of temperature on flowering and fruit setting under controlled conditions, on the influence of winter chilling, on plant nutrition, and to retardants on vegetation growth as a possible means of stabilizing yields and adapting to mechanical harvesting.

There is also a need for work on crop forecasting. More accurate crop forecasts require a better knowledge of the factors influencing olive yield from year to year.

If the committee determines that production research projects should be undertaken, it should submit each project to the Secretary for approval. The committee should fully consider the cost of any such activities, when developing its budget, both as to additional items of expense and the applicable assessment rate. Committee expenditures for the costs of planning such research should be authorized on the basis of budgetary approval since planning and project development necessarily precede project recommendation to the Secretary for his approval. The committee's financial resources should include another source in addition to current assessments and the financial reserve which is available for the payment of authorized expenditures under the order. The committee should, therefore, be authorized to accept voluntary contributions for the planning, implementation, and evaluation of research. The committee should have complete control over the use of such contributions, i.e., the contributions could only be unconditionally offered and accepted free of all promises and encumbrances. The urgency of authorizing another source of funding research is emphasized by a recent announcement by the State of California that it will shift the costs of agricultural research from the State's general fund to the agricultural industries involved.

In formulating production research projects the committee should be authorized to secure the advice and service of persons knowledgeable in any segment of the field. The committee should be authorized to establish subcommittees to assist it in the efficient and expeditious planning of production research projects or programs. Such subcommittees could explore research methods, develop preliminary projects and programs, and make recommendations with respect to any such activities. Subcommittees could also perform evaluations of activities at any stage of completion. Final decisions on any such recommendation would be the prerogative of the committee subject to approval of the Secretary. In the conduct of any production research projects, the committee should be authorized to conduct the projects itself, or to contract for the conduct of such projects with a person or agency which specializes in this field of activity.

In submitting projects to the Secretary for his approval, the committee should include recommendations as to the funds to be obtained from assessments under the order and contributions and its appraisal of the relative urgency of individual projects whenever several possibilities are involved. The committee should review its production research program annually to appraise its effectiveness. Copies of the annual report on the program should be provided to the Secretary and made available at the committee office for examination by producers, handlers, and other interested persons. The order should be amended accordingly.

(7) The order requires, among other things, that natural condition (incoming) olives to be used in packaged olives shall first be size-graded, either by sample or by lot, into certain prescribed size-designations. These size-designations are the same as those set forth in the U.S. Standards for Grades of Canned Ripe Olives (7 CFR §§ 52.3751–52.3766) plus two additional size-designations—"Petite" and "Subpetite"—which are olives smaller than those included in the size-designations as set forth in said standards. The size-designations are specified, in the standards, in terms of count ranges of olives per pound, e.g. "Small" includes olives ranging in count from 128 through 140 per pound. The ranges for "Petite" and "Subpetite" are described in the order provisions.

For purposes of regulation under the order, olive varieties having similar size characteristics are grouped together in specified variety groups. For each variety group, the order prescribes a minimum size olive that may be used in the production of canned ripe olives. The minimum size is the same for all styles of such olives except that the committee with the approval of the Secretary may annually authorize, within limits prescribed in the order, the use of smaller size olives in the production of the halved, sliced, chopped, and minced styles (limited use). If no such limited use sizes are so authorized any olives for use in such styles must be of the same sizes as those authorized for use in the production of the whole styles of canned ripe olives. The order currently permits the annual authorization for limited use, by the foregoing procedure, of the following: Variety Group 1 olives, except Ascolano, Barouni, and St. Agostino varieties, of sizes not smaller than $\frac{1}{105}$ pound; variety Group 1 olives of the Ascolano, Barouni, and St. Agostino varieties, of sizes not smaller than $\frac{1}{180}$ pound; variety Group 2 olives, except the Obliza variety, of sizes not smaller than $\frac{1}{225}$ pound; and variety Group 2 olives, of the Obliza variety, of sizes not smaller than $\frac{1}{180}$ pound.

When the foregoing limits were set the inventories of all olives were severely reduced as a result of a near crop failure in the 1967–68 crop year. This situation indicated that it would be desirable to establish limits under which all sizes of

small olives that would produce a reasonably satisfactory product could be authorized for use in the halved, sliced, chopped, and minced styles. Since these limits were established two record crops have occurred and this has changed the industry's inventory situation, particularly with respect to such styles. The record indicates that such inventory now equals about 30.5 months supply, a supply substantially in excess of that which is desirable.

The evidence indicates that the limits for minimum sizes should be raised so as to eliminate, to the extent practicable, the least desirable sizes and that provision should be made for optional elimination on a volume basis of a portion of the olives which fall into the limited use category. The need for a provision permitting elimination on a volume basis is related to the fact that within the limited use category the size grading equipment available cannot be operated in a manner that will separate the sizes with the degree of precision necessary. When the crop is of such size that supply should be reduced it is desirable that the least desirable sizes should be eliminated. Due to the difficulty involved in achieving the necessary degree of precision in sizing, however, this does not appear to be practicable. In view of this, the order should establish size limits within which any of the olives would produce a satisfactory product and provide for elimination by authorizing the use, by each handler, of only a specified portion of such olives.

The record indicates that consistent with the foregoing the order should be changed to permit authorization of the use, by the procedure currently provided in the order, of olives in the various variety groups as follows: Variety Group 1 olives, except Ascolano, Barouni, and St. Agostino varieties, of a size not smaller than those which individually weigh less than $\frac{1}{90}$ pound; variety Group 1 olives of the Ascolano, Barouni, and St. Agostino varieties, of a size not smaller than those which individually weigh $\frac{1}{140}$ pound; variety Group 2 olives, except the Obliza variety, of a size not smaller than those which individually weigh $\frac{1}{180}$ pound; and, variety Group 2 olives of the Obliza variety, of a size not smaller than those which individually weigh $\frac{1}{140}$ pound. Amendment of the order in accordance with the foregoing would provide the necessary flexibility to adjust the supply to prevailing demand conditions, in such manner as to recognize the limitations of existing size grading equipment.

One of the current provisions of the order specifies that whenever a handler receives a lot of natural condition olives solely for use in the production of green olives or canned ripe olives of the "tree-ripened" type, he may handle such olives without regard to the incoming requirements of § 932.51 and the outgoing requirements of § 932.52 only if, among other things, the identity of all lots of such olives is maintained by keeping them separate and apart from other olives he receives. These exemptive provisions do not require any action by the handler involved which would make it possible for the committee to verify the exempt nature of the olives so handled. In order to accomplish this purpose the order should include a provision enabling the committee to establish, with the approval of the Secretary, a requirement that handlers notify the committee upon receipt of a lot or creation of a sublot of olives that are destined for use in the production of green or "tree-ripened" olives. Under such a provision it is intended that handlers of such olives would be required to notify the committee upon receipt of natural condition olives at his processing facilities and prior to the creation of exempt sublots. Thus notified, the committee could verify the status of any olives to be so processed. Actual verification would be accomplished by either the Federal or Federal-State Inspection Service or by the Processed Products Standardization and Inspection Branch. Although current requirements in the rules and regulations under the order require notification of the committee whenever any handler receives any such lot of natural condition olives, the order should be amended to set forth the authority as recommended herein for action to assure compliance with the aforesaid exemptive provisions as to lots and sublots.

(8) Several changes were proposed that would apply to "outgoing," i.e. processed, olives used in the production of packaged olives.

As previously related, the order provisions specify certain minimum sizes for natural condition olives of the various variety groups received by handlers for processing into packaged olives and such minimum sizes coincide with the minimum sizes specified for processed olives to be used in the production of "limited use" styles of packaged olives. Furthermore, the order specifies certain larger minimum sizes for processed olives used in the production of canned whole and pitted styles of ripe olives. Processed olives smaller than the applicable minimum size for use in any style of canned ripe olives (undersize olives), together with olives too small to meet incoming size requirements and olives designated as culls, constitute the category of olives which must be disposed of as other than canned ripe olives and are generally referred to as noncanning olives.

The recommended minimum sizes for outgoing olives, as applied to olives used in the production of halved, sliced, chopped, or minced style, are as follows: Variety Group 1 olives, except the Ascolano, Barouni, and St. Agostino varieties, should individually weigh at least $\frac{1}{90}$ pound. Olives of the Ascolano, Barouni, or St. Agostino varieties should individually weigh not less than $\frac{1}{140}$ pound. Variety Group 2 olives, except the Obliza variety, should individually weigh not less than $\frac{1}{180}$ pound. Obliza variety olives should individually weigh not less than $\frac{1}{140}$ pound.

Also recommended is the inclusion of provisions that would modify the language of the order which authorizes annual recommendations and approval of "limited use" olives smaller than the minimum size for whole and pitted styles. Current order language specifies minimum sizes for the various varieties of processed olives used to produce the whole or pitted styles of canned ripe olives and includes a proviso which authorizes the Secretary, on the basis of a committee recommendation or other available information, to change the percentage tolerances applicable to undersize whole or pitted olives. However, current order language merely states that olives smaller than the applicable minimum sizes for whole and pitted styles may be used in the production of halved, sliced, chopped, or minced styles if such smaller size limits are recommended annually by the committee and approved by the Secretary. The current provisions do not specifically authorize inclusion of a size tolerance in the size specifications for olives for "limited use." Therefore, the proposed language, as hereinafter set forth, provides that the minimum sizes for "limited use" olives of the various varieties may include a size tolerance (specified as a percent) if recommended annually by the committee and approved by the Secretary.

The recommended changes in the minimum sizes for outgoing olives include a recommendation that the percentage tolerances for undersize whole and pitted olives be changed to coincide with the liberalized tolerances allowed by the modified regulations for whole and pitted olives during every season except one since the inception of regulations in 1966. For variety Group 1 olives, except the Ascolano, Barouni, and St. Agostino varieties, the order presently specifies a minimum individual size of $\frac{1}{75}$ pound (Mammoth size) except that olives of the Mammoth size designation may contain not more than 15 percent, by count, of such olives smaller than $\frac{1}{75}$ pound each and for all other (larger) size designations not more than 5 percent, by count, may each weigh less than $\frac{1}{75}$ pound. The recommended change would increase the 15 percent undersize tolerance to 25 percent for the Mammoth size but include the requirement that not more than 10 percent, by count, of the olives may be smaller than $\frac{1}{82}$ pound each which is the approximate weight for olives of the next smaller "single size" designation (Extra Large). Thus there would still be a tolerance of 15 percent, by count, for unlimited undersize among olives of the Mammoth size designation together with the unchanged secondary requirement that olives of any size designation other than (larger than) Mammoth contain not more than 5 percent, by count, of olives smaller than $\frac{1}{75}$ pound each.

Similarly, for variety Group 1 olives of the Ascolano, Barouni, and St. Agostino varieties, the order presently specifies a minimum individual size of $\frac{1}{88}$ pound (Extra Large) except that olives of the Extra Large size designation could contain not more than 15 percent, by count, of such olives smaller than $\frac{1}{88}$ pound each

and, for all other (larger) size designations not more than 5 percent, by count, may each weigh less than 1/88 pound. The recommended change would increase the 15 percent undersize tolerance to 25 percent for the Extra Large size but include the requirement that not more than 10 percent, by count, of the olives could be smaller than 1/98 pound each which is the approximate weight for olives of the next smaller "single size" designation (Large). Thus there would still be a tolerance of 15 percent, by count, for unlimited undersize among olives of the Extra Large size designation together with the unchanged secondary requirement that olives of any size designation other than (larger than) Extra Large contain not more than 5 percent, by count, of olives smaller than 1/88 pound each.

For variety Group 2 olives, except the Obliza variety, the order presently specifies a minimum individual size of 1/140 pound (Small or Select or Standard size designation) except that olives of the Small, Standard, or Select size designation may contain more than 15 percent, by count, of such olives smaller than 1/140 pound each and for all other (larger) size designations not more than 5 percent, by count, may each weigh less than 1/140 pound. The recommended change would increase the 15 percent undersize tolerance to 35 percent for Small, Standard, or Select size olives but include the requirement that not more than 7 percent, by count, of the olives could be smaller than 1/160 pound each which is the median weight for the next smaller size as described in the order (Petite). Thus there would be a liberalized tolerance of 28 percent, by count, for unlimited undersize among olives of the Small, Standard, or Select size designation together with the unchanged secondary requirement that olives of any size designation other than (larger than) Small, Standard, or Select contain not more than 5 percent, by count, of olives smaller than 1/140 pound each.

For variety Group 2 olives of the Obliza variety the order presently specifies a minimum individual size of 1/121 pound (Medium size) except that olives of the Medium size designation may contain not more than 15 percent, by count, of such olives smaller than 1/121 pound each and for all other (larger) size designations not more than 5 percent, by count, may each weigh less than 1/121 pound. Again the recommended change would increase the 15 percent undersize tolerance to 35 percent for the Medium size but include the requirement that not more than 7 percent, by count, of the olives could be smaller than 1/135 pound each which is the approximate weight for olives of the next smaller "single size" designation (Small or Standard or Select). Thus there would be a liberalized tolerance of 28 percent, by count, for unlimited undersize among olives of the Medium size designation together with the unchanged secondary requirement that olives of any size designation other than (larger than) Medium contain not more than 5 percent, by count, of olives smaller than 1/121 pound each.

In recommending liberalized tolerances for undersize olives among the various varieties, it should be noted that the order has always contained the existing tolerances with provisions for changing the permissible amount (percentage) of undersize whole or pitted olives as recommended by the committee and approved by the Secretary. As mentioned heretofore, such recommendations have been recommended and approved on a seasonal basis since 1966. If, at the end of any effective period, no superseding requirements have been approved, the tolerance requirements revert to the order provisions.

As for the actual percentages, there are at least two important reasons for allowing percentage tolerance for undersize outgoing olives. One reason involves the mechanical errors and discrepancies that result from sample size grading on incoming olives and production size grading of the whole volume of olives during processing. The other reason involves the fact that although fresh olives meet incoming size requirements which are the same as the outgoing requirements, the shrinkage that sometimes occurs during processing adversely affects the size of the outgoing olives.

Shortly after the regulatory provisions of the order became effective it was found that, in actual size-grading operations, handlers of processed olives could not comply with the order restrictions as to percentage tolerances for undersize olives and workable tolerances were established through recommendation and approval of appropriate administrative rules and regulations. In its efforts to ascertain the proper tolerances for undersize olives, the committee requested the USDA, through its statistical personnel, to conduct size studies to determine the percentage tolerances needed for undersize outgoing olives. The size research was designed to establish the correlation between incoming olives and processed olives within each size designation by comparing the weight of incoming olives of a designated size with the weight of the same olives after processing. The recommendations that emanated from the research were used as the basis for the percentage tolerances effective under the order for the 1969 and 1970 olive crops and were reasonably reflective of normal weight changes. Such tolerances should be specified in the order. Such tolerances, although more liberal than those currently in the order, contain an important limitation on the permissible amounts of undersize olives which limitation is designed to assure a desirable degree of uniformity of size among olives of each designated "single size." For example, the requirement applicable to variety Group 1 olives of the Ascolano, Barouni, and St. Agostino varieties specifies that such olives of the smallest permissible "single size" (Extra Large) could contain not more than 25 percent, by count, of olives weighing less than 1/88 pound (the minimum for (Extra Large) provided that not more than 10 percent of the olives could be smaller than 1/98 pound which is the minimum weight for the next smaller size (Large). The stated reason for this tolerance within a tolerance is that "if there were no lower limit for olives weighing less than 1/88 pound (1/98 pound in this case) then it would be possible for a handler to add larger olives as part of the large end of the size range and also add many more smaller olives to the small end of the size range while maintaining a mathematical average weight well within the range specified for the Extra Large size."

The order also provides that processed olives, smaller than the applicable minimum sizes for whole and pitted styles but not smaller than the absolute minimum sizes specified in the order, may be used in the production of "limited use," i.e., halved, sliced, chopped, or minced styles. However, such ultilization of the smaller sizes must be recommended annually by the committee and approved by the Secretary.

According to the record, it should continue to be necessary for the committee to meet and deliberate before initiating or continuing changes in the minimum size for olives to be used in the production of halved, sliced, chopped, or minced style. Such annual review and considerations has been beneficial in committee deliberations and recommendation as to permissible minimum sizes. Hence, the order provisions should continue in effect until changed, as they have been each season, and any changes will be in effect for the crop year for which established as has been the practice each season.

In connection with the previously discussed burdensome supply of halved, sliced, chopped, and minced styles of canned ripe olives, the record shows that the order should include provisions which would authorize certain further restrictions on the handling of "limited use size olives." Such provisions should specify that the Secretary may, upon recommendation by the committee, restrict the total quantity of "limited use size olives" for "limited use" during any crop year. Such restricted quantity should be apportioned equitably among the handlers by applying a percentage, established annually by the Secretary upon recommendation by the committee, to each handler's total receipts of "limited use size olives" during such crop year. Inclusion of these provisions would greatly expand the authority to control the utilization of "limited use size olives" during any crop year and the situation existing during the 1970 crop year amply demonstrates the need for such authority. Because of the heavy inventory of halved, sliced, chopped, and minced styles of olives, as mentioned heretofore, the committee recommended the establishment under the order of more restrictive minimum sizes for several of the important varieties so as to eliminate to the extent practicable, the use of excessive quantities of limited use olives. It would be simpler and more precise to establish the desired quantity of "limited use size olives," that may be handled each crop year as a percentage of each handler's total receipts of such olives instead of establishing restrictive minimum sizes.

One advantage of this method of regulation lies in the committee's opportunity to more accurately determine the quantity of olives to be utilized only for "limited use" because such determinations as a percentage of all eligible olives would not be subject to the variable effects of the different size regulations on the several varieties. From the standpoint of the handlers affected, the new provisions would provide more flexibility in their operations because each handler could determine which of the olives he receives would be best suited for use as "limited use" olives and which other olives to dispose of in noncanning outlets including disposition to satisfy order requirements. By using the best olives among a restricted supply, a corollary benefit should accrue in the form of the best possible quality of "limited use" olives and the products thereof.

Provisions should be included in the order to the effect that the committee may, with the approval of the Secretary, modify the applicable grade requirements for the halved, sliced, chopped, or minced styles and specify such additional styles, including the requirements with respect thereto, for olives for "limited use." The need for these provisions has arisen from the fact that current order provisions specify not only the size of olives that may be used for "limited use" but also the grade of all canned ripe olives of any style. The U.S. Standards for Grades of Canned Ripe Olives include grade requirements for the common styles which are whole, pitted, broken pitted, halved, sliced, and chopped or minced. Recently a so-called "quartered style" of olives was developed and one firm was ready to produce it. Although no such style and the requirements pertaining thereto exists in the official standards for olives, a "quartered style" was designated and defined pursuant to the exemption provisions of the order. The size requirements applicable to olives used for "limited use" and the grade requirements applicable to pitted style were also made applicable to olives for use in the production of said "quartered style." Inasmuch as current order provisions authorize modifications of the grade requirements as such requirements apply to the official styles, said provisions would be broadened to authorize the committee, with the approval of the Secretary, to designate and define as "limited use" styles any desired styles which are not specified in the official grade standards. Accordingly, there would be authority to specify appropriate requirements for the new styles and for olives used in the production thereof.

Testimony was presented in objection to the existing order provisions which permit modifications of the grade requirements for canned ripe olives. With reference to whole olives, it was contended that modifications of the Grade C requirements should no longer be authorized because it results in a lower quality of canned olives. Specifically, the witness alleged that a prohibition on the packing of Grade C olives results in the inclusion of such olives in Grade A or B olives. It was also contended that a prohibition on the canning of Grade C olives removes no more cull olives than are eliminated when Grade C is canned. It should be pointed out here that the current seasonal regulation is not in the form of prohibiting a certain grade such as Grade C but rather of modifying such minimum grade by including certain grade factors such as uniformity of size, character, and absence of defects that are specified in the higher Grade B. The existing authority for grade modifications provides greater flexibility, whenever needed to achieve marketing objectives in the face of the inherently variable quality of olives, than any regulation limited to the quality factors of a single grade.

The underlying objective of this added authority, relative to "limited use size olives," is to facilitate the expanded marketing of such olives by removing any unnecessary impediments to the development and distribution of new styles produced therefrom and it should, therefore, be adopted.

The Committee proposal, with respect to amendment of outgoing regulations, is to add certain requirements that would regulate the disposition of "limited use size olives." The order provisions, both current and as proposed to be amended, contain certain requirements as to the minimum sizes of olives that may be used in the production of halved, sliced, chopped, or minced styles of canned ripe olives ("limited use"). These sizes, or as modified annually, are also the minimum sizes for incoming olives and handlers are required to dispose of, as other than canned ripe olives, an aggregate quantity of olives, comparable in size and characteristics and equal to the quantities shown by inspection and certification to be smaller than the specified sizes. Since the modified sizes for "limited use" olives are smaller than the minimum sizes for whole and pitted olives, it has been the intent of the industry that such smaller olives be utilized only in the production of halved, sliced, chopped, or minced styles of canned ripe olives. The order provisions which specify that these smaller sizes of olives may be used only for "limited use" style of canned olives reflect, to a large degree, an assumption that the sizes of olives remain constant during processing, i.e., natural condition olives too small to be processed for eventual canning as whole or pitted styles will continue to be too small throughout the processing operation. However, different methods of processing have different effects upon the size of olives during processing. Specifically, methods using the "fresh cure" and "vacuum" process are known to have increased the weight of individual olives to the extent that the larger natural condition olives "limited use" sizes become heavy enough to meet the size requirements for whole canning use. Such size changes may increase the total available quantity of olives for whole or pitted styles. Furthermore, producers may be paid the lower prevailing price for "limited use" olives which are ultimately sold in the higher price range of whole and pitted olives. Such a situation is inequitable to both the producers and other handlers who have paid the higher prices of olives eligible, at the outset, for use in the whole or pitted styles. The current order provisions merely state that specified sizes of olives smaller than the sizes eligible for use in the whole or pitted styles may be used for "limited use." In order to assure required disposition of olives, as well as use of certain olives in "limited use", the order provisions should, except as hereinafter noted, require that "limited use size olives" be disposed of into "limited use", or noncanning use, under the supervision of the Federal or Federal-State Inspection Service or the Processed Products Standardization and Inspection Branch, USDA. If a quantity of limited use size olives was restricted to "limited use", such quantity could be disposed of into "limited use" and the balance of the limited use size olives could be disposed of. In recognition of the similarity in the problems relating to the effect of processing operations on the size of natural condition olives, the amendatory disposition provisions should be somewhat similar to the provisions for incoming olives with respect to the disposition of undersize olives in that a handler should be permitted to meet any deficit in his obligation to dispose of "limited use size olives" into noncanning use by disposing of an equal quantity of olives of any variety of a size larger than the "limited use size olives" of that variety and of a quality better than culls.

In order to ensure compliance with any disposition requirements for "limited use size olives," the amendment should contain provisions requiring handlers to hold, at all times, a quantity of olives that will meet the disposition requirements for such olives (including the quantity needed to satisfy a deficit) minus any quantity previously disposed of in accordance with applicable requirements. As indicated, the existing order provisions which allow the use of olives of different varieties to satisfy dispositions obligations are the result of industry experience which showed that it was extremely difficult to meet undersize and cull obligations established strictly on the basis of separate varieties. A principal complicating factor was the change of size occurring during processing.

As shown by the record, the order should not include authorization to credit any handler for disposing of olives in noncanning use prior to the establishment of such a disposition obligation. The basic reason for not authorizing credit for any "advance" disposition of olives is that the disposition requirements of the order, hereinafter set forth in the amendatory provisions, are intended to require disposal of those olives actually

received which are not eligible for canning as ripe olives, i.e. undersize, restricted quantity of "limited use size olives," and olives considered by the handlers to be culls. Thus, if handlers were granted advance credit for discretionary disposal of olives eligible for canning that were received prior to the receipt of ineligible olives it might not be necessary for them to make any disposition of the ineligible olives among later receipts. Therefore handlers should continue to be required to hold at all times a quantity of olives of each variety eligible to meet the applicable disposition requirements for noncanning olives less any quantity of such olives disposed of in noncanning use.

A modification of the outgoing regulations was proposed at the hearing. It was suggested that the order should be amended to include authority for changing the size requirements for canned whole ripe olives as specified in the outgoing regulations section of the order. The existing authority for changes applicable to whole olives is limited to changes in the percentage tolerances for undersize olives of the various varieties. Under the proposal, any change could be in the form of a same percentage restriction on olives of the smallest size of variety that would be eligible for canning as whole ripe olives or could prescribe a same percentage restriction on olives of the next larger size of each variety eligible for canning as whole ripe olives. Similar types of same percentage restriction also could be prescribed for the respective next larger sizes. Pitted olives would be similarly affected because order provisions specify the same size requirements for them as are applicable to whole style olives. The presentation of this proposal was motivated by a situation under which the existing heavy inventory of whole and pitted olives is being marketed at record low wholesale prices. There is also the likely prospect that the harvest of any amount exceeding a subnormal crop will worsen the marketing situation for growers and processors. Nor is the supply situation any better as it pertains to "limited use size olives."

Opposition to the suggested modification was based on several considerations. There were two principal contentions, one of which was that restriction applied as a uniform percentage of all olive varieties would not equitably affect any variety whose total quantity contained a higher-than-average proportion of the whole canning size, or sizes, that would be restricted. As used herein for purposes of comparison, "average" refers to all the varieties subject to the same percentage restriction. This potentially inequitable situation could be compounded by the fact that olives of a particular variety often contain different proportions of a particular size and especially the smallest whole canning size of some varieties. The other principal objection contended that under such size restrictions the growers would bear the inordinate cost of picking and harvesting the whole crop but would not be free to sell the restricted portion to canning outlets. Practically all picking is accomplished by hand labor. Hence, it was contended that the required accuracy of sizing makes it difficult to pick olives according to the marketable sizes for canned ripe olives by leaving the unmarketable sizes on the tree. However, the record shows that the production of the smaller sizes could be controlled through the use of cultural practices such as spray thinning. Other objections involved the lack of close coordination between the proposed restrictive provisions and the inventory and supply position of the several objectors. There were diverse opinions as to the consumer preference for the smallest sizes of whole olives as reflected by the difference in the size of the unsold inventory held by various handlers. Another consideration was that the proposed restriction would eliminate olives otherwise eligible for "limited use."

The inclusion of this proposal in the order would provide another tool to deal with a serious marketing problem. The committee would have the responsibility of studying the situation, both as to production and marketing, and of making a recommendation with respect thereto which it believes best for the industry. Of course, any restrictions recommended by the committee under this provision would need the concurrence therein of at least five producer members and five handler members of the committee. Thus there should be little likelihood that restrictions would be issued which would place an inequitable burden of restricted handling upon any particular variety or varieties. Therefore, authority for changing size requirements and percentage tolerances should be as hereinafter set forth.

(9) The provisions of the order which govern the transfer of olives between handlers should be amended as hereinafter set forth. Under the order, transfer within the production area of olives between handlers for further processing are permitted under certain conditions. In addition, acquired and used for "fresh shipments" are not included under the existing definition of "handle." The definition of "handle" should be amended by substituting therefor "for fresh shinment," the term "for fresh market outlet." Shipments of natural condition olives from the production area have occurred for processing outside the production area which comprises the State of California. Interhandler transfers of natural condition olives within the State for further handling are subject to regulations under the existing provisions of the order. Although regulation of the production of packaged olives outside the State would not be practicable, the order should contain authority for the issuance of such rules and regulations as will insure that natural condition olives shipped out of the State for processing and the production of packaged olives are inspected and certified prior to shipment for conformance with the requirements of § 932.51 (Incoming Regulations) and the applicable holding requirements with respect to olives to be disposed of in noncanning use are met. Thus, the inspection holding, disposition, and reporting requirements for the shipment of natural condition olives out of the production area could be essentially the same as those applicable to natural condition olives handled (by size grading) within the State under the incoming regulation.

One proposal in the notice of hearing related to changing the structure of the committee. Under this proposal four producer representatives would be assigned to the "cooperative" segment of the industry and four to the "independent" segment. Likewise the handler representation would be assigned four to the independents and four to cooperatives. Current provisions of the order contain no stipulations as to the division of producer representation between the two categories. The order currently provides that handler representation shall be evenly divided, as aforesaid, except that whichever category of handlers handled as first handlers thereof, 65 percent or more of the olives during the crop year when nominations are made and in the preceeding crop year shall be entitled to five members and the category of handlers that handled as first handlers thereof 35 percent or less during said year shall be entitled to three handler members. Accordingly, there are currently five cooperative handler members on the committee. Under the proposal the order would retain the provision that other allocations of producer or handler membership, or both, could be made to assure equitable representation on the committee. The proponent contended that the cooperatives, through their majority membership, could materially affect the prices paid to growers for olives of specified sizes according to whether such olives could be utilized in the production of canned ripe olives of the "limited use" styles or in noncanning outlets of low return to producers. The difference in utilization of a certain size of olives allegedly would depend upon the minimum size recommended for "limited use size olives" by the committee and approved by the Secretary.

A similar situation allegedly could occur with regard to olives of such a size that their utilization in the production of whole styles or of "limited use" styles would depend upon the minimum sizes established for whole styles of olives if such authority was included as a part of the order. If the handler category which handles 65 percent or more of the olives was deprived of the fifth handler member on the committee the result would be a serious inequity to those handlers because the representation allowed for them would be greatly disproportionate to the volume handled.

As for producer members of the committee, such persons are freely nominated by all producers participating in the nominations. The record shows that producer nominees are considered individually at nomination meetings according to their competence and

concern for the welfare of the whole industry and not according to their marketing affiliation. Furthermore, producers may and do change their handler affiliation so that a person nominated and selected as a representative of either category could subsequently become affiliated with the other category. Accordingly, no such amendatory change in representation on the committee is needed and none is recommended.

(11) In view of the recommended inclusion in the order of the term "noncanning use", conforming changes have been made in the order where reference is had to the disposition of olives as other than canned ripe olives.

Rulings on proposed findings and conclusions. April 14, 1971, was fixed as the latest date for filing proposed findings and conclusions, written arguments or briefs based upon the evidence received at the hearing. Briefs were filed by 37 persons and firms all of which are located in California. All of the briefs were concerned with proposals authorizing changes in the applicable sizes of olives for canned ripe olives in the outgoing regulations for ripe olives so as to prohibit the handling of a percentage or all of the smallest sizes that may be canned as whole style olives. Thirty-five of the briefs supported the proposal and two of them were in opposition.

Each point included in the briefs was fully and carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that any suggested findings or conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, they are denied on the basis of the facts found and stated in connection with the decision.

General findings. Upon the basis of the evidence adduced at such hearing, and the record thereof, it is found that:

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

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

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

(4) There are no differences in the production and marketing of olives grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of olives grown in the production area, as defined in said marketing agreement and order, as amended and as hereby proposed to be further amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

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

1. Redefine § 932.16 Handle to read as follows:

§ 932.16 Handle.

"Handle" means to: (a) Size-grade olives, (b) process olives, or (c) use processed olives in the production of packaged olives, within the production area, or (d) ship packaged olives from the area to any point outside thereof or within the area: *Provided,* This term shall not include natural condition olives acquired and (1) used for olive oil, salt cured oil coated olives (also variously referred to as "Greek Olives," "Greek Style Olives," or "Oil Cured Olives"), or Silician Style Olives, or (2) shipped to fresh market outlets.

2. Add a new § 932.22 to read as follows:

§ 932.22 Sublot.

"Sublot" means a quantity of olives resulting from the separation by the handler of a lot into two or more parts.

3. Add a new § 932.23 to read as follows:

§ 932.23 Undersize olives and limited use olives.

"Undersize olives" means olives of a size which, pursuant to § 932.51(a)(2), shall be disposed of in noncanning use; and "limited use size olives" means processed olives of a size which, pursuant to § 932.52(a)(3), are authorized for limited use.

4. Add a new § 932.23a to read as follows:

§ 932.23a Limited use.

"Limited use" means the use of processed olives in the production of packaged olives of the halved, sliced, chopped, or minced styles, as defined in the then current U.S. Standards for Grades of Canned Ripe Olives (§§ 52.3751–52.3766 of this title), including modifications of the requirements for such styles pursuant to this part, and such additional styles (and the requirements applicable thereto) as may be specified pursuant to § 932.52(a)(7).

5. Add a new § 932.24 to read as follows:

§ 932.24 Noncanning use.

"Noncanning use" means the use of olives other than in the production of canned ripe olives, and is the authorized outlet for undersize olives and the limited use size olives which, pursuant to § 932.52 (b), are not permitted for limited use in any crop year in which limited use is restricted to less than the available quantity of limited use size olives.

6. Revise § 932.45 to read as follows:

§ 932.45 Production research, and marketing research and development projects.

(a) The Committee may, with the approval of the Secretary, establish or provide for the establishment of production research, and marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of California olives. Such projects may provide for any form of marketing promotion including paid advertising. The expenses of such research and projects shall be paid from funds collected pursuant to § 932.39 or from voluntary contributions. Voluntary contributions may be accepted by the committee only to pay the expenses of such projects: *Provided,* That the committee shall retain complete control over the use of such contributions which shall be free from any encumbrances.

(b) In recommending marketing research and development projects pursuant to this section, the committee shall give consideration to the following factors:

(1) The expected supply of olives in relation to market requirements;

(2) The supply situation among competing areas and commodities; and

(3) The need for marketing research with respect to any marketing development activity and the need for a coordinated effort with USDA's Plentiful Food Program.

(c) In recommending production research projects pursuant to this section, the committee shall give consideration to the extent and need for assistance to, and improvement of, California olive production.

(d) If the committee should conclude that a program of production research, marketing research, or development should be undertaken or continued pursuant to this section in any crop year, it shall submit the following for the approval of the Secretary:

(1) Its recommendations as to funds to be obtained pursuant to § 932.39 or voluntary contributions;

(2) Its recommendations as to any production research or marketing research project; and

(3) Its recommendation as to promotion activity and paid advertising.

(e) The committee shall, as soon as practicable after the close of each crop year, prepare and mail an annual report to the Secretary and make a copy available for examination by producers, handlers, or other interested persons at the committee office.

7. Revise § 932.51 (a)(2) and (b) to read as follows:

§ 932.51 Incoming regulations.

(a) * * *

(2) Each handler shall, under the supervision of any such inspection service, dispose of into noncanning use an aggregate quantity of olives, comparable in size and characteristics and equal to the quantities shown on the certification for each lot to be:

(i) Variety Group 1 olives, except the Ascolano, Barouni, and St. Agostino varieties, of a size which individually weigh less than 1/90 pound;

(ii) Variety Group 1 olives of the Ascolano, Barouni, and St. Agostino varieties of a size which individually weigh less than 1/140 pound;

(iii) Variety Group 2 olives, except the Obliza variety, of a size which individually weigh less than 1/180 pound;

(iv) Variety Group 2 olives of the Obliza variety of a size which individually weigh less than 1/140 pound;

(v) Such other sizes for the foregoing variety groups as are not authorized for limited use pursuant to § 932.52; and

(vi) Olives classified as culls.

(b) Whenever a handler receives a lot of natural condition olives, or makes a separation resulting in a sublot, solely for use in the production of green olives or canned ripe olives of the "tree-ripened" type, he may handle such lot or sublot without regard to the provisions of this section and § 932.52 only if (1) he notifies the committee upon receiving such a lot or making such a separation; (2) the identity of all such lots and sublots of olives is maintained by keeping them separate and apart from other olives he receives; (3) the packaged olives produced from such lots and sublots after processing are canned ripe olives of the "tree-ripened" type or green olives; and (4) there are no outgoing regulations pursuant to § 932.52 then applicable to packaged olives that are canned ripe olives of the "tree-ripened" type or green olives.

8. Revise § 932.52 to read as follows:

§ 932.52 Outgoing regulations.

(a) *Minimum standards for packaged olives.* No handler shall use processed olives in the production of packaged olives or ship such packaged olives unless they have first been inspected as required pursuant to § 932.53 and meet each of the following applicable requirements:

(1) Canned ripe olives, other than those of the "tree-ripened" type, shall grade at least U.S. Grade C, as such grade is defined in the then current U.S. Standards for Grades of Canned Ripe Olives (§§ 52.3751–52.3766 of this title), or as modified by the committee, with the approval of the Secretary, for purposes of this part.

(2) Canned whole ripe olives, other than those of the "tree-ripened" type, shall conform to the size designations of "single size" or of the blended sizes "Family," "King," or "Royal," as set forth in said U.S. Standards, and shall be of a size not smaller than the following applicable size requirements and tolerances: *Provided,* That the Secretary, on the basis of a recommendation of the committee or other available information, may change such sizes of each variety or percentage tolerances, or both:

(i) With respect to Variety Group 1 olives, except the Ascolano, Barouni, and St. Agostino varieties, the individual fruits shall each weigh not less than 1/75 pound, except that (*a*) for olives of the mammoth size designation, not more than 25 percent, by count, of such olives may weigh less than 1/75 pound each including not more than 10 percent, by count, of such olives that weigh less than 1/82 pound each; and (*b*) for olives of any size designation except the mammoth size, not more than 5 percent, by count, of such olives may weigh less than 1/75 pound each;

(ii) With respect to Variety Group 1 olives of the Ascolano, Barouni, and St. Agostino varieties, the individual fruits shall each weigh not less than 1/88 pound except that (*a*) for olives of the extra large size designation, not more than 25 percent, by count, of such olives may weigh less than 1/88 pound each including not more than 10 percent, by count, of such olives that weigh less than 1/98 pound each; and (*b*) for olives of any size designation, except the large size, not more than 5 percent, by count, of such olives may weigh less than 1/88 pound each;

(iii) With respect to Variety Group 2 olives, except the Obliza variety, the individual fruits shall each weigh not less than 1/140 pound except that (*a*) for olives of the small, select or standard size designation, not more than 35 percent, by count, of such olives may weigh less than 1/140 pound each including not more than 7 percent, by count, of such olives that weigh less than 1/160 pound each; and (*b*) for olives of any size designations, except the small, select or standard size, not more than 5 percent, by count, of such olives may weigh less than 1/140 pound each; and

(iv) With respect to Variety Group 2 olives of the Obliza variety, the individual fruits shall each weigh not less than 1/121 pound except that (*a*) for olives of the medium size designation, not more than 35 percent, by count, of such olives may weigh less than 1/121 pound each including not more than 7 percent, by count, of such olives that weigh less than 1/135 pound each; and (*b*) for olives of any size designation, except the medium size, not more than 5 percent, by count, of such olives may weigh less than 1/121 pound each.

(3) Subject to the provisions set forth in subparagraph (4)of this paragraph, processed olives to be used in the production of canned pitted ripe olives, other than those of the "tree-ripened" type, shall meet the same size requirements as prescribed pursuant to subparagraph (2) of this paragraph: *Provided,* That olives smaller than those so prescribed, as recommended annually by the committee and approved by the Secretary, may be authorized for limited use but any such limited use size olives so used shall be not smaller than the following applicable minimum size: *Provided further,* That each such minimum size may also include a size tolerance (specified as a percent) as recommended by the committee and approved by the Secretary:

(i) Variety Group 1 olives, except the Ascolano, Barouni, and St. Agostino varieties, of a size which individually weigh 1/90 pound;

(ii) Variety Group 1 olives of the Ascolano, Barouni, or St. Agostino varieties, of a size which individually weigh 1/140 pound;

(iii) Variety Group 2 olives, except the Obliza variety, of a size which individually weigh 1/180 pound;

(iv) Variety Group 2 olives of the Obliza variety, of a size which individually weigh 1/140 pound.

(4) The Secretary may, upon recommendation of the committee, restrict the total quantity of limited use size olives for limited use during any crop year. Such restricted quantity shall be apportioned among the handlers by applying a percentage, established annually by the Secretary upon recommendation by the committee, to each handler's total receipts of limited use size olives during such crop year.

(5) Canned ripe olives of the "tree-ripened" type and green olives shall meet such grade, size, and pack requirements as may be established by the Secretary based upon the recommendation of the committee or other available information.

(6) The size designations (mammoth, extra large, medium, etc.) used in this section mean the size designations described in paragraph (a)(1)(ii) of § 932.51.

(7) For the purposes of this part the committee may, with the approval of the Secretary, specify the styles of olives, including the requirements with respect thereto, for limited use.

(b) *Disposition requirements for limited use size olives.* (1) The requirements of this paragraph are in addition to and not in substitution of the requirements of § 932.51(a)(4).

(2) Each handler shall, under the supervision of the Processed Products Standardization and Inspection Branch, USDA, or the Federal or Federal-State Inspection Service, dispose of limited use sizes olives into limited use: *Provided,* That whenever a handler's use of limited use size olives is restricted pursuant to § 932.52(a)(4), he shall dispose of into noncanning use that quantity of such limited use size olives which is in excess of the quantity permitted for limited use.

(3) Notwithstanding the provisions of subparagraph (2) of this paragraph, a handler may meet any deficit in his obligation to dispose of limited use size olives into noncanning use pursuant to this paragraph by disposing of, under supervision of the inspection service, an equivalent quantity of olives of a size larger than the limited use size and of a quality better than culls.

(4) Each handler shall hold at all times a quantity of olives eligible to meet the disposition requirements of this paragraph less any quantity previously disposed of as specified in subparagraphs (2) and (3) of this paragraph.

9. Amend § 932.54 by changing the title to read Transfers and by adding a new sentence to read as follows:

§ 932.54 Transfers.

* * * Transfers of olives from within the area to any point outside the area shall be subject to such requirements with respect to inspection, holding, disposition, and reporting as may be established by the Secretary on the basis of recommendations by the committee or other available information.

Dated: July 21, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

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CIVIL AERONAUTICS BOARD

[14 CFR Part 221]

[Docket No. 21625; EDR-195B]

CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Termination of Rule Making Proceedings

JULY 22, 1971.

On December 4, 1970, the Board gave advance notice by circulating EDR-195 (35 F.R. 18749) that it had under consideration rule making action to amend Part 221 of the Economic Regulations of the Board to assure that carriers may not unjustly discriminate among shippers in terms of capacity offered to cargo charterers. The advance notice was issued in response to a petition of Seaboard World Airlines, Inc. (Seaboard), which had alleged (1) that different shippers are being offered different amounts of lift between the same points, at the same price, and in the same aircraft, resulting in a lower effective rate for the favored shippers, and (2) that unrealistically high aircraft capacities are being offered to certain shippers, with the carrier either making a series of fuel stops to carry the payload or hauling the overage on other flights at no additional cost to the shipper. These practices, according to Seaboard, result in discrimination among shippers. As proposed by Seaboard revised Part 221 would have required that the maximum capacity of the aircraft be stated in terms of pounds and cubic feet for each published rate or charge and that an extra charge should be made for en route fuel stops at published tariff rates. In issuing the advance notice the Board was of the tentative opinion that the proposal to guarantee a maximum lift would tend to blur the distinction between charter and individually waybilled service; but that the fuel stop charge proposal had merit and might serve to eliminate some of the unjustly discriminatory practices alleged by Seaboard. The Board also noted that the uncertainty of whether a chartered aircraft will be able to carry more or less than its maximum weight capacity at flight time is part of the risk the charterer must bear in return for low charter rates. Thus, under the concept of cargo charter, if at the time of flight the aircraft is able to carry more than the average maximum capacity, the shipper is entitled to the extra lift; conversely, if weather conditions dictate less than the average maximum capacity, the shipper cannot receive more lift than the plane can carry.

Three scheduled air carriers,[1] two supplemental carriers,[2] and the Airline of Switzerland (Swissair) filed comments on the advance notice. With the exception of Universal[3] and TWA,[4] the parties oppose in toto the proposals contained in the advance notice.

All the carriers submitting comments, except Universal, agree with the Board's approach to Seaboard's guaranteed lift proposal and further assert that, due to the many variables involved in determining the maximum capacity of an aircraft at any given time, such a proposal would be virtually impossible to implement.

Similarly, the consensus of the carriers is that an extra fuel stop charge is unnecessary, arguing that (1) since fuel stops are already made for the convenience of the carrier, it cannot be assumed that the cost experience of fuel stops is not already reflected in the charter rate; (2) fuel stops are affected by aircraft range, which is a function of engine type, aircraft configuration, number of fuel tanks and several other aircraft structure factors; and (3) since the fuel stop charge cannot always be predicted at the time the charter contract is signed, the charge would require a retroactive adjustment in price and create increased administrative cost for the carriers. In addition they argue that since carriers operate with aircraft which vary widely in maximum range, the charge would create competitive problems among carriers and might itself be the source of discriminatory practices.

Upon consideration of the foregoing, we have determined not to issue a notice proposing to adopt the amendments requested by Seaboard. As indicated above, the proposals involve substantial practical difficulties, and it has not been shown that any violations of tariff provisions of the Act cannot be more appropriately dealt with by the usual enforcement machinery.

Accordingly, the Board hereby terminates the advance rule making proceedings in Docket 21625.

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[1] Pan American World Airways, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.

[2] Trans International Airlines, Inc. (TIA), and Universal Airlines, Inc.

[3] While Universal supports Seaboard's guaranteed lift concept, it opposes the fuel stop charge proposal.

[4] TWA would support an amendment to require an optional fuel stop charge.

(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] HARRY J. ZINK,

[FR Doc.71-10652 Filed 7-26-71;8:49 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-NE-4]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending section 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Rutland, Vt., transition area (36 F.R. 2265).

The NDB instrument approach procedure for Rutland State Airport, Rutland, Vt., has been revised in accordance with the U.S. Standard for Terminal Instrument Procedures. The revised procedure will require alteration of the 700-foot-floor Transition Area to provide controlled airspace protection for aircraft executing the procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 154 Middlesex Street, Burlington, MA 01803. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Operations, Procedures and Airspace Branch, New England Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, 154 Middlesex Street, Burlington, MA.

The Federal Aviation Administration, having completed a review of the air space requirements for the terminal area of Rutland, Vt., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Rutland, Vt., 700-foot-floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center, 43°31'45" N., 72°57'00"

W., of the Rutland State Airport, Rutland, Vt., and within 4.5 miles east and 6.5 miles west of the 344° bearing from the Rutland RBN, 43°33'35" N., 72°57'50" W., extending from the RBN to 11.5 miles north of the RBN.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348, and section 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c).

Issued in Burlington, Mass., on July 14, 1971.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.71-10607 Filed 7-26-71;8:46 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1906]

ADMINISTRATION WITNESSES AND DOCUMENTS IN PRIVATE LITIGATION

Policies and Procedures Concerning Compulsory Process

Pursuant to section 8(g) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 657), it is hereby proposed to issue regulations as a new Part 1906 in Chapter XVII of Title 29, Code of Federal Regulations, setting forth policies and procedures concerning witnesses employed by the Occupational Safety and Health Administration in private litigation and the availability of administrative documents in such litigation.

Within 20 days following publication of this proposal in the FEDERAL REGISTER interested persons may submit written data, views, and arguments concerning the proposal to the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Washington, D.C. 20210.

The proposal reads as follows:

PART 1906—ADMINISTRATION WITNESSES AND DOCUMENTS IN PRIVATE LITIGATION

Pursuant to section 8(g) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1600; 29 U.S.C. 657), Chapter XVII of Title 29 of the Code of Federal Regulations is hereby amended by adding thereto a new part, designated Part 1906, as set forth below.

The new part shall be effective upon publication in the FEDERAL REGISTER.

The new Part 1906 reads as follows:

Sec.
1906.1 Purpose.
1906.2 Definitions.
1906.3 General rule.
1906.4 Subpoenas.
1906.5 Factual testimony.
1906.6 Expert or opinion testimony.
1906.7 Disclosure of records.

AUTHORITY: The provisions of this Part 1906 issued under sec. 8(g), 84 Stat. 1600; 29 U.S.C. 657.

§ 1906.1 Purpose.

(a) This part prescribes the policies and procedures of the Administration with respect to testimony of its employees as witnesses in legal proceedings between private litigants and the production of Administration records pursuant to subpoena.

(b) This part does not apply to any legal proceeding in which an employee is to testify while in leave status, as to facts or events that are in no way related to the duties he performs or to the functions of the Administration.

§ 1906.2 Definitions.

(a) "Administration" means the Occupational Safety and Health Administration.

(b) "Legal proceeding" includes any proceeding before a court of law, administrative board or commission, hearing officer, or other body conducting a legal or administrative proceeding.

(c) "Legal proceeding between private litigants" means any legal proceeding in which neither the United States nor the Secretary is involved.

(d) "Secretary" means the Secretary of Labor.

§ 1906.3 General rule.

Subject to §§ 1906.4 and 1906.6 an employee of the Administration may not testify as an expert or opinion witness, as to any matter related to his duties or the functions of the Administration, in any legal proceeding between private litigants for the following reasons:

(a) To conserve the time of employees for conducting official business.

(b) To minimize the possibility of involving the Administration in controversial issues that are not related to its mission.

(c) To prevent the possibility that the public will misconstrue variances between the personal opinions of employees and Administration policy.

(d) To avoid spending the time and money of the United States for private purposes.

§ 1906.4 Subpoenas.

(a) Whenever, in a legal proceeding between private litigants, an employee of the Administration is served with a subpoena or is requested to testify, he shall immediately report the service or request to the nearest office of the Solicitor. The Solicitor shall then determine whether the employee is required to comply and shall in appropriate cases, arrange for legal representation for the employee.

(b) Whenever an employee's compliance with a subpoena would adversely affect the performance of official duties, the Solicitor or his representative shall attempt to have the subpoena withdrawn or modified, or shall request the issuing body to authorize testimony by deposition rather than requiring the employee's physical presence at the trial, hearing, or otherwise.

(c) Whenever a subpoena would require producing records which are not available for public disclosure, the Solicitor or his representatives shall attempt to have the subpoena withdrawn or modified.

§ 1906.5 Factual testimony.

(a) An employee of the Administration who has been subpoenaed in a legal proceeding between private litigants, and who is required to comply with the subpoena, shall testify only as to facts within his personal knowledge, even if the facts are contained in a report which he is not allowed to produce. The employee must, however, obtain the permission of the Solicitor or his representatives before disclosing any restricted information.

(b) An employee who gives factual testimony shall avoid any statements of opinion.

§ 1906.6 Expert or opinion testimony.

If, while testifying in a legal proceeding between private litigants, an employee of the Administration is asked for expert or opinion testimony, he shall decline to do so on the grounds that he is forbidden to do so by this part. If he is then ordered to do so by the body conducting the proceeding to testify, he shall do so.

§ 1906.7 Disclosure of records.

(a) Records are available to litigants for public inspection and copying under Part 70 of this title, as provided in that part.

(b) If an employee of the Administration receives a subpoena or request to produce records in court or before any other body, he shall refer it to the nearest office of the Solicitor. If the subpoena or request specifies records available under Part 70 of this title, counsel shall advise that the subpoena or request be honored. The person seeking them shall comply with the fee schedule contained in that part.

(c) If an employee of the Administration is served with a subpoena calling for records not available for public disclosure, the Office of the Solicitor shall attempt to have the subpoena withdrawn or modified. If this cannot be done, the employee shall appear at the time and place specified in the subpoena, accompanied by a Government attorney and explain to the authority conducting the proceeding that a statute or regulation prohibits him from producing the record.

(d) If an employee who follows the procedure in paragraph (c) of this section is ordered to show cause why he should not be cited for contempt of court, he shall be represented by a Government attorney.

Signed at Washington, D.C., this 21st day of July 1971.

L. H. SILBERMAN,
Acting Secretary of Labor.

[FR Doc.71-10650 Filed 7-26-71;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18877; RM-1589]

CODED INFORMATION IN AURAL TRANSMISSIONS OF RADIO AND TV STATIONS

Order Extending Time for the Filing of Test Reports and Comments and Reply Comments

1. This proceeding was begun by a further notice of proposed rule making (FCC 71-152) adopted February 10, 1971, released February 16, 1971, and published in the FEDERAL REGISTER February 20, 1971, 36 F.R. 3269. The date presently designated for the filing of test reports is August 1, 1971. The dates for the submission of comments and reply comments are presently September 1, 1971, and October 2, 1971.

2. On July 12, 1971, Audicom Corp. (Audicom) filed a request to extend the time for the filing of the above reports and the comments and reply comments to October 1, November 1, and December 1, 1971, respectively. Audicom states that the requested extension is necessary in order to conduct additional tests and to insure a comprehensive report on its tests. Audicom further states that the extension is warranted in view of the stated desire of the Commission to have comprehensive reports based on a full program of testing.

3. It appears that the additional time is warranted and would serve the public interest. *Accordingly, it is ordered,* That the request of Audicom Corp. is granted to and including October 1, 1971, for the filing of test reports and to and including November 1, 1971, for the filing of comments and December 1, 1971, for the filing of 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 and regulations.

Adopted: July 20, 1971.

Released: July 21, 1971.

[SEAL] FRANCIS R. WALSH,
Chief, Broadcast Bureau.

[FR Doc.71-10643 Filed 7-26-71;8:48 am]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

PUBLIC PARTICIPATION IN RULEMAKING

Statement of Policy

Notice is hereby given that the Treasury Department has determined to increase the opportunity for public participation in rulemaking by waiving generally the use of an exception in 5 U.S.C. 553(a)(2).

5 U.S.C. 553, the codification of section 4 of the Administrative Procedure Act, exempts from the general requirement that notice of proposed rulemaking must be published in the FEDERAL REGISTER, with opportunity to interested persons to participate, a matter relating to public property, loans, grants, benefits, or contracts. The Administrative Conference of the United States at its Third Plenary Session (October 21–22, 1969) adopted Recommendation No. 16 calling on Government agencies to invite public participation when formulating rules in these five categories. By memorandum to the chief legal officers of the Department dated November 20, 1969, the General Counsel of this Department urged all offices and bureaus to "follow public procedures with respect to these subjects to the extent consistent with the public interest."

A recent review of the desirability and practicability of this policy has confirmed the appropriateness of its promulgation as a Statement of Policy of the Treasury Department. The Department recognizes that in the promulgation of certain regulations, particularly relating to fiscal and monetary matters, notice and public procedure will for good cause be found to be impracticable, unnecessary, or contrary to the public interest. Accordingly, the Treasury Department hereby issues the following Statement of Policy:

Effective on publication of this notice (7-27-71), bureaus and offices of the Treasury Department shall not rely on the exception from public rulemaking procedures provided in 5 U.S.C. 553(a)(2) for rulemaking on a matter relating to public property, loans, grants, benefits, or contracts as reason for omitting the notice and public opportunity to participate in rulemaking specified in that section.

Dated: July 21, 1971.

[SEAL] SAMUEL R. PIERCE, Jr.,
General Counsel.

[FR Doc.71-10636 Filed 7-26-71;8:48 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S 47, S 402, Sacramento 079723]

CALIFORNIA

Order Providing for Opening of Public Lands

JULY 20, 1971.

1. In exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, the following described lands have been conveyed to the United States:

MOUNT DIABLO MERIDIAN

T. 41 N., R. 10 E.,
Sec. 12, E½NE¼.
T. 41 N., R. 11 E.,
Sec. 7, lot 1 and NE¼NW¼.
T. 41 N., R. 12 E.,
Sec. 7, SE¼;
Sec. 18, lot 1, NE¼, E½W½, and W½SE¼.

The area described aggregates 753.33 acres.

2. The lands are located in the southern foothills of Warm Springs Valley, Modoc County, and are approximately 10 miles from Alturas. The topography of the lands is moderately to gently rolling in character with an average elevation of 4,850 feet. These lands adjoin larger areas of public domain and have primary value for recreation, wildlife, and grazing. They are so located to promote effective management of these resources. The character of the lands precludes agricultural endeavors. These lands are within an area classified for multiple-use management under the provisions of the Classification and Multiple Use Act.

3. At 10 a.m. on August 29, 1971, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on August 29, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands will be open to location under the U.S. mining laws and to applications and offers under the mineral leasing laws at 10 a.m. on August 30, 1971.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, E-2807 Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[FR Doc.71-10614 Filed 7-26-71;8:46 am]

DEPARTMENT OF COMMERCE

Office of Import Programs

MEDICAL UNIVERSITY OF SOUTH CAROLINA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00212-33-46040. Applicant: Medical University of South Carolina, 80 Barre Street, Charleston, SC 29401. Article: Electron microscope, Model HU-11E-2. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used for scientific research projects and for educational purposes. Investigations concern transport of materials across the plasma membrane; transport of anions and cations across mitochondrial membranes; contractile phenomena in blood platelets, skeletal and cardiac muscle cells, mitotic cells, and mitochondria; and biosynthesis of macromolecules such as the acid mucosubstances associated with the plasma membrane and the nucleoproteins of viruses.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly manufactured by the Radio Corp. of America and which is presently being supplied by the Forgflo Corp. The Model EMU-4B has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in its memorandum dated January 22, 1971, that the additional resolving

capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We therefore find that the Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-10584 Filed 7-26-71;8:45 am]

UNIVERSITY OF TEXAS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00224-33-46040. Applicant: The University of Texas at Austin, Box 7306, University Station, Austin, TX 78712. Article: Electron miscroscope, Model Elmiskop IA. Manufacturer: Siemens A.G., West Germany.

Intended use of article: The article will be used for research on the ultrastructural changes in responding tissues during and after embryonic induction; for studies of the developmental basis of genetic lethals in *Drosophila;* for studies of conformational changes in ribosomes and transferase enzymes during peptide chain elongation in the rabbit reticulocyte system; and for autoradiographic electron microscope studies of the distribution of radioactive hormone within endometrial cells of the rat uterus.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope which was formerly manufactured by the Radio Corp. of America and which is presently being supplied by the Forgflo Corp. The Model EMU-4C has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in its memorandum dated January 29, 1971, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We therefore find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-10585 Filed 7-26-71;8:45 am]

[Dept. Organization Order 35-1A]

Office of the Secretary

OFFICE OF BUSINESS ECONOMICS

Organization and Functions

The following order was issued by the Secretary of Commerce on July 7, 1971. This material supersedes the material appearing at 32 F.R. 17548 of December 7, 1967.

SECTION 1 *Purpose.* This order delegates authority to the Director of the Office of Business Economics and prescribes the functions of the Office of Business Economics.

SEC. 2 *Status and line of authority.* .01 The Office of Business Economics is hereby continued as a primary operating unit of the Department of Commerce.

.02 The Office of Business Economics shall be headed by a Director who shall report and be responsible to the Assistant Secretary for Economic Affairs. The Director shall be assisted by a Deputy Director who shall perform the functions of the Director during the latter's absence.

SEC. 3 *Delegation of authority.* .01 Pursuant to the authority vested in the Secretary of Commerce, and subject to such policies and directives as the Secretary of Commerce or the Assistant Secretary for Economic Affairs shall prescribe, the Director is hereby delegated the authority of the Secretary of Commerce under:

a. Section 1516 of title 15, United States Code, which relates to gathering and distributing statistical information, as applicable to the functions assigned herein; and

b. Chapter 5 of title 15, United States Code, which relates to the authorities and functions of the former Bureau of Foreign and Domestic Commerce, as applicable to the functions assigned herein; and

c. Executive Order 10033 of February 8, 1949, which relates to the provision of statistical information to intergovernmental organizations, as applicable to the functions assigned herein.

.02 The Director may redelegate his authority to any employee of the Office of Business Economics subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4 *Functions.* The Office of Business Economics shall:

a. Maintain and improve the economic accounts of the United States, including the national income and product, wealth, input-output, balance of payments, and regional accounts;

b. Maintain and improve econometric and other research techniques for analyzing the economic situation and short- and long-term outlook;

c. Conduct surveys to collect selected information necessary to maintain and improve the accounts and to analyze the economic situation and outlook;

d. Analyze the economic situation and outlook, publish reports thereon, and brief Federal officials and public and private groups on the present and projected state of the economy;

e. Serve as the central economic research organization of the Department on the functioning of the economy, and collaborate with other primary operating units, including the Bureau of Domestic Commerce, Bureau of the Census and Economic Development Administration, and private research organizations which require or can contribute to its research; and

f. Provide special analyses to officials of the Government, as may be requested, on the economic impact of alternative economic policies.

Effective date: July 7, 1971.

LARRY A. JOBE,
Assistant Secretary
for Administration.

[FR Doc. 71-10628 Filed 7-26-71;8:48 am]

[Dept. Organization Order 35-1B]

OFFICE OF BUSINESS ECONOMICS

Organization and Functions

This material supersedes the material appearing at 32 F.R. 17549 of December 7, 1967, and 32 F.R. 11347 of August 4, 1967.

SECTION 1 *Purpose.* This order prescribes the organization and assignment of functions within the Office of Business Economics.

SEC. 2 *Organization structure.* The organization structure and line of authority of the Office of Business Economics shall be as depicted in the attached organization chart. (A copy of the organization chart is on file with the original of this document with the Office of the Federal Register.)

SEC. 3 *Office of the Director* .01 The Director formulates the policies, develops and coordinates the programs, and directs all operations of the Office of Business Economics.

.02 The Deputy Director assists the Director in all aspects of the management of the Office, and performs the duties of Director during the latter's absence.

.03 Three Associate Directors shall be the principal advisers to the Director in the broad economic areas indicated by their respective titles, as follows:

a. Associate Director for National Economic Analysis

b. Associate Director for Regional Economic Analysis

c. Associate Director for International Economic Analysis.

The Associate Directors shall be responsible for analyzing major economic developments and problems in these broad areas, and for preparing reports and oral briefings on such matters. As requested, the Associate Directors shall brief the Secretary, Assistant Secretary for Economic Affairs, other officials of the Department, officials of other Federal agencies, and public and private groups on their respective economic areas. To meet their requirements the Associate Directors shall participate in planning the economic research, data collection, and analyses carried out by the divisions, and may request, direct and coordinate special studies by the divisions.

.04 The Assistant Director for Statistics shall monitor and improve the data sources and estimating techniques used in the work of the Office.

.05 The Assistant Director for Economic Accounts shall monitor and improve the economic accounting system maintained by the Office, including the national income and product, wealth, input-output, balance of payments, and regional accounts. He shall be the focal person within the Federal Government responsible for the development of the system of economic accounts.

.06 The Assistant Director for Econometrics shall monitor and improve the econometric techniques used in the Office, including the development of econometric models of the U.S. economy and the preparation of econometric forecasts.

SEC. 4 *Program Divisions.* .01 The National Income and Wealth Division shall maintain, improve, and interpret the national income and product and wealth accounts of the United States, including national income by type of income, industrial source, and legal form, gross national product and its components, personal income and its disposition, the size distribution of personal income, the sources and uses of saving, and national wealth by type of asset and ownership; and do research in the techniques required to interpret the national income, product, and wealth accounts.

.02 The Government Division shall maintain, improve, and interpret the Federal and State and local government accounts of the United States within the economic accounting framework; cooperate in the translation of the unified budget into economic accounting terms for publication in the Budget of the United States and The Economic Report of the President; prepare forecasts of government receipts and expenditures for use in the Office's analyses of the economic outlook; and conduct research in the quantitative study of public finance.

.03 The Interindustry Economics Division shall maintain, improve, and interpret (a) the input-output accounts of the United States which show the flows of goods and services from each industry to other industries and to final markets in the economy, and the gross national product originating in each industry for given years, and (b) time series of the gross national product originating in each of the industries of the Nation; conduct research in input-output techniques, including regional input-output techniques; and prepare special studies of the economic repercussions of changes in consumer, investment, foreign, and Government markets on the outputs of the Nation's industries and the incomes originating in them.

.04 The Balance of Payments Division shall maintain, improve, and interpret the balance of payments accounts of the United States and their current and capital components, including detail by foreign geographic area, from the standpoint of throwing light on the effects of the balance of payments on the U.S. economy, and on the role of the United States in the world economy; conduct surveys to obtain basic data necessary to construct the balance of payments accounts, including surveys of the foreign transactions of Government agencies; do research in the techniques required to interpret the balance of payments accounts; and prepare forecasts of the balance of payments of the United States in cooperation with other agencies.

.05 The International Investment Division shall maintain, improve, and interpret data on the United States direct investments abroad, foreign direct investments in the United States, and income flows associated with such investments, including the transactions of foreign affiliates; conduct surveys required to obtain this information; do research in the techniques required to interpret international investment; and maintain and develop a data system on U.S. direct investments.

.06 The Regional Economics Division shall maintain, develop, and interpret the regional economic accounts of the United States including measures of personal income, by type of income and industrial source, received in each of the States, metropolitan areas, and counties of the Nation; conduct research in regional economics, including the factors determining the levels and rates of growth of regional economic activity, the techniques for preparing projections of regional economic growth and the techniques for assessing the costs and benefits of regional economic programs; prepare regional economic projections and cost-benefit analyses; and service other Government agencies and private groups requiring regional economic measures and their interpretation.

.07 The Current Business Analysis Division shall edit the "Survey of Current Business"; conduct a continuing study of current business activity; prepare and publish in the "Survey" regular interpretations of the business situation; conduct research required for assembling, for publication in the "Survey" and its "Business Statistics Supplement," a detailed and comprehensive set of data produced by the Office and other agencies for use in evaluating the business situation; and be responsible for the press releases of the Office.

.08 The Business Outlook Division shall maintain, improve, and interpret data on past, current, and prospective domestic business investment in new plant, equipment, and inventories; conduct surveys required to collect this information; maintain and interpret data on business sales and inventories and manufacturers' new and unfilled orders; and maintain and improve an econometric model designed to forecast short-term changes in economic activity, and to assess the likely impact on economic activity of alternative fiscal, monetary, and other Government economics policies.

.09 The Economic Growth Division shall study problems relating to the Nation's economic growth; maintain and improve a long-term econometric model of the United States economy and other tools for studying economic growth; make long-term projections of the national economy; and coordinate the work of the Office which relates to the overall effort of the Government to study the problems of economic growth.

SEC. 5. *Support Divisions.* .01 The Management Services Division shall provide budget, management analysis, and local administrative services; and shall arrange for and facilitate the provision of other administrative management services by the Office of the Secretary, including financial accounting and personnel services.

.02 The Computer Services Division shall maintain, coordinate, and improve the use of automatic data processing equipment by the Office, including the conduct of feasibility studies; and prepare automatic data processing systems and programs; and provide data processing services for the Office.

Effective date: July 7, 1971.

LARRY A. JOBE,
Assistant Secretary for Administration.

APPENDIX A

PUBLIC INFORMATION APPENDIX—OFFICE OF BUSINESS ECONOMICS

A. *Purpose.* The purpose of this Appendix is to describe, in general, the public information services of the Office of Business Economics, to describe the places at which and the methods whereby the public may obtain information, to inform the public as to the sources or availability of rules, regulations, procedures, instructions, forms, reports, or other requirements established by the Office of Business Economics which affect the public, and otherwise to comply with the requirements of section 552 of title 5, United States Code, as amended by Public Law 90–23 (hereinafter referred to as the Act).

B. *Public information services.* .01 The major medium for dissemination of the product of the Office of Business Economics is its monthly publication, "Survey of Current Business", the volumes of which cover

the past 40 years. This magazine reflects the activity of the Office in the following fields:

a. *Preparation of national income and product data.* Calculations are made of the gross national product, national income, personal income, and their components, providing an overall view of the state of the economy.

b. *Analysis of business trends.* The business situation is assessed monthly, and the results of continuing analyses of the major factors underlying cyclical developments and long-range business trends are published regularly.

c. *Computation of the balance of international payments.* The U.S. balance of international payments is determined and analyzed, and the official statistics of foreign expenditures by the U.S. Government are maintained.

.02 Publications issued as supplements to the "Survey of Current Business" range from a weekly four-page statistical interim report (included in the annual subscription) to major volumes of varying subject matter, size, and periodicity. Like the magazine itself, they are sold by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

.03 The annual volumes of the U.S. Government Organization Manual, also available from the Superintendent of Documents, list in an appendix the currently available publications of the Office. OBE publications are announced, as they go on sale, in the weekly Business Service Checklist issued by the Department of Commerce, Washington, D.C. 20230, and are listed in the Department's annual Catalog of Commerce Publications. They are also listed in "Government Reports Announcements," a publication of the National Technical Information Service.

.04 All OBE publications can be examined at the library of the U.S. Department of Commerce in the Commerce Building, Washington, D.C., or by visiting the Office of Business Economics, which is located in its entirety in Washington. Since all of the Commerce Field Offices are accredited sales agencies of the Superintendent of Documents, they are in a position to sell copies when available as well as to make their library facilities and staff services available to persons seeking information originating in the Office of Business Economics. Their locations are to be found in local telephone directories, and are also shown on the inside front cover of each issue of the monthly "Survey of Current Business," which is widely available in public, college and Chamber of Commerce libraries.

C. *Guide to published rules and regulations.* .01 Data are periodically collected by the Office of Business Economics as authorized by the Secretary under and/or subject to the provisions of (a) the Bretton Woods Agreements Act (59 Stat. 515, 22 U.S.C. 286 et seq.) and Executive Order 10033 of February 8, 1949 (14 F.R. 561) as amended, issued pursuant thereto; (b) the Federal Reports Act of 1942 (56 Stat. 1078, 5 U.S.C. 139 et seq.); and (c) the statutes codified at 15 U.S.C. 171 et seq. as modified by Reorganization Plan No. 5 of 1950, set out in Note under 5 U.S.C. 133z.

.02 Chapter VIII of Title 15 of the Code of Federal Regulations contains regulations of the Office of Business Economics with regard to reporting requirements in the field of foreign economic transactions.

.03 These rules contain all the matters required to be published by subsections 552(a)(1)(B) to 2(a)(1)(D) of the Act, except that copies of forms required, and instructions for their use, may be obtained from the Office of Business Economics, U.S. Department of Commerce, Washington, D.C. 20230.

D. *Submittals and requests.* .01 The established places to which reports or information required or requested by the Office of Business Economics are to be submitted are identified on the forms, schedules, or instructions specifying the information desired.

.02 In the event that additional time is needed to prepare reports requested by the Office of Business Economics, or further information is needed to clarify the request, or additional forms or instruction sheets are desired, application should be made to the Director, Office of Business Economics, U.S. Department of Commerce, Washington, D.C. 20230.

.03 Any member of the public desiring to make other submittals, or to obtain information with regard to the economic materials collected, analyzed, or distributed by the Office of Business Economics, or about any other functions or activities of the Office, should direct such submittals or requests to the Director, Office of Business Economics.

E. *Final delegations of authority.* The Director, Office of Business Economics, has made no delegation or redelegation of authority to officers or employees of the Office to take final actions, or make final decisions, with respect to requirements, submissions, or other matters arising under its published rules and regulations.

F. *Inspection and copying of opinions and orders.* All final opinions of the Office of Business Economics made in the adjudication of cases, statements of policy and interpretations not published in the FEDERAL REGISTER, administrative staff manuals and instructions to staff that affect a member of the public, and any other materials required to be made available for public inspection and copying by 5 U.S.C. 552(a)(2), are made available for such purposes at the Central Reference and Records Inspection Facility of the Department of Commerce, Room 2122, Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, DC 20230. Rules prescribing public use of this facility are contained in Part 4, Title 15, Code of Federal Regulations, and may also be obtained from the facility.

G. *Inspection of bureau records.* Rules for persons desiring, pursuant to 5 U.S.C. 552(a)(3), to inspect records of the Office of Business Economics which are not available to the public as part of the regular public information services of the Office, are contained in Part 4, Title 15, Code of Federal Regulations. Application forms and instructions are available from the Central Reference and Records Inspection Facility of the Department of Commerce, or from any Field Office of the Office of Business Services, Bureau of Domestic Commerce, Department of Commerce.

GEORGE JASZI,
Office of Business Economics.

[FR Doc.71-10629 Filed 7-26-71;8:48 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-71-116]

REGIONAL ADMINISTRATORS ET AL.

Redelegation of Authority With Respect to Property Disposition

Section A of the Redelegation of Authority to Regional Administrators et al., with respect to Property Disposition (35 F.R. 16106, Oct. 14, 1970) is amended by adding a new paragraph 9 to read as follows:

9. To make expenditures to correct, or to compensate the owner for, structural or other defects under section 518(b) of the National Housing Act (Public Law 91-609, 84 Stat. 1771).

(Secretary's delegation of authority to redelegate published at 35 F.R. 15025, Sept. 26, 1970)

Effective date. This redelegation of authority is effective as of July 12, 1971.

NORMAN V. WATSON,
Assistant Secretary for Housing Management.

[FR Doc.71-10658 Filed 7-26-71;8:50 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA Petition No. 39]

AMERICAN SHORT LINE RAILROAD ASSOCIATION

Petition Seeking Exemption of Texas South-Eastern Railroad Co. From the 14 Hours-of-Service-Limitation

By petition filed July 12, 1971, the Texas South-Eastern Railroad Co. seeks an exemption from the 14 hours-of-service-limitation in Public Law 91-169. The petition indicates that the Texas South-Eastern Railroad Co. operates between Diboll, Tex., and Lufkin, Tex., a distance of 18 miles, and that such operations are conducted with two four-man crews. The petitioner points out that it would need relief only when unexpected vacancies occur, such as sickness and that this presently averages only 15 days per year. The operating employees of the carrier have indicated, in the petition, that they are generally agreeable to working as proposed in the petition.

Interested persons are invited to give their views. Comments should be submitted in triplicate to the Docket Clerk, Office of Hearings and Proceedings, Federal Railroad Administration, Attention: FRA Petition No. 39, 400 Seventh Street SW., Washington, DC 20590, prior to September 1, 1971.

Dated this 20th day of July 1971 in Washington, D.C.

ROBERT R. BOYD,
Director, Office of Hearings and Proceedings and Hearing Examiner.

[FR Doc.71-10632 Filed 7-26-71;8:48 am]

CIVIL AERONAUTICS BOARD

[Docket No. 20993; Order 71-7-89]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority July 16, 1971.

By Order 71–6–144, dated June 29, 1971, action was deferred, with a view toward eventual approval, on an agreement adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 71–6–144 will herein be made final.

Accordingly, It is ordered, That:

Agreement CAB 22332, R–12 through R–14, be and hereby is approved: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; *Provided further,* That tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71–10654 Filed 7–26–71;8:49 am]

[Docket No. 23333; Order 71–7–125]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Cargo Rate Matters

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

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted at the worldwide cargo rate conference held in Singapore May–June 1971.

The agreements, among other things, embrace rate resolutions to apply in various geographic areas. The Board's primary interest in the agreements extends to those resolutions which would establish rates to apply on Latin American routes to/from the United States from October 1, 1971, through September 30, 1972, on South Pacific routes to/from the United States from October 1, 1971, through September 30, 1973, and within the Eastern Hemisphere to/from Guam/Okinawa, and American Samoa for a 2-year period beginning October 1, 1971.[1]

In general terms, the agreements provide for selective rate increases, including increased minimum charges. The Board considers it appropriate to establish a schedule for the receipt of U.S. carrier justification of the agreements as well as for the receipt of comments from interested persons. The Board's intention in doing so is not only to insure a full record, but to expedite its consideration of that record to the end that the Board will be in a position to act on the agreements as far in advance of the intended October 1 effectiveness date as possible.

Accordingly, pursuant to the Federal Aviation Act of 1958:

It is ordered, That:

1. U.S. air carriers shall file full documentation and justification for the rates embodied in Agreement CAB 22460 on or before August 6, 1971;

2. Interested persons may file comments and objections to these rates on or before August 20, 1971; and

3. Answers to comments and objections may be filed on or before August 30, 1971.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71–10655 Filed 7–26–71;8:49 am]

[1] Agreements have not been reached for application on North Atlantic and North/Central Pacific routes.

[Docket No. 23405]

PANINTERNATIONAL

Foreign Air Carrier Permit for Charter Foreign Air Transportation; Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on August 17, 1971, at 10 a.m., e.d.s.t., in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

Dated at Washington, D.C., July 20, 1971.

[SEAL] LOUIS W. SORNSON,
Hearing Examiner.

[FR Doc.71–10657 Filed 7–26–71;8:49 am]

[Docket No. 23632; Order 71–7–127]

UNITED PARCEL SERVICE, INC. (NEW YORK), AND UNITED PARCEL SERVICE, INC. (OHIO)

Order Granting Relief During Strike Emergency

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

On July 20, 1971, United Parcel Service, Inc. (New York), and United Parcel Service, Inc. (Ohio) (referred to herein collectively as "United Parcel"), filed an application, Docket 23632, requesting an emergency exemption from Title IV of the Act to the extent necessary to enable United Parcel to transport certain commodities partially by truck and partially by air at United Parcel's regular ICC published tariff rates during the period of the current rail strike.

In light of the unusual circumstances surrounding the nature of the instant application, we are taking action pursuant to Rule 410 of the rules of practice without awaiting the filing of answers or replies thereto.

Upon consideration of the application and all other available facts we have decided to act pursuant to sections 101 (3) and 204 of the Federal Aviation Act and relieve United Parcel from the provisions of the Act to the extent necessary to enable United Parcel to transport certain commodities partially by truck and partially by air under regular ICC published tariff rates during the period of the current rail strike.

Both United Parcel Service, Inc. (New York), and United Parcel Service, Inc. (Ohio), are surface common carriers by truck certificated by the Interstate Commerce Commission (ICC). Under ICC practice, however, surface common carriers do not necessarily have to transport shipments entirely by truck. They have the option, at their normal tariff rates, of using so-called rail "piggyback" or Trailer On Flatcar (TOFC) service. Thus, as part of their normal operations, United Parcel frequently picks up parcels by truck, loads these parcels onto truck trailers, and then moves the trailers to railroad terminals to be placed on flatcars for further shipment by rail. At the end of their journey the trailers are removed from the flatcars and the parcels delivered by truck. United Parcel states that it transports approximately 100 trailers or a million pounds of cargo each day in this fashion and that the shippers pay the published tariff rate of United Parcel even if the shipment is carried partly by rail under the "piggyback arrangements." United Parcel then pays the special "piggyback" rates for truckers which are published by the railroads.

United Parcel states that its normal operations will be interrupted by the current railroad strike and it will no longer be able to transport shipments because of the unavailability of "piggyback" rail service. United Parcel therefore requests that it be allowed to use the services of certificated air carriers at regular air freight or charter freight rates to transport shipments by air that would normally be transported by rail if such rail service were available. These commodities would continue to be transported pursuant to the tariffs which United Parcel now has on file with the ICC. The only change would be that airline air freight service or charter service would be substituted for "piggyback" rail service for the duration of the rail strike.

United Parcel notes that the cost of shipment by air will be substantially higher than the cost of shipment by rail "piggyback" service. However, United Parcel informs the Board that it is willing to assume this extra cost burden in preference to embargoing the movements. The alternative would stop the movement of over 100,000 small package shipments a day, require furloughing of many employees, and otherwise seriously disrupt service.

In view of the foregoing circumstances, the Board finds that it is in the public interest to temporarily relieve United

Parcel Service, Inc. (New York), and United Parcel Service, Inc. (Ohio), from the provisions of the Act to the extent necessary to permit the proposed operations.[1] This authorization will facilitate the movement of cargo which normally would move by surface and minimize the disruption of commerce by the current rail strike. Limited, as it is, to traffic which usually moves in Trailer On Flatcar service, the authorization will not divert from air transportation, but will, in fact, provide additional traffic to be moved by air.

Accordingly, it is ordered:

1. That pursuant to sections 101(3) and 204 of the Federal Aviation Act of 1958, as amended, United Parcel Service, Inc. (New York), and United Parcel Service, Inc. (Ohio), are hereby relieved from the provisions of Title IV and section 610(a)(4) of the Act to the extent necessary to transport certain commodities partially by truck and partially by air at their regular ICC published tariff rates during the period of the current rail strike, provided, however, that United Parcel must observe its tariffs currently on file with the ICC with respect to such shipments;

2. That this authority shall be utilized only for movements for which rail Trailer On Flatcar service has been used heretofore, and only to the extent such rail service is or becomes unavailable as a result of the current rail labor difficulties;

3. That the relief granted herein shall expire 5 days after settlement of the current rail strike, or 30 days from the date of this order, whichever shall first occur; and

4. That this order may be amended or revoked at any time in the discretion of the Board without notice or hearing.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-10656 Filed 7-26-71;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 553]

COMMON CARRIER SERVICES INFORMATION [1a]

Domestic Public Radio Services Applications Accepted for Filing [2]

JULY 19, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list set forth below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] The Board's action herein does not relieve any direct air carrier from any regulatory requirements which otherwise prevent them from chartering to United Parcel. It is anticipated, therefore, that any direct air carrier desirous of chartering to United Parcel under the circumstances described herein will seek appropriate relief.

[1a] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

42-C2-P-72—Mobilfone of Kansas (New), C.P. for a new one-way station to be located at 3 miles north of Manhattan, Kansas, to operate on frequency 142.24 MHz.

44-C2-P-(2)72—South Central Bell Telephone Co. (KIC343), C.P. to change the transmission line and duplexer arrangement for facilities operating on 152.57 and 152.81 MHz located approximately 7.5 miles south of Nashville, Tenn.

55-C2-P-72—Phenix Communications Co., Inc. (KRS661), C.P. to replace transmitter and change the antenna system operating on 152.24 MHz located at 718 Avenue A Opelika, Ala.

56-C2-P-(3)72—Com-Nav, Inc. (KQZ780), C.P. for additional facilities to operate on 152.15 MHz base and 459.325 MHz repeater at location No. 2: Bald Mountain, 3.5 miles southeast of Dedham, Maine, and add 454.325 MHz control facilities at location No. 3: 72 Grove Street, Brewer, Maine.

67-C2-P-72—Public Communications, Inc. (KLB761), C.P. to add standby facilities on 152.06 MHz at base station located off Highway No. 59, 2 miles south of Lufkin, Tex.

68-C2-P-72—Services Unlimited, Inc. (KIY449), C.P. to relocate facilities operating on 152.12 MHz at location No. 4, to a new site described as The N.C. Baptist Hospital, Winston-Salem, N.C.

74-C2-P-(2)72—Central Mobile Radio Phone Service (KQA770), C.P. to replace the transmitters operating on 152.03 and 152.18 MHz located at 1000 Urlin Place, Columbus, Ohio.

75-C2-P-72—Answering Service, Inc. (New), C.P. for a new one-way station to be located at 5767 Mayfield Road, Cleveland, OH, to operate on 454.275 MHz.

76-C2-TC-(2)72—Doniphan Telephone Co., Consent to transfer of control from Dee A. Rice and Ethel Rice, Transferors to Allied Telephone Co., Transferee. Stations: KAA485, Doniphan, Mo.; KLF575, Piedmont, Mo.

77-C2-C1/C2-AL-(2)72—Radio Telecommunications, Consent to assignment of license from Hickory House, Inc., doing business as Radio Telecommunications, Assignor, to West Indies Communications, Inc., Assignee. Station: WWA336, St. Thomas, V.I.

116-C2-P-72—Mobile Radio Systems Ltd. (KSJ824), C.P. to add frequency 152.03 MHz at location No. 2: 1704 East Jackson Street, Springfield, IL.

117-C2-P-(2)72—Gulf Mobilphone (KFL885), C.P. to add 152.03 MHz and change the antenna system operating on 152.18 MHz located at the corner of 59th Avenue and 31st Street, Gulfport, MS.

118-C2-P-(3)72—Mobilfone of Kansas (KFL933), C.P. for additional facilities to operate on 152.03, 152.06, and 152.18 MHz at a new location described as location No. 5: 0.3 mile northeast of Great Bend, Kans.

120-C2-P-72—George M. Stites (New), C.P. for a new two-way station to be located at 1 mile east of Sparta, N.J., to operate on 152.060 MHz.

128-C2-AP-72—Radio Marshall, Inc. Consent to assignment of C.P. from Radio Marshall, Inc., Assignor, to Road Runner Radio Paging Service, Inc., Assignee. Station KRH650, Marshall, Tex.

130-C2-P-(3)72—General Communications Service, Inc. (KOA611). C.P. for additional facilities to operate on 454.050, 454.150, and 454.225 MHz at location No. 1: Tumanoc Hill, 0.5 mile west of Tucson, Ariz.

3041-C2-R-72—Southern Bell Telephone & Telegraph Co. (KIN644), Renewal of (developmental) license expiring Aug. 1, 1971. Term: Aug. 1, 1971 to Aug. 1, 1972.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—Continued

Correction

7530-C2-P-(2)71—Telanswer Radiophone Service (New), Correct to include control facilities to operate on 454.20 MHz at location No. 2: 477 West 17th Street, Idaho Falls, ID.

See Public Notice dated July 7, 1971, Report No. 551.

7228-C2-P-71—General Telephone Co. of the Southwest (KQZ725), Correct the call sign to read: KQZ724. See Public Notice dated June 28, 1971, Report No. 550.

Informative: It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

Massachusetts

Peabody Telephone Answering Service, KCC786, 4468-C2-P-71.
F & L Telephone Secretarial Service, KCC480, 5980-C2-P-71.

Correction

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

Frequency 152.24 MHz (4) Applications

Maryland

American Radio-Telephone Service, Inc. (New), 6179-C2-P-68.
American Radio-Telephone Service, Inc. (New), 254-C2-P-69.
Radio Communications, Inc. (New), 3046-C2-P-69.

District of Columbia

American Radio-Telephone Service, Inc. (New), 6175-C2-P-68.
Harry L. Brock and Francis I. Lambert, doing business as Advanced Communications Co. (New), 3057-C2-P-69.

Virginia

Harry L. Brock and Francis I. Lambert, doing business as Advanced Communications Co. (New), 3057-C2-P-69.

See Public Notice dated June 28, 1971, Report No. 550.

RURAL RADIO SERVICE

45-C1-P-72—Nevada Telephone-Telegraph Co. (New), C.P. for a new rural subscriber station to be located at Twin Springs Ranch, approximately 10.8 miles east of Warm Springs, Nev., to operate on 157.89 MHz communicating with Station KQZ763, Mount Brock, Nev.

46-C1-ML-72—South Central Bell Telephone Co. (WGI39), Modification of license to change frequency to 157.80 MHz. Subscriber and location: A. C. Swine, Producers, Greer Road, Calhoun, La.

131-C1-P/L-72—Mountain States Telephone & Telegraph Co. (New), C.P. and license for a new rural subscriber station to be located at 10.6 miles west of Hanna, Wyo., to operate on 158.07 MHz.

77-C1-AL-72—Radio Telecommunications. Consent to assignment of license from Hickory House, Inc., doing business as Radio Telecommunications, Assignor, to West Indies Communications, Inc., Assignee. Station WWY45, Temp-Fixed.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)

5310-C1-ML-71—The Pacific Telephone & Telegraph Co. (KMA38), Modification of license to add 3930 and 4070 MHz directed toward Padua Hills, Calif. Station location: 434 South Grand Avenue, Los Angeles, CA.

5311-C1-ML-71—The Pacific Telephone & Telegraph Co. (KMW74), Modification of license to add 3890 and 4030 MHz toward Los Angeles and Strawberry Peak, Calif. Station location: Padua Hills, 3 miles north of Claremont, Calif.

5312-C1-ML-71—The Pacific Telephone & Telegraph Co. (KMQ33), Modification of license to add 3930 and 4070 MHz toward Padua Hills, Calif. Station location: Strawberry Peak, 9 miles north of San Bernardino, Calif.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—Continued

(INFORMATIVE: These facilities formerly authorized to American Telephone & Telegraph Co. Stations KMJ86, KMJ87, and KMJ88.)

47-C1-P-72—The Chesapeake & Potomac Telephone Co. of West Virginia (KXR63), C.P. to add 6004.5 and 6123.1 MHz toward Barker's Ridge, W. Va. Station location: 200 Woodlawn Avenue, Beckley, W. Va.

48-C1-P-72—The Chesapeake & Potomac Telephone Co. of West Virginia (New), C.P. for a new station to be located at Barker's Ridge, junction of Mercer, Wyo., and Raleigh Counties, W. Va. Frequencies 6034.2, 6152.8, 6256.5, and 6375.2 MHz.

49-C1-P-72—New England Telephone & Telegraph Co. (KVH51), C.P. to add 6256.5 MHz toward Chester N.H. Station location: Murray Street, Medford, Mass.

50-C1-P-72—New England Telephone & Telegraph Co. (WBP66), C.P. to add 6004.5 MHz toward Medford, Mass.; add 6004.5, 6034.2, and 6152.8 MHz toward Manchester, N.H., and add 6004.5 and 6034.2 MHz toward Sanford, Maine. Station location: 2.6 miles southeast of Chester, N.H.

51-C1-P-72—New England Telephone & Telegraph Co. (KCL85), C.P. to add 6256.5, 6286.2, and 6404.8 MHz toward Chester, N.H. Station location: 25 Concord Street, Manchester, N.H.

52-C1-P-72—New England Telephone & Telegraph Co. (KCL87), C.P. to add 6256.5 and 6286.2 MHz toward Chester, N.H., and Portland, Maine. Station location: Mount Hope, 2 miles southwest of Sanford, Maine.

53-C1-P-72—New England Telephone & Telegraph Co. (KCK87), C.P. to add 6004.5 and 6034.2 MHz directed toward Sanford, Maine. Station location: 45 Forest Avenue, Portland, Maine.

66-C1-P-72—The Chesapeake & Potomac Telephone Co. of West Virginia (KXR58), C.P. to change coordinates to latitude 38°21'02" N., longitude 81°37'58" W. and change azimuth to 121°57' at its station located 816 Lee Street, Charleston, W. Va.

78-C1-P-72—The Western Union Telegraph Co. (KSG95), C.P. replace transmitters and increase output power on frequencies 3830 and 4150 MHz operating toward Crete, Ill. Station location: Board of Trade Building, Chicago, Ill.

79-C1-P-72—The Western Union Telegraph Co. (KSG94), C.P. replace transmitters and increase output power on frequencies 3710 and 4030 MHz toward Chicago, and 3870 and 4190 MHz toward Enos. Station location: 2 miles southwest of Crete, Ill.

80-C1-P-72—The Western Union Telegraph Co. (KSG93), C.P. replace transmitters and increase output power on frequencies 3750 and 4070 MHz toward Crete, and 3830 and 4150 MHz toward Goodland. Station location: 3.5 miles northwest of Enos, Ind.

81-C1-P-72—The Western Union Telegraph Co. (KSG92), C.P. replace transmitters and increase power output on frequencies 3710 and 4030 MHz toward Enos and 3870 and 4190 MHz toward Otterbein. Station location: 3 miles southeast of Goodland, Ind.

82-C1-P-72—The Western Union Telegraph Co. (KSG91), C.P. replace transmitters and increase output power on frequencies 3750 and 4070 MHz toward Goodland and 3830 and 4150 MHz toward Clarks Hill. Station location: 2.5 miles northeast of Otterbein, Ind.

83-C1-P-72—The Western Union Telegraph Co. (KSG90), C.P. replace transmitters and increase output power on frequencies 3710 and 4030 MHz toward Otterbein and 3870 and 4190 MHz toward Lebanon, Ind. Station location: 4 miles east of Clarks Hill, Ind.

84-C1-P-72—The Western Union Telegraph Co. (KSG89), C.P. replace transmitters and increase output power on frequencies 3750 and 4070 MHz toward Clarks Hill and 3830 and 4150 MHz toward Noblesville. Station location: 4.75 miles southeast of Lebanon, Ind.

85-C1-P-72—The Western Union Telegraph Co. (KSG80), C.P. replace transmitters and increase output power on frequencies 3710 and 4030 MHz toward Lebanon and 3870 and 4190 MHz toward Wilkinson. Station location: 3 miles southeast of Noblesville, Ind.

86-C1-P-72—The Western Union Telegraph Co. (KSG79), C.P. to replace transmitters and increase output power on frequencies 3750 and 4070 MHz toward Noblesville and 3830 and 4150 MHz toward Glenwood, Ind. Station location: 1.5 miles south of Wilkinson, Ind.

87-C1-P-72—The Western Union Telegraph Co. (KSG78), C.P. to replace transmitter and increase output power on frequencies 3710 and 4030 MHz toward Wilkinson and 3870 and 4190 MHz toward South Gate, Ind. Station location: 0.8 mile south of Glenwood, Ind.

88-C1-P-72—The Western Union Telegraph Co. (KSG77), C.P. to replace transmitter and increase output power on frequencies 3750 and 4070 MHz toward Glenwood and 3830 and 4150 MHz toward Cincinnati. Station location: In the town of South Gate, Ind.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—Continued

89–C1–P–72—The Western Union Telegraph Co. (KQG35), C.P. to replace transmitter and increase output power on frequencies 3710 and 4030 MHz toward South Gate and 3870 and 4190 MHz toward Morrow. Station location: Carew Tower, Cincinnati, Ohio.

90–C1–P–72—The Western Union Telegraph Co. (KQG34), C.P. to replace transmitter and increase output power on frequencies 3750 and 4070 MHz toward Cincinnati and 3830 and 4150 MHz toward Xenia, Ohio. Station location: 3.75 miles north of Morrow, Ohio.

91–C1–P–72—The Western Union Telegraph Co. (KQG33), C.P. to replace transmitter and increase output power on frequencies 3710 and 4030 MHz toward Morrow and 3870 and 4190 MHz toward South Vienna. Station location: 3 miles northeast of Xenia, Ohio.

92–C1–P–72—The Western Union Telegraph Co. (KQG32), C.P. to replace transmitter and increase output power on frequencies 3750 and 4070 MHz toward Xenia and 3830 and 4150 MHz toward Columbus. Station location: 1 mile north of South Vienna, Ohio.

93–C1–P–72—The Western Union Telegraph Co. (KQG31), C.P. to replace transmitter and increase output power on frequencies 3710 and 4030 MHz toward South Vienna and 3870 and 4190 MHz toward Croton. Station location: Le Veque Lincoln Building, Columbus, Ohio.

94–C1–P–72—The Western Union Telegraph Co. (KQG30), C.P. to replace transmitter and increase output power on frequencies 3750 and 4070 MHz toward Columbus and 3830 and 4150 MHz toward New Castle. Station location: 2.5 miles northeast of Croton, Ohio.

95–C1–P–72—The Western Union Telegraph Co. (KQG29), C.P. to replace transmitters and increase output power on frequencies 3710 and 4030 MHz toward Croton and 3870 and 4190 MHz toward Peoli Station location: 1 mile northeast of New Castle, Ohio.

96–C1–P–72—The Western Union Telegraph Co. (KQG28), C.P. to replace transmitters and increase output power on frequencies 3750 and 4070 MHz toward New Castle and 3830 and 4150 MHz toward Germano, Ohio. Station location: 1.5 miles north of Peoli, Ohio.

97–C1–P–72—The Western Union Telegraph Co. (KQG27), C.P. to replace transmitters and increase output power on frequencies 3710 and 4030 MHz toward Peoli and 3870 and 4190 MHz toward Cross Creek. Station location: 1 mile northwest of Germano, Ohio.

98–C1–P–72—The Western Union Telegraph Co. (KGH87), C.P. to replace transmitters and increase output power on frequencies 3750 and 4070 MHz toward Germano and 3830 and 4150 MHz toward Fort Site. Station location: Three-fourths mile west of Cross Creek, Pa.

99–C1–P–72—The Western Union Telegraph Co. (KGB42), C.P. to replace transmitters and increase output power on frequencies 3710 and 4030 MHz toward Cross Creek and change frequencies 3870 and 4110 MHz toward Pittsburgh to 10,835 and 11,155 MHz. Station location: Fort Site, 2 miles north of Pittsburgh, Pa.

100–C1–P–72—The Western Union Telegraph Co. (KGB43), C.P. to change frequencies 3750 and 3990 MHz to 11,365 and 11,685 MHz toward Fort Site, Pa. Station location: 710 Smithfield Street, Pittsburgh, Pa.

(INFORMATIVE: Applicant proposes to modify existing microwave route connecting Pittsburgh, Pa., Cincinnati, Ohio, and Chicago, Ill.)

121–C1–P–72—Illinois Bell Telephone Co. (KCG71), C.P. to add 11,245 and 11,565 MHz directed toward De Kalb, Ill. Station location: 3.5 miles north-northeast of Lee, Ill.

122–C1–P–72—Illinois Bell Telephone Co. (KSN57), C.P. to add 10,795 and 11,115 MHz toward Lee, Ill. Station location: 1500 South Seventh Street, De Kalb, Ill.

123–C1–P–72—Bell Telephone Co. of Nevada (KPR96), C.P. to replace transmitters and increase bandwidth of emission for frequency 2170.0 MHz operating toward Churchill Butte, Nev. Station location: McClellan Peak, 3 miles west of Silver City, Nev.

124–C1–P–72—Bell Telephone Co. of Nevada (KPR97), C.P. to replace transmitters and increase bandwidth of emission for frequencies 2119.5 MHz toward McClellan Peak and 2126.5 MHz toward Yerington, Nev. Station location: Churchill Butte, near Silver Springs, Nev.

125–C1–ML–72—Bell Telephone Co. of Nevada (KPR98), Modification of license to increase bandwidth of emission for frequency 2177.0 MHz toward Churchill Butte, Nev. Station location: 19 Van Ness Street, Yerington, NV.

Major Amendments

(INFORMATIVE: Applicant CPI Microwave, Inc., is amending 26 applications for new point-to-point microwave facilities for specialized services between Dallas-Fort Worth, Austin, San Antonio, Houston, and Beaumont, all in the State of Texas, to add three frequencies for video transmission and to conform with new engineering standards stemming from the Commission's first report and order in Docket No. 18920, effective July 15, 1971.) All other particulars same as reported in Public Notice dated Apr. 13, 1970.

5881–C1–P–70—CPI Microwave, Inc. (New), Application amended to add frequencies 5989.7H, 6049.0V, and 6093.5H toward Midlothian, Tex., and 11445.0V, 11485.0V, and 11525.0V toward Stations WBAP–TV, WFAA–TV, and KDFW–TV, respectively, at Dallas-Fort Worth. Tex. Station location: Dallas, Tex.

5882–C1–P–70—CPI Microwave, Inc. (New), Application amended to add frequencies 6189.8V, 6241.7H, and 6404.8V toward Midway, Tex. Station location: Midlothian, Tex.

5883–C1–P–70—CPI Microwave, Inc. (New), Application amended to change from periscope antenna to high performance parabolic antenna. Station location: Fort Worth, Tex.

5884–C1–P–70—CPI Microwave, Inc. (New), Application amended to add frequencies 5960.0H, 6004.5V, and 6063.8V toward Axtell, Tex. Station location: Midway, Tex.

5885–C1–P–70—CPI Microwave, Inc. (New), Application amended to add frequencies 6182.0V, 6212.0H, and 6271.4H toward Lott, Tex. Station location: Axtell, Tex.

5886–C1–P–70—CPI Microwave, Inc. (New), Application amended to change direct radiating antenna to high performance parabolic antenna. Station location: Waco, Tex.

5887–C1–P–70—CPI Microwave, Inc. (New), Application amended to add frequencies 6034.1V, 6123.1V, and 6152.7H toward Holland, Tex. Station location: Lott, Tex.

5889–C1–P–70—CPI Microwave, Inc. (New), Application amended to change direct radiating antenna to high performance parabolic antenna. Station location: Temple, Tex., application was listed incorrectly as 5888–C1–P–70 on original public notice.

5888–C1–P–70—CPI Microwave, Inc. (New), Application amended to add frequencies 6182.0H, 6271.4V, and 6360.3V toward Cele, Tex. Station location: Holland, Tex., application was listed incorrectly as 5889–C1–P–70 on original public notice.

5890–C1–P–70—CPI Microwave, Inc. (New), Application amended to add frequencies 5989.7H, 6019.3V, and 6049.0H toward Bastrop, Tex. Station location: Cele, Tex.

5891–C1–P–70—CPI Microwave, Inc. (New), Application amended to add frequencies 6212.0H, 6301.0V, and 6360.3H toward Buda, Tex., and 6212.0V, 6271.4V, and 6330.7V toward Giddings, Tex. Station location: Bastrop, Tex.

5892–C1–P–70—CPI Microwave, Inc. (New), Application amended to add frequencies 5960.0V, 6019.3V, and 6108.3V toward Geronimo, Tex., and 11445.0V and 11485.0V toward Stations KHFI–TV and KTBC–TV, respectively, at Austin, Tex. Station location: Buda, Tex.

5893–C1–P–70—CPI Microwave, Inc. (New), Application amended to change direct radiating antenna to high performance parabolic antenna. Station location: Austin, Tex.

5894–C1–P–70—CPI Microwave, Inc. (New). Application amended to add frequencies 6271.4V, 6330.7V, and 6390.0V toward Bracken, Tex. Change polarization of frequency 6182.0 (to vertical) toward Buda, Tex. Station location: Geronimo, Tex.

5895–C1–P–70—CPI Microwave, Inc. (New), Application amended to add frequencies 5989.7V, 6019.3H, and 6078.6V toward San Antonio, Tex. Station location: Bracken, Tex.

5896–C1–P–70—CPI Microwave, Inc. (New), Application amended to add frequencies 11445.0V, 11485.0V, and 11525.0V toward Stations KSAT–TV, WOAI–TV and KENS–TV, respectively, at San Antonio, Tex. Station location: San Antonio, Tex.

5897–C1–P–70—CPI Microwave, Inc. (New), Application amended to add frequencies 5960.0V, 6049 H, and 6108.3H toward Welcome, Tex. Station location: Giddings, Tex.

5898–C1–P–70—CPI Microwave, Inc. (New), Application amended to add frequencies 6212.0H, 6271.4H, and 6330.7H toward Hempstead, Tex. Station location: Welcome, Tex.

5899–C1–P–70—CPI Microwave, Inc. (New), Application amended to add frequencies 5945.2V, 6123.1V, and 6152.7H toward Rose Hill, Tex. Station location: Hempstead, Tex.

5900–C1–P–70—CPI Microwave, Inc. (New), Application amended to add frequencies 6197.2V, 6256.5V, and 6404.8V toward Spring, Tex. Station location: Rose Hill, Tex.

5901–C1–P–70—CPI Microwave, Inc. (New), Application amended to add frequencies 5960.0V, 5989.7H, and 6137.9H toward Crosby, Tex. Station location: Spring, Tex.

5902–C1–P–70—CPI Microwave, Inc. (New), Application amended to add frequencies 6241.7V, 6271.4H, and 6330.7H toward Ames, Tex., and 11445.0V, 11485.0V, and 11525.0V toward Stations KHOU–TV, KPRC–TV, and KTRK–TV, respectively, at Houston, Tex. Station location: Crosby, Tex.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—Continued

5903–C1–P–70—CPI Microwave, Inc. (New), Application amended to change direct radiating antenna to high performance parabolic antenna. Station location: Houston, Tex.

5904–C1–P–70—CPI Microwave, Inc. (New), Application amended to add frequencies 5960.0H, 6108.3V, and 6137.9H toward Sour Lake, Tex. Station location: Ames, Tex.

5905–C1–P–70—CPI Microwave, Inc. (New), Application amended to add frequencies 6182.0V, 6212.0H, and 6301.0V toward Beaumont, Tex. Station location: Sour Lake, Tex.

5906–C1–P–70—CPI Microwave, Inc. (New), Application amended to add frequencies 11445.0V, 11485.0V, and 11525.0V toward Stations KFDM–TV, KJAC–TV, and KBMT, respectively, at Beaumont-Port Arthur, Tex. Station location: Beaumont, Tex.

(INFORMATIVE: The following are amendments filed by Telephone Utilities Services Corp. to certain of its 36 applications for construction permits for point-to-point microwave stations to provide for transmission of data and other specialized communications between Dallas, Fort Worth, Waco, Austin, San Antonio, Corpus Christi, Houston, and Beaumont, Tex., as listed in Public Notice of June 29, 1970.)

8396–C1–P–70—Telephone Utilities Services Corp. (New), Site 1: South Oakcliff Bank Building, Dallas, Tex., latitude 32°45'02" N., longitude 96°49'04" W. Amended to change the frequency to 11305.0 MHz.

8397–C1–P–70—Telephone Utilities Services Corp. (New), Site 1A: 0.3 mile west of Dallas city limits, 0.3 mile south of Ledbetter Drive, Whispering Cedars, Tex., latitude 32°41'16" N., longitude 96°55'09" W. Amended to change the frequency on azimuth 54°18' to 10935.0 MHz.

8403–C1–P–70—Telephone Utilities Services Corp. (New), Site 7: Waco City Limits, Waco, Tex., latitude 31°30'41" N., longitude 97°13'28" W. Amended to change the frequency to 6177.5 MHz.

8430–C1–P–70—Telephone Utilities Services Corp. (New), Site 34: 1.2 miles north 213° E., Nome, Tex., latitude 30°01'11" N., longitude 94°26'03" W. Amended to change the frequency on the azimuth 85°32' to 6271.4 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

54–C1–AL–(10)–72—Northco Microwave, Inc., Consent to assignment from Northco Microwave, Inc., Assignor, to Eastern Microwave, Inc., Assignee.

Stations

(WBO48)—Mount Pritchard, near Burlington, Vt.
(KCK70)—Mount Greylock (No. 1), Mass.
(KCK71)—Beech Hill, near Marlboro, N.H.
(KCL72)—Mount Greylock (No. 2), Mass.
(KCL96)—Hill 2135 near Rutland, Vt.
(KEL83)—Tonche Mountain, N.Y.
(KEM42)—Gore Mountain, N.Y.
(KEM43)—Mount Morris, near Tupper Lake, N.Y.
(KEM44)—Mount Pisgah, near Saranac Lake, N.Y.
(KPP49)—Mount Belknap, Laconia, N.H.

Major Amendments

579–C1–P–67—Sierra Microwave, Inc. (New), Application amended (a) to change polarization of proposed frequencies to vertical; and (b) to change transmitter emission to 30000F9. Station location: Montara Peak, 8 miles west of San Mateo, Calif.

580–C1–P–67—Sierra Microwave, Inc. (New), Application amended (a) to change station location to latitude 38°24'55" N., longitude 122°06'36" W.; (b) to change point of communication from Newtown to Hochkiss Hill, Calif. (latitude 38°54'48" N., longitude 120°48'47" W.), on azimuth 63°30'; and (c) to change frequencies toward Hotchkiss Hill to 6226.9, 6286.2, 6345.5 and 6404.8 MHz. Station location: Mount Vaca, 8 miles northwest of Vacaville, Calif.

581–C1–P–67—Sierra Microwave, Inc. (New), Application amended (a) to change station location to latitude 38°54'48" N., longitude 120°48'47" W.; (b) to change point of communication from Freel Peak to Ward Peak, Calif. (latitude 39°08'52" N., longitude 120°14'42" W.), on azimuth 61°53'; (c) to change frequencies toward Ward Peak to 5974.8, 6034.2, 6093.5 and 6152.8 MHz; and (d) to change antenna system. Station location: Hotchkiss Hill, 1.5 miles east-northeast of Georgetown, Calif.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NON-TELEPHONE CARRIERS)—Continued

583–C1–P–67—Sierra Microwave, Inc. (New), Application amended (a) to change station location to latitude 39°08'52" N., longitude 120°14'42" W.; and (b) to change frequencies to 6226.9, 6286.2, 6345.5, and 6404.8 MHz toward Slide Mountain, Nev., on azimuth 59°30'. Station location: Ward Peak, 5.9 miles southwest of Tahoe City, Calif.

584–C1–P–67—Sierra Microwave, Inc. (KPY35), Application amended (a) to change frequencies to 10,715, 10,875, 10,995, and 11,115 MHz toward Reno, Nev., on azimuth 16°37'; and (b) to change transmitter emission to 30000F9. Station location: Slide Mountain, 3.5 miles west of Washoe City, Nev.

2441–2445–C1–P–71—Cablecom-General, Inc. (New), Applications amended to provide the television signals of Stations KWEX–TV and KLRN–TV of San Antonio and San Antonio-Austin, Tex., respectively, to See-Mor Television, Inc., a CATV system serving Beeville, Tex.

621–C1–P–71—Microwave Service Co. (WAD21), Change frequency from 6197.2 MHz to 6212.0 MHz toward Olive Branch, Miss. Station location: Memphis, Tenn. at latitude 35°08'07" N., longitude 89°59'45" W.

622–C1–P–71—Microwave Service Co. (WAD22), Change frequency from 5974.8 MHz to 5989.7 MHz toward Ashland, Miss. Station location: Olive Branch, Miss. at latitude 34°58'05" N., longitude 89°41'22" W.

623–C1–P–71—Microwave Service Co. (KUV90), Change frequencies 6197.2, 6226.9, 6286.2, 6345.5, and 6404.8 MHz to 6182.4, 6212.0, 6241.7, 6301.0, and 6360.3 MHz toward Keownville, Miss. Station location: Ashland, Miss. at latitude 34°51'28" N., longitude 89°14'20" W.

624–C1–P–71—Microwave Service Co. (KLN74), Change frequencies 5945.2, 5974.8, 6004.5, 6063.8, and 6123.1 MHz to 5960.0, 5989.7, 6019.3, 6078.6, and 6137.9 MHz toward Tupelo, Miss. Station location: Keownville, Miss., at latitude 34°35'39" N., longitude 88°54'06" W.

625–C1–P–71—Microwave Service Co. (KLH80), Change frequencies 6226.9, 6286.2, and 6404.8 MHz to 6241.7, 6301.0, and 6360.3 MHz toward Baldwyn, Okolona, and Fulton, Miss., and frequency 6345.5 MHz to 6182.4 MHz toward Fulton, Miss. Station location: Tupelo, Miss., at latitude 34°19'24" N., longitude 88°42'39" W.

626–C1–P–71—Microwave Service Co. (KLV62), Change frequencies 5974.8, 6093.5, and 6152.8 MHz to 5989.7, 6108.3, and 6167.6 MHz toward Amory, Aberdeen, and West Point, Miss. Station location: Okolona, Miss., at latitude 33°59'50" N., longitude 88°46'20" W.

627–C1–P–71—Microwave Service Co. (KUV91), Change frequencies 6226.9, 6286.2, and 6345.5 MHz to 6241.7, 6301.0, and 6360.3 MHz toward Starkville and Houston, Miss., and add frequency 6301.0 MHz toward Columbus, Miss., via power split. Station location: West Point, Miss., at latitude 33°36'44.5" N., longitude 88°39'42.6" W.

(INFORMATIVE: Other particulars are the same as reported on Public Notices dated Aug. 10, 1970 and Jan. 4, 1971, Reports Nos. 504 and 525A, respectively.)

5774–C1–P–71—Mid-Kansas, Inc. (KBC61), Add frequency 6197.2V MHz on azimuth 145°40'. Location: 2 miles northwest of Abilene, Kans., at latitude 38°57'32" N., longitude 97°12'18" W.

(INFORMATIVE: Applicant proposes to provide the television signal of KMBC–TV, of Kansas City, Mo., to Herington CATV, Inc., in Herington, Kans.)

4287–C1–P–70—Western Tele-Communications, Inc. (New), Change geographical coordinates to latitude 46°15'49" N., longitude 122°50'55" W. Location: Silver Lake, 3 miles east-southeast of Castle Rock, Wash.

4288–C1–P–70—Western Tele-Communications, Inc. (New), Change geographical coordinates to latitude 46°58'30" N., longitude 123°08'17" W. Location: Capitol Peak, 11.5 miles west-southwest of Olympia, Wash. Applications Files Nos. 4265 through 4290–C1–P–70 have also been amended to delete certain frequencies and to use space diversity rather than frequency diversity. All other particulars same as reported in Public Notice dated Feb. 16, 1970.

The following applicants propose to establish omnidirectional facilities for the provision of common carrier "Subscriber-Programed" television service.

69–C1–P–72—World Ventures, Inc. (New), C.P. for a new station to be located at Penobscot Building, 637 Griswald, Detroit, MI. Frequencies: 2152.325 MHz (Visual) 2150.20 MHz (Aural) and 2158.50 MHz (Visual) 2154.00 MHz (Aural) to various points of the system.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—continued

71-C1-P-72—Microwave Transmission Corp. (New), C.P. for a new section to be located at 5900 Wilshire Boulevard, Los Angeles, CA. Frequencies: 2152.325 MHz (Visual) 2150.20 MHz (Aural) and 2158.50 MHz (Visual) 2154.00 MHz (Aural) to various points of the system.

72-C1-P-72—Microwave Transmission Corp. (New), C.P. for a new station to be located at Bank of America Building, California and Montgomery Streets, San Francisco, CA.

73-C1-P-72—World Ventures, Inc. (New), C.P. for a new station to be located at Freedom Tower Building, 600 Biscayne Boulevard, Miami, FL. Frequencies: 2152.325 MHz (Visual) 2150.20 MHz (Aural) and 2158.50 MHz (Visual) 2154.00 MHz (Aural) to various points of the system.

[FR Doc.71-10556 Filed 7-26-71;8:45 am]

FEDERAL MARITIME COMMISSION

AMERICAN PRESIDENT LINES, LTD., AND P. T. SAMUDERA INDONESIA

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. D. J. Morris, Manager, Rates and Conferences, American President Lines, Ltd., 601 California Street, San Francisco, CA 94108.

Agreement No. 9961 between American President Lines, Ltd., and P. T. Samudera Indonesia establishes a through billing arrangement for the movement of general cargo between ports in the United States and ports in Malaysia and Indonesia with transshipment at Singapore or other mutually acceptable ports in accordance with the terms set forth in the Agreement. In addition to the usual terms contained in such arrangements, Agreement No. 9961 provides in Article 6 for a coordination of sailings to the extent mutually agreeable and in Article 7 for utilization of a minimum amount of cargo space by American President Lines on P. T. Samudera Indonesia's vessels which is to be mutually agreed upon at least sixty (60) days prior to the commencement of a voyage.

Dated: July 22, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-10645 Filed 7-26-71;8:49 am]

AMERICAN WEST AFRICAN FREIGHT CONFERENCE

Notice of Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015 or at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, DC 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system 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 petition, (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of application to modify an approved dual rate contract filed by:

John K. Cunningham, Chairman, American West African Freight Conference, 67 Broad Street, New York, N.Y. 10004.

There has been filed on behalf of the American West African Freight Conference (Agreement No. 7680, as amended) an application to modify its approved merchant's contract in the Westbound trade. The proposed contract modification adds the phrase "currency devaluation by governmental action" to those conditions beyond the control of the conference as outlined in Article 13(a) of the contract pursuant to which a carrier and/or carriers of the conference may suspend the effectiveness of the contract with respect to any operations affected with notice thereof to merchants signatories. Under existing Article 13(b), currency devaluation will be one of the conditions beyond the control of the carriers under which they may increase rates on not less than 15 days' written notice to the contractors who retain the right to notify the carriers in writing of their intent to suspend the contract insofar as such increase is concerned.

Dated: July 21, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-10646 Filed 7-26-71;8:49 am]

[Independent Ocean Freight Forwarder License 1164]

LUIS A. AYALA PARSI

Order of Revocation

JULY 21, 1971.

By letter dated June 10, 1971, Luis A. Ayala Parsi, 65 Comercio Street, Post Office Box 3476, Ponce PR 00731, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1164 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before July 8, 1971.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Luise A. Ayala Parsi has failed to furnish a surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(g) (dated Sept. 29, 1970):

It is ordered, That the Independent Ocean Freight Forwarder License of Luis A. Ayala Parsi be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of Luis A. Ayala Parsi be and is hereby revoked effective July 8, 1971.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Luis A. Ayala Parsi.

AARON W. REESE,
Managing Director.

[FR Doc.71-10647 Filed 7-26-71;8:49 am]

FEDERAL POWER COMMISSION

[Docket No. CI67-624]

MESA PETROLEUM CO.

Notice of Application for Amendment

JULY 19, 1971.

Take notice that on February 10, 1971, Mesa Petroleum Co. (Mesa), Post Office Box 2009, Amarillo, TX 79105, as the successor in interest to Hugoton Production Co., filed in Docket No. CI67-624 an application to amend the Commission's order accompanying Opinion No. 556[1] which had denied the abandonment application filed by Mesa's predecessor, Hugoton Production Co., and had, instead, issued a certificate of public convenience and necessity to the predecessor requiring it to sell to Panhandle Eastern Pipe Line Co. (Panhandle) that portion of its gas produced from acreage in the Kansas Hugoton Field which is in excess of the contractual volumes it is obligated to deliver to its principal customer, The Kansas Power and Light Co. (KPL). The application for amendment is on file with the Commission and available for public inspection.

Mesa states that in April 1969 at the time the Commission's opinion and order were issued it did not have much excess gas to sell to Panhandle. Subsequently, however, Mesa commenced an extensive drilling program which has resulted in the development of substantial additional reserves and assigned State allowables. Mesa alleges that it has dedicated to KPL all of the reserves which it now controls in the Kansas Hugoton Field except for the seven sections in T. 31 S., R. 37 W. and 38 W., in Stevens County, Kans., which have been dedicated to Panhandle under the contract with Panhandle dated November 24, 1970, which Mesa has submitted in support of its application to amend the order accompanying Opinion No. 556.

Mesa avers that if the above-mentioned reserve dedication should be insufficient to supply Panhandle with a minimum of 12,000 Mcf daily, it has agreed under its contract with Panhandle to add sequential dedications of acreage for the purpose of maintaining a daily deliverability level of at least 12,000 Mcf throughout the 20-year term of its contract. Mesa alleges that Panhandle would rather have a firm dedication of specific volumes of gas than to receive gas from Mesa based on the interruptible contract under which it had previously purchased gas from Mesa's predecessor.

The contract provides for an initial rate of 13 cents per Mcf, including gathering charge, subject to an increase to 14.5 cents on July 1, 1971, including a 2-cent gathering charge. The price increases on July 1, 1972, to 13.5 cents per Mcf plus a 2.5-cent gathering charge. Thereafter the price of the gas escalates one cent each 5 years with no increase in the gathering charge.

Any person desiring to be heard or to make any protest with reference to the above-described application to amend should on or before August 5, 1971, file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, a petition to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-10608 Filed 7-26-71;8:46 am]

[1] Issued April 17, 1969, in Hugoton Production Co., 41 FPC 490, affirmed in part and remanded in part sub nom., Mesa Petroleum Co. v. F.P.C., 441 F.2d 182 (5th Cir. 1971).

[Dockets Nos. CP70-243, CI70-917]

PANHANDLE EASTERN PIPE LINE CO., AND PHILLIPS PETROLEUM CO.

Order Consolidating Proceedings, Granting Interventions, Setting Hearing Date and Prescribing Procedure

JULY 20, 1971.

On January 8, 1971, Panhandle Eastern Pipe Line Co. (Panhandle Eastern) filed an application, pursuant to section 7(c) of the Natural Gas Act, in Docket No. CP70-243 to amend the order issued in that docket to authorize Panhandle Eastern to construct and operate additional gathering lines and field compressor units in the Powder River Basin, Converse and Campbell Counties, Wyo., to accommodate increased volumes of residue gas dedicated by Phillips Petroleum Co. (Phillips) to Panhandle Eastern by contract amendment dated December 16, 1970. Basically, the proposal calls for the installation of approximately 72.6 miles of varying diameter pipeline and 38, 580-horsepower field compressor units, at a total estimated cost of $6,713,000. The project is more fully described in the petition to amend which is on file with the Commission, and open to public inspection and the notice of petition to amend issued January 19, 1971, and published in the FEDERAL REGISTER on January 23, 1971 (36 F.R. 1171), which set February 8, 1971 as the date by which petitions to intervene were to be filed.

On February 1, 1971, Phillips filed an application in Docket No. CI70-917, pursuant to section 7(c) of the Natural Gas Act, to amend the certificate issued in that docket to authorize Phillips to include additional acreage and increase the contract quantity for its sale of residue gas to Panhandle from the Powder River Basin, Converse and Campbell Counties, Wyo., in accordance with contract amendment dated December 16, 1970.

On February 8, 1971, the due date for interventions, McCulloch Interstate Gas Corp. (McCulloch) filed a petition to intervene in Docket No. CP70-243. McCulloch agreed that reserves of residue gas have increased since the initial certificate was issued in that docket, but stated that this increase is insufficient to economically support the proposed expansion.

Because the application of Panhandle Eastern in Docket No. CP70-243 and the application of Phillips in Docket No. CI70-917 are interdependent they should be consolidated and heard together.

McCulloch's petition to intervene in Docket No. CP70-243 should be granted because these interdependent proceedings are being consolidated and because McCulloch, as owner and operator of a natural gas transmission pipeline in the Powder River Basin Area, has a direct interest in the Panhandle Eastern proceeding which is not adequately represented by existing parties to that proceeding.

The Commission finds:

(1) The proceedings in Dockets Nos. CP70-243 and CI70-917 are interdependent and should therefore be consolidated.

(2) It is desirable in the public interest to allow McCulloch Interstate Gas Corp. to intervene in these consolidated proceedings in order that it may establish the facts and the law from which the nature and validity of its alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(3) The expeditious disposition of these consolidated proceedings will be furthered by the submission of prepared testimony and exhibits of Panhandle Eastern Pipe Line Co. and Phillips Petroleum Co. on or before July 30, 1971.

(4) The expeditious disposition of these consolidated proceedings will be further effectuated by holding a hearing on August 16, 1971.

The Commission orders:

(A) The applications of Panhandle Eastern Pipe Line Co. in Docket No. CP 70-243 and Phillips Petroleum Co. in Docket No. CI70-917 are hereby consolidated.

(B) McCulloch Interstate Gas Corporation is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That its participation shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in these proceedings.

(C) Panhandle Eastern Pipe Line Co. and Phillips Petroleum Co. shall file with the Commission and serve on all parties

to the proceeding, including the staff of the Commission, all direct testimony and exhibits in support of their respective applications on or before July 30, 1971.

(D) A public hearing on the issues presented in the applications will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC, commencing at 10 a.m., e.d.s.t., on August 16, 1971.

By the Commission

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

[FR Doc.71-10609 Filed 7-26-71;8:46 am]

[Docket No. CI71-765]

SAMEDAN OIL CORP.

Order Setting Date for Formal Hearing, Prescribing Procedures and Permitting Interventions

JULY 20, 1971.

On April 16, 1971, Samedan Oil Corp. (Samedan) filed an application for permission to discontinue the sale of casinghead gas from leases in Crane County, Tex., to Warren Petroleum Corp. (Warren). Notice of the application was issued on May 19, 1971, and published in the FEDERAL REGISTER on May 28, 1971, (36 F.R. 9801).

Deliveries are being made under a 10-year percentage type contract dated October 1, 1956, which was terminated effective January 1, 1971, by Samedan with notice to Warren. The gas sold by Samedan is processed in Warren's Waddell Plant, from which the residue gas is sold by Warren to El Paso Natural Gas Co. (El Paso) under Warren Petroleum Corp. FPC Gas Rate Schedule No. 43 at a rate of 19.1574 cents per Mcf subject to refund in Docket No. RI70-834.

Samedan states that its reason for abandonment is to terminate its sale to Warren at an average price of 8.61 cents per Mcf and to obtain a contract at a sale price more nearly equal to present prices of casinghead gas. Samedan contends that the withdrawal of its casinghead gas from the Waddell Plant would not materially affect the supply of gas available to the interstate market. Samedan further contends that neither El Paso requires the residue from processing Samedan's gas, nor does Warren require it for the operation of the Waddell Plant.

On May 12, 1971, El Paso filed its petition for leave to intervene and requested a formal hearing. El Paso opposes Samedan's application for abandonment on the ground that any reduction in the quantity of gas available to El Paso at the Waddell Plant will result in a reduction in El Paso's supply for service to its customers in California and others. El Paso contends that Samedan's application does not show that its supply of natural gas is depleted to the extent that continuance of service is unwarranted, or that the present or future public convenience or necessity permits abandonment of Samedan's sale to Warren.

On May 17, 1971, Warren filed its petition for leave to intervene and requested a formal hearing. Warren opposes Samedan's application on the ground that the public convenience and necessity do not permit abandonment by Samedan. Warren contends that approval of the application would permit Samedan to sell its gas into the intrastate market and would encourage other producers to seek abandonment of their sales for the purpose of switching their gas from the interstate to the intrastate market. Warren alleges that a substantial portion of its gas for processing and residue sales is purchased under short-term contracts and that abandonment upon termination of those contracts would adversely affect the continuity of supply for processing plants and for interstate markets served by them.

The Commission finds:

(1) It is desirable and in the public interest to allow the companies which have filed petitions to intervene to become intervenors in this proceeding, in order that they may establish the facts and law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(2) The expeditious disposition of these proceedings will be effectuated by the submission by applicant of its direct testimony and exhibits on or before October 12, 1971.

The Commission orders:

(A) The companies referred to above which have filed petition to intervene in these proceedings are hereby permitted to intervene subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions for leave to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in these proceedings.

(B) The applicant shall serve copies of its filings upon each of the intervenors, unless such service has already been effected pursuant to Part 157 of the Commission's regulations under the Natural Gas Act.

(C) A formal hearing shall be convened in this proceeding entitled Samedan Oil Corp., Docket No. CI71-765, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, on November 2, 1971, at 10 a.m., e.s.t. The Chief Examiner shall designate an appropriate officer of the Commission to preside at this hearing pursuant to the Commission's rules of practice and procedure.

(D) Applicant and any supporting intervenor(s) shall file with the Commission and serve on all other parties and the Commission staff their proposed evidence comprising their case-in-chief, including any prepared testimony and exhibits, on or before October 12, 1971.

By the Commission.

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

[FR Doc.71-10610 Filed 7-26-71;8:46 am]

[Dockets Nos. RP70-5, RP70-16, RP70-38, RP71-4]

SOUTHERN NATURAL GAS CO.

Order Granting Rehearing for Purposes of Further Consideration

JULY 19, 1971.

By order issued May 20, 1971, the Commission issued an order accepting in part and upon condition a proposed settlement of the issues in this proceeding.

Timely petitions for rehearing of that order have been filed by the Atlanta Gas Light Co. and Carolina Pipeline Co.

For the purpose of allowing us an opportunity to give full and adequate consideration to the matters set forth in the foregoing petitions for rehearing, we shall grant the petitions.

The Commission finds: In order to afford further time for the consideration of the issues raised in the petitions for rehearing, it is appropriate and proper in the administration of the Natural Gas Act that rehearing be granted.

The Commission orders: The rehearing sought by Atlanta Gas Light Co. and Carolina Pipeline Co. is granted for the limited purpose of further considering the issues raised in their respective petitions.

By the Commission.

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

[FR Doc.71-10611 Filed 7-26-71;8:46 am]

[Docket No. CP72-6]

TENNESSEE GAS PIPELINE CO.

Notice of Application

JULY 19, 1971.

Take notice that on July 9, 1971, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (applicant), Post Office Box 2511, Houston, TX 77001, filed in Docket No. CP72-6 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline and related facilities offshore Louisiana and the transportation of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to construct and operate approximately 16.5 miles of 16-inch pipeline and related facilities. This line will extend from applicant's existing 26-inch line No. 507K-100

located in the West Cameron Area, offshore Louisiana, to a production platform owned by Continental Oil Co. (Continental) and Cities Service Oil Co. (Cities Service) located in Block 135 of the Block 110 Field in the West Cameron Area. The estimated cost of the facilities proposed herein is $3,355,000, which cost applicant states will be financed by the use of general funds or revolving credit.

Applicant states that it has entered into natural gas purchase contracts with Continental and Cities Service whereby Continental and Cities Service have agreed to sell applicant one-half of the natural gas produced from their respective interests in Block 135. Applicant also states that it has entered into a natural gas transportation agreement with each of the parties wherein it agreed to transport for Continental and Cities Service the remaining one-half of the gas not dedicated to it, to a point onshore adjacent to its 30-inch Sabine-Kinder pipeline approximately 26 miles west of Kinder, La. Applicant states that initially it anticipates purchasing a total of approximately 25,000 Mcf per day and transporting 12,500 Mcf per day for Continental and 12,500 Mcf per day for Cities Service. The transportation service proposed herein will be rendered at the rate of 3.33 cents per Mcf transported by applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 9, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-10612 Filed 7-26-71;8:46 am]

NATIONAL GAS SURVEY TECHNICAL ADVISORY COMMITTEES

Order Designating Additional Members

JULY 20, 1971.

The Federal Power Commission by order issued April 6, 1971 established three Technical Advisory Committees of the National Gas Survey.

1. Membership: Additional members to the Technical Advisory Committees, as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Technical Advisory Committee—Supply:

W. Timothy Dowd, Executive Secretary, Intrestate Oil Compact Commission.
Thomas L. Kimball, Executive Director, National Wildlife Federation.
Jeff Montgomery, President, Kirby Industries, Inc.

Technical Advisory Committee—Transmission:

James MacKenzie, President, Audubon Society of Massachusetts.

Technical Advisory Committee—Distribution:

Robert H. Willis, President, Connecticut Natural Gas Corp.
Fred Smith, Member, Rockefeller Foundation.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.71-10613 Filed 7-26-71;8:46 am]

FEDERAL RESERVE SYSTEM

BANK SHARES INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Bank Shares Inc., Minneapolis, Minn., for approval of acquisition of 80 percent or more of the voting shares of Olmsted County Bank & Trust Co., Rochester, Minn.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Bank Shares Inc., Minneapolis, Minn. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Olmsted County Bank & Trust Co., Rochester, Minn. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Minnesota Commissioner of Banks, and requested his views and recommendation. The Commissioner responded that he had no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on May 29, 1971 (36 F.R. 9894), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant has four subsidiary banks with aggregate deposits of $171.7 million, representing 1.8 percent of the total commercial bank deposits in the State. Applicant is the fifth largest banking organization and the fifth largest bank holding company in Minnesota. (All banking data are as of December 31, 1970, adjusted to reflect holding company acquisitions and formations approved through June 30, 1971.) Consummation of the proposal herein would increase Applicant's share of commercial bank deposits in the State to 2.3 percent, but would effect no change in Applicant's position in relation to other banking organizations.

Bank, with deposits of $37.3 million, is the third largest of eight banks located in the Rochester banking market and holds 22.1 percent of area deposits. The two largest banks in the market, each affiliated with one of the two largest holding companies in the State, have 61.9 percent of market deposits. Applicant's subsidiary closest to Bank is located 90 miles from it and, in light of this fact and other facts of record, notably, the close existing relationship between Applicant and Bank, and the unlikelihood that Applicant would enter Bank's market de novo, it appears that acquisition of Bank by Applicant would not eliminate any significant existing competition nor foreclose future competition between Bank and any of Applicant's present subsidiaries. Indeed, consummation of the proposal herein may serve to enhance competition between Bank and the two larger banks in the market without adverse effects on the five smaller banks within the market. On the basis of the record before it, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are regarded as satisfactory. Based on the record, it

appears that Applicant is in a better position to provide any needed financial and managerial support to the Bank than the current owner of the Bank. The major banking needs of the Rochester area appear to be adequately served at present. Applicant proposes, however, to improve Bank's services by making the expertise of Applicant's lead bank's trust department available to Bank, consolidating the data processing services it now obtains from four separate sources, and providing for Bank internal audits and management counsel relating to investments and credit policies. Thus, considerations related to financial and managerial resources as well as to convenience and needs of the community lend some weight in favor of approval. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

It is hereby ordered, On the basis of the Board's findings summarized above, that said application be and hereby is approved: *Provided,* That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Minneapolis pursuant to delegated authority.

By order of the Board of Governors,[1] July 21, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-10630 Filed 7-26-71;8:47 am]

FIRST COMMERCIAL BANKS INC.

Order Approving Action To Become a Bank Holding Company

In the matter of the application of First Commercial Banks Inc., Albany, N.Y., for approval of action to become a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to National Commercial Bank and Trust Co., Albany, N.Y., and 100 percent of the voting shares of First Trust & Deposit Co., Syracuse, N.Y.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Commercial Banks Inc., Albany, N.Y. [formerly, Heartland, Central N.Y. Corp.], for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to National Commercial Bank and Trust Co., Albany, N.Y. ("National Commercial"), and 100 percent of the voting shares of First Trust & Deposit Co., Syracuse, N.Y. ("First Trust").

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and to the Superintendent of Banks of the State of New York, and requested their views and recommendations. The Comptroller did not object to approval of the application, and the Superintendent recommended approval.

Notice of receipt of the application was published in the FEDERAL REGISTER on June 3, 1971 (36 F.R. 10825), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant is a newly organized corporation. Upon consummation of this proposal, Applicant will control $1 billion in deposits, representing 1.2 percent of total commercial bank deposits in the State, and would become the 14th largest banking organization and seventh largest multibank holding company in New York. (Banking data, unless otherwise noted, are as of December 30, 1970, and reflect holding company acquisitions approved through June 30, 1971.)

National Commercial ($705 million in deposits), has 58 offices and operates throughout the Fourth Banking District of New York. It controls 30 percent (as of June 30, 1970) of the commercial bank deposits in the relevant market, which is approximated by all of Albany, Schenectady, and Rensselaer Counties and the southern portion of Saratoga County. On the basis of deposits, it is the second largest of the 15 banking organizations in that market.

First Trust ($300 million in deposits) operates 34 offices all of which are located in the Sixth Banking District. It controls 30 percent (as of June 30, 1970) of the commercial bank deposits in the relevant market, which is approximated by Oswego and Onondaga Counties and the northern half of Madison County. On the basis of deposits, it is the largest of the eleven banking organizations in that market.

National Commercial and First Trust do not compete with each other to any meaningful extent, and it appears unlikely they would do so in the near future. No office of one is located within 50 miles of any office of the other, and New York law prevents either bank from branching or merging outside its Banking District. It appears that affiliation of the two banks in a holding company system would not have an undue adverse effect on other banks in the relevant markets, and would have the procompetitive advantage of creating an organization with sufficient resources to compete with large banking organizations in upstate New York as well as those based in New York City which are seeking to expand throughout the State. On the basis of the record before it, the Board concludes that consummation of the proposal would not have a significant adverse effect on competition in any relevant market.

The financial condition of each bank appears satisfactory; both are regarded as having competent managements and favorable prospects. It appears that Applicant will begin operations in satisfactory condition and with competent management; its prospects, which are largely dependent upon those of its two proposed subsidiaries, also appear favorable. Affiliation of the two banks should enable each to offer improved and expanded services. It is expected that National Commercial's specialization in financial services for local governments would be extended to Syracuse, and that First Trust would be able to offer more convenient international banking services. It is the Board's judgment that the proposed transaction is in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons summarized above, that said application be and hereby is approved: *Provided,* That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time is extended for good cause by the Board or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[1] July 21, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-10631 Filed 7-26-71;8:47 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Maisel, and Sherrill. Absent and not voting: Governors Mitchell, Daane, and Brimmer.

FEDERAL TRADE COMMISSION

ADVERTISING OF BOOKS

Enforcement Policy

Correction

In F.R. Doc. 71-10323 appearing on page 13414 in the issue of Wednesday, July 21, 1971, the headings of the document should read as set forth above.

[1] Voting for this action: Chairman Burns and Governors Robertson, Maisel, and Sherrill. Absent and not voting: Governors Mitchell, Daane, and Brimmer.

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JULY 19, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents part value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 20, 1971, through July 29, 1971.

By the Commission.

THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-10616 Filed 7-26-71;8:46 am]

[811-2011]

ECOLOGY TECHNOLOGY FUND, INC.

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

JULY 20, 1971.

Notice is hereby given that Ecology Technology Fund, Inc. (Applicant) 850 Penobscot Building, Detroit, MI 48226, an open-end, nondiversified management investment company registered under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized under the laws of the State of Delaware on January 15, 1970, and filed a notification of registration with the Commission pursuant to section 8(a) of the Act on January 23, 1970.

Applicant represents that it has now abandoned any intention of offering its securities and has abandoned its plan to engage in the business of investing and reinvesting in securities. Applicant further represents that no shares of its securities have been issued.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may not later than August 10, 1971 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-10617 Filed 7-26-71;8:47 am]

[70-5058]

GULF POWER CO.

Notice of Filing Regarding Proposed Issue and Sale of Preferred Stock at Competitive Bidding and Proposed Amendments of Charter and Bylaws

JULY 20, 1971.

Notice is hereby given that Gulf Power Co. (Gulf) 75 North Pace Boulevard, Pensacola, FL 32501, an electric-utility subsidiary company of the Southern Co., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Gulf proposes to amend its charter to increase the authorized number of shares of its cumulative preferred stock, par value $100 per share, from 201,026 shares to 251,626 shares and to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 50,600 shares of such preferred stock. The dividend rate (which will be a multiple of 0.04 percent) and the price to be paid to Gulf (which will be not less than $100 nor more than $101.50 per share) will be determined by the competitive bidding. It is further proposed that Gulf's bylaws be amended to allow for and to establish the terms and provisions relating to the preferred stock. The terms of the preferred stock include a prohibition against refunding the preferred stock prior to September 1, 1976, directly or indirectly, with funds derived from the issue of debt securities at a lower effective interest cost or preferred stock at a lower effective dividend cost.

The proceeds from the issue and sale of preferred stock together with funds from internal sources will be used by Gulf to refund $5,060,000 principal amount of its First Mortgage Bonds, 3⅛ percent Series due 1971, which mature on September 1, 1971.

The Florida Public Service Commission has expressly authorized the proposed issue and sale of the preferred stock by Gulf. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the transactions will be supplied by amendment.

Notice is further given that any interested person may, not later than August 13, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-10618 Filed 7-26-71;8:47 am]

[70-5057]

MISSISSIPPI POWER CO.

Notice of Proposed Issue and Sale of Preferred Stock at Competitive Bidding and Proposed Amendments of Charter and Bylaws

JULY 20, 1971.

Notice is hereby given that Mississippi Power Co. (Mississippi), 2992 West Beach Gulfport, MS 39501, an electric-utility subsidiary company of the Southern Co., a registered holding company, has filed a declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Mississippi proposes to amend its charter to increase the authorized number of shares of its cumulative stock, par value $100 per share, from 160,099 shares to 244,139 shares and to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 84,040 shares of such preferred stock. The dividend rate of the preferred stock (which will be a multiple of 0.04 percent) and the price to be paid to Mississippi (which will be not less than $100 nor more than $101.50 per share) will be determined by the competitive bidding. It is further proposed that Mississippi's bylaws be amended to allow for and to establish the terms of and provisions relating to the preferred stock. The terms of the preferred stock include a prohibition against refunding the preferred stock prior to September 1, 1976, directly or indirectly, with funds derived from the issue of debt securities at a lower effective interest cost or preferred stock at a lower effective dividend cost.

The proceeds from the sale of the preferred stock together with funds from internal sources will be used to refund $8,404,000 principal amount of First Mortgage Bonds, 3⅛ percent Series due 1971, which mature on September 1, 1971.

It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be paid in connection with the proposed transactions are to be supplied by amendment.

Notice is further given that any interested person may, not later than August 13, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-10619 Filed 7-26-71;8:47 am]

[812-2901]

NATIONAL LIFE INSURANCE CO. AND NATIONAL LIFE VARIABLE ANNUITY ACCOUNT I

Notice of Application for Exemptions and for Approval of an Offer of Exchange

JULY 20, 1971.

Notice is hereby given that National Life Insurance Co. (NLICO), National Life Drive, Montpelier, VT 05602, a mutual life insurance company organized under the laws of the State of Vermont, and National Life Variable Annuity Account I (Account), a unit investment trust registered under the Investment Company Act of 1940, as amended (Act), (herein collectively called Applicants) have filed an application pursuant to sections 6(c) and 11 of the Act for an order of the Commission permitting a proposed offer of exchange and exempting Applicants from certain provisions of sections 22(d), 26(a)(2), and 27(c)(2) of the Act, as described below. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The Account was established pursuant to the laws of Vermont by NLICO in connection with the proposed sale of individual tax-benefited and non-tax-benefited variable annuity contracts (Contracts) designed to provide retirement annuity benefits. Under Vermont insurance laws the income, gains, and losses of the Account may be credited to or charged against the amounts allocated to it in accordance with the Contracts without regard to the other income, gains, or losses of NLICO, and the assets of the Account are not chargeable with the liabilities arising out of any other account or business NLICO may conduct.

Purchase payments under the Contracts, after authorized deductions, will be allocated to the Account and invested in shares of Sentinel Trustees Fund, Inc. (Trustees Fund), a diversified, open-end management investment company registered under the Act. In addition to Trustees Fund, NLICO has organized Sentinel Growth Fund, Inc., and Sentinel Income Fund, Inc., both of which are diversified, open-end management investment companies registered under the Act. (Hereinafter, the three open-end management investment companies will be collectively called the "Funds".)

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants request an order under section 11 to permit single payment Contracts to be offered in exchange for shares of any of the Funds, on the basis of relative net asset value except for a charge of $75 and a deduction for any applicable state premium taxes. Transfers of amounts of less than $2,000 will not be permitted. Shareholders, other than trustees or custodians under plans meeting the requirements of section 401(a) of the Internal Revenue Code, of 1954 will be permitted to purchase only single payment immediate Contracts.

Applicants state that, with the exception of an "Account Charge" in the amount of $75, the total percentages of deductions for sales and administrative expenses from payments for the Funds and the Account are identical at each payment level. Applicants state that the "Account Charge" of $75, in the case of a single payment Contract, is made (along with deductions from purchase payments for administrative expenses), to cover administrative expenses such as setting up and maintaining Contract accounts: Legal, actuarial, registration and accounting fees; office equipment and supplies; and fees and expenses of audits of the Account and NLICO.

Applicants represent that since the administrative expenses of operating the Account are charged to the individual Owners and Annuitants rather than

against the pool of assets in the Account, it would be unfair to other cash purchasers to allow the shareholders of the Funds to exchange their shares for Contracts solely on the basis of relative net asset values without assessment for their share of administrative expenses. Applicants represent that the $75 charge is estimated only to defray costs and is not expected to exceed the administrative expenses in administering a Contract.

The offer of exchange proposed by the Applicants is to be made by the prospectus of the Account and by an "Exchange Application" which will be attached to the standard NLICO Application for a Variable Annuity. Applicants represent that the Exchange Application sets forth the mechanics by which an exchange would be effected as well as the conditions and a summary of the costs, consequences and investment considerations relating to an exchange and specifically refers to relevant sections of the prospectuses. Applicants represent that a Fund shareholder who indicates an interest in the exchange privilege will receive a copy of the standard Application for a Variable Annuity and a copy of the Exchange Application along with the current prospectuses of the Account, the Trustees Fund and the Fund of which the individual is a shareholder. Applicants further represent that both applications must be completed and executed before a transfer will be made and that no active solicitation of shareholders of any of the three Funds will be made for the purpose of proposing a transfer of investment.

The Applicants state that at the present time qualified shareholders of each of the three Funds can transfer their accumulated investments to any of the other Funds at net asset value. Applicants state that if the proposed exchange privilege is approved, shareholders of the Funds will benefit since they will have an opportunity to acquire variable annuity Contracts at a fairly reasonable cost.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current public offering price described in the prospectus. The current public offering price of the redeemable securities (Contracts) of the Applicants as described in Applicant's prospectus includes charges which are deducted from payments to cover sales and administrative expenses.

(1) Applicants request an exemption from the provisions of section 22(d) to permit the elimination of the charge for sales and administrative expenses, except for the deduction of a reduced Account Charge of 2 percent of the purchase payment up to a maximum of $50, when cash surrender values, death benefit payments and maturity values of life insurance, endowment, or annuity contracts issued by NLICO pursuant to plans qualifying under sections 401 or 403(a) or which meet the requirements of section 403(b) of the Code are used to purchase Applicants' single payment Contracts. Applicants state that a reduced Account Charge is proposed instead of the normal $75 charge because the administrative expenses connected with transfers in connection with these types of contracts will be less than that where Fund shares are involved. Applicants represent that elimination of such charge is in the interest of the investors and the public, that no unfair discrimination among the Contract Owners participating in the Account would result therefrom and that the proposed elimination of charges would be consistent with the policies of the Act. In all cases, costs will be lower with this class of Contract Owners and a sales charge on the premiums under NLICO's tax-benefited, fixed-dollar annuity contracts will have been paid.

(2) Applicants further request an exemption from the provisions of section 22(d) to permit a Contract beneficiary to apply death proceeds under such Contract to provide for a variable annuity without the imposition of the Sales and Administrative Charge or $75 Account Charge. In all cases these charges will have been paid on the Contract and no additional compensation to agents or significant selling or administrative expenses will be involved.

(3) Applicants also request an exemption from the provisions of section 22(d) to permit the elimination of the charge for sales and administrative expenses upon the distribution by NLICO of its divisible surplus to Contract Owners. As a mutual life insurance company, NLICO is obliged to ascertain for each contract or class of contracts, the portion of divisible surplus accruing on such contracts. There is an annual determination by the Board of Directors of NLICO of the amount of surplus which may prudently be distributed and the manner in which that amount should be distributed among the classes of contracts administered by NLICO. Under variable annuity contracts, surplus will arise if actual expenses are less than the expenses which were anticipated in establishing the deductions for expenses or if actual mortality experience is more favorable than the mortality assumed in establishing initial annuity payments. Applicants represent that in this case also such elimination of the charges is in the interest of the investors and the public, that no unfair discrimination among the contract owners participating in the Account would result therefrom and that the proposed elimination of charges would be consistent with the policies of the Act. Dividends on insurance contracts are customarily viewed as a return of excess payments on which sales commissions have already been levied. Thus, to permit dividends to be applied on a no load basis to purchase additional accumulation units would avoid cumulating sales charges. Applicants state that such distributions should be treated as distributions of dividends and capital gains by investment companies which may be used to make purchases at net asset value pursuant to subparagraphs (b) and (c) of Rule 22d-1.

Section 27(c)(2) prohibits a registered investment company, or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank as trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by section 26(a) for a unit investment trust. Section 26(a)(2) provides, in pertinent part, that the trustee or custodian shall have possession of all securities and properties of a unit investment trust and "shall segregate and hold the same in trust."

NLICO will execute an agreement with The National Shawmut Bank of Boston (Shawmut Bank), Boston, Mass., pursuant to which Trustees Fund shares and other assets of the Account will be held in the custody of the Shawmut Bank. However, the agreement does not create a trust with respect to the assets of the Account because the Vermont Variable Annuity Law requires NLICO as a life insurance company to retain ownership and control of the disposition of its property. Applicants represent that the Shawmut Bank is a national banking association organized under the laws of the United States and subject to the supervision of the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Comptroller of the Currency; that the Shawmut Bank meets the qualifications prescribed in section 26(a); and that although the custodian agreement does not create a trust, the agreement otherwise complies with section 26(a). Applicants state that under the agreement (a) the assets of the Account will be held by the Shawmut Bank and will be physically segregated and separated from the property of any other person, (b) NLICO is required to maintain records of the names and addresses of persons having an interest in the Account, and, (c) in addition to the approval of the Commission, NLICO must obtain the approval of a majority of the votes to be cast (as provided in the Contracts) by persons having a voting interest in the Account before any substitution of securities may be made.

Applicants represent that the foregoing arrangement and the laws and regulation to which the Applicants are subject provide substantial assurance that all obligations under Contracts participating in the Account will be performed and that the orphanage of the Account will not occur. Applicants further represent that it would appear that under all the circumstances any basic protective measures contemplated by sections 26(a)(2) and 27(c)(2) are substantially provided by the custodian arrangement and the extensive supervision of the Vermont Commissioner of Banking and Insurance. An exemption is requested from the provisions of sections 26(a)(2) and 27(c)(2) so as to make the requirement of a separate trust inapplicable to the custodial arrangements of the Account. The Applicants specifically consent that the requested exemption

may be granted subject to the following conditions:

1. That the charges to Contract Owners for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose; and

2. That the payment of sums and charges out of the assets of the Account shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payments of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Section 6(c) provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provision or provisions of the Act and the Rules promulgated thereunder, if and to the extent such exemption is necessary or appropiate 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 August 9, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-10620 Filed 7-26-71;8:47 am]

[812-2948]

USLIFE MUTUAL FUNDS MANAGEMENT CORP. AND GROUP PROGRAMS FOR THE ACCUMULATION OF SHARES OF GROUP SECURITIES, INC.

Notice of Application To Permit Offer of Exchange and for Exemption From Certain Provisions

JULY 20, 1971.

Notice is hereby given that USLIFE Mutual Funds Management Corp., formerly known as Distributors Group, Inc. (USLIFE), 125 Maiden Avenue, New York, NY 10038, a Deleware corporation which is the sponsor of Group Programs for the Accumulation of Shares of Group Securities, Inc. (Programs), a unit investment trust registered under the Investment Company Act of 1940 (Act), has filed an application on its own behalf and on behalf of Programs pursuant to section 11(c) of the Act for an order of the Commission permitting an offer of exchange and pursuant to section 6(c) for exemptions from certain provisions of section 12(d)(1)(E) as well as sections 22(d), 27(d), 27(e), and 27(f) of the Act, as described below. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

USLIFE is the depositor and principal underwriter of Programs. It is also the investment adviser and a principal underwriter of Group Securities, Inc. (Group).

Group, a registered, diversified, open-end management investment company is presently authorized to issue three classes of capital stock, which are designated, respectively, the Apex Fund of Group Securities, Inc., the Balanced Fund of Group Securities, Inc., and the Common Stock Fund of Group Securities, Inc. The assets of each class are held solely for that class and each class has its own investment policy and objectives.

Programs proposes to issue three series of periodic payment plan certificates of various denominations (Certificates). Each series will be for the accumulation of shares of one class only of the capital stock of Group. The Certificates call for either a single payment (Single Payment Program) or regular monthly payments with or without insurance (Systematic Investment Programs).

USLIFE and Group, hereinafter referred to as "Applicants", also propose to offer an investor who has held his Certificate for 30 days, the opportunity to exchange his Certificate for one of the same kind (Systematic Investment or Single Payment), of the same face amount and duration, investing in shares of another Group Securities class at the relative net asset values of the Certificates. For purposes of determining the amount of sales charge to be deducted from payments made following an exchange of Systematic Investment Programs, Applicants propose to take into account the number of monthly payments or their equivalents made toward completion of the Programs evidenced by the Certificate originally held.

USLIFE does not intend to solicit such exchanges. No sales charge is to be imposed on such an exchange nor will any sales commission be paid. The only charge will be the established transaction charge of $2.50 for each such exchange imposed by the custodian-transfer agent. Applicant will furnish the holder with a then current prospectus upon such exchange.

The application states that for each type of Program (Single Payment or Systematic Investment) the schedules and amounts of sales charges and custodial charges are the same for all Programs of that type, irrespective of the class of the underlying shares, and the only differences will be in the investment policies, objectives, and assets of the different classes of underlying shares being accumulated. Applicants state that upon the receipt of an order, properly submitted by an investor to exchange his Certificate in a particular Program for a Certificate in the same type of Program with a different class of underlying shares, the exchange of underlying shares will be executed the day the order is received at the net asset value of the Certificates of each respective class computed as of the close of business either on the day such instructions are received or, if the New York Stock Exchange is closed on that day, then on the next day the Exchange is open. The Applicants state that since investors will only be permitted to exchange Certificates of the same type of Program, and will not be permitted to exchange Certificates of a different type of Program, denomination or termination date, all payments on the Certificate to be exchanged will be credited to the Certificate acquired, and the recurring payments, if any, will be identical to those which would have been scheduled on the Certificate exchanged.

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such a company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the

basis of exchange, the provisions of section 11(a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants represent that if the exchanges are permitted as herein described, an investor whose investment goal has changed could acquire another Certificate evidencing a Program to accumulate shares of a class whose investment objectives are more consistent with his revised investment goal, without losing the advantages of his prior payments under his Certificate presented for exchange.

Applicants also have requested exemptions from the following provisions of the Act to the extent stated below.

Section 22(d) provides, in part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current public offering price described in the prospectus. This might bar the proposed exchanges unless they are exempted.

Applicants represent that the primary purpose of the front-end sales charge of 50 percent imposed upon initial payments is to provide adequate compensation to sales representatives who solicit purchases of the periodic investment Programs evidenced by the Certificates. Applicants state that since no comparable sales efforts are incurred in an exchange from a Programs Certificate for accumulation of shares of one class to another Certificate for accumulation of shares of a different class, it would be inappropriate and inequitable to impose additional front-end load charges on the transaction.

Section 27(d) provides for a refund privilege for 18 months after the issuance of a certificate, section 27(e) provides for notice to the certificate holder of his refund privilege within the 18 month period under certain circumstances and section 27(f) provides for a notice within 60 days after the issuance of a certificate and a right of withdrawal within 45 days thereafter.

Literally construed, sections 27 (d), (e), and (f) would seem to impose their notice and refund requirements anew upon the issuance of a Certificate on an exchange of Certificates. Hence, absent an appropriate exemption, a Certificate holder could revive his refund rights by making an exchange. Depending upon the time of the exchange, such a revival could operate either as an extension of existing refund rights or as a complete renewal of such rights at some future date.

USLIFE submits that there is no reason for such a revival of refund rights, there being no sales charge on the exchange, and that such a revival or refund rights would be inconsistent with the spirit, intent and purpose of these sections and would be unfair to the other Certificate holders and to USLIFE as depositor and underwriter.

Applicants have requested an exemption from the provisions of sections 27 (d), (e), and (f) insofar as they may be applicable after and by reason of the issuance of a Certificate in exchange for a previously issued Certificate, provided that if any of such sections are applicable at the time of the exchange with respect to the Certificate surrenddered they shall continue to apply with respect to the Certificate issued in the exchange to the same extent and for the same length of time as they would have applied with respect to the surrendered Certificate.

Section 12(d)(1), in part, provides that it shall be unlawful for any registered investment company to purchase any security issued by any other investment company if such registered investment company will, as a result of that purchase, own securities issued by the other investment company having an aggregate value in excess of 5 per centum of value of total assets of the acquiring company. Thus, standing alone the section could effectively inhibit the operation of Programs. However, section 12(d)(1)(E) provides that the provisions of paragraph 12(d)(1) shall not apply to a security purchased or acquired by an investment company if, among other things, "(* * * such securities are the only investment securities held by such investment company, if such investment company is a registered unit investment trust that issues two or more classes or series of securities, each of which provides for the accumulation of shares of a different investment company)."

Applicants contend, with but one exception, the Programs comply in all respects with subparagraph (E). The exception is that each of its series provides for the accumulation of shares of a different class of shares of the same investment company, whereas subparagraph (E), as noted above, speaks only of "shares of a different investment company."

Applicants have requested an exemption from the phrase contained in section 12(d)(1)(E)(ii) "shares of a different investment company," the effect of which would be to allow issuance by Progams of series certificates each of which provide for the accumulation of shares of a different class of securities of the same investment company.

USLIFE further contends that from the standpoint of investor protection or public interest there is no substantial basis for not permitting the use in this context of the shares of the several classes of Group when the use of shares of different investment companies is permitted.

Section 6(c) provides that the Commission by order upon application, may conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provision or provisions of the Act and the Rules promulgated thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 10, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or pon 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.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71–10639 Filed 7–26–71;8:48 am]

TARIFF COMMISSION

[AA1921–76]

CLEAR SHEET GLASS FROM TAIWAN

Determination of Injury

The Assistant Secretary of the Treasury advised the Tariff Commission on April 21, 1971, that clear sheet glass from Taiwan is being, and is likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 1960(a)), the Tariff Commission instituted Investigation No. AA1921–76 to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held on June 9, 1971. Notice of the investigation and hearing was published in the FEDERAL REGISTER of April 30, 1971 (36 F.R. 8177), and May 20, 1971 (36 F.R. 9154).

In arriving at a determination, the Commission gave due consideration to

all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff.

On the basis of the investigation, the Commission has determined that an industry in the United States is being injured by reason of the importation of clear sheet glass from Taiwan, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.[1]

STATEMENT OF REASONS FOR AFFIRMATIVE DETERMINATIONS OF COMMISSIONERS SUTTON AND MOORE

In our opinion, an industry in the United States is being injured by reason of the importation of clear sheet glass from Taiwan which is being sold at less than fair value (LTFV) within the meaning of the Antidumping Act. In making our determination, we have considered the injured industry to consist of the facilities of the United States producing sheet glass. Sheet glass currently is being produced domestically by five firms at 12 establishments; the establishments are engaged exclusively, or almost so, in the manufacture of that product.

Conditions of competition in the U.S. market. In our statement in the recent antidumping investigation of sheet glass from Japan,[2] we pointed out that the U.S. market for sheet glass has been sluggish since the mid-1960's. Although annual U.S. consumption of such glass has fluctuated somewhat from year to year, it has generally contracted, rather than expanded, from the peak 1965 level. In 1970, for example, apparent U.S. consumption of sheet glass was equivalent to 91 percent of the volume used in 1965. Domestic shipments declined more proportionately than imports in the late 1960's; imports in 1970 were equal in quantity to 93 percent of 1965 entries, and the domestic producers' shipments in 1970 were equal to 88 percent of those in 1965. U.S. market demand for sheet glass is dependent in great part on the levels of residential and nonresidential construction and motor vehicle production. Since 1965, residential construction and motor vehicle production have been materially below the level set in that year; nonresidential construction has been a little above the 1965 level, but has generally declined since a 1966 peak. The stagnation in these end uses has in turn affected the markets for sheet glass.

While demand for sheet glass has been sluggish, the competition in the United States for sales of such glass has intensified. Although published prices were increased several times after 1965 (but are lower currently than a year earlier), the practice of discounting below published prices, especially in coastal markets, grew markedly. Until about 1967 the domestic producers were able to sell consistently at their published prices. As competition became more severe, various suppliers of imported glass increasingly discounted the published prices; the domestic producers attempted to meet such discounts to the degree necessary to hold their customers. In 1967, the extent of selling below published prices by the domestic producers was moderate—about 2 percent of their total sales of sheet glass. In 1970, more than a fourth of all domestic sheet glass marketed in the United States was discounted below published prices.

Effect of imports of LTFV sheet glass from Taiwan. The Treasury found that the two Taiwanese manufacturers were exporting sheet glass to the United States. Both sold a small portion of their exports to the United States at less than fair value. Dumping margins found by Treasury were small on some of the shipments sold at LTFV, but were substantial on shipments of some categories of sheet glass.

In 1969 and 1970, the years that encompassed the Treasury's study of Taiwanese shipments, the bulk of the sheet glass imported into the United States from Taiwan was entered on the west coast. Indeed, Taiwanese imports, a part of which were sold at LTFV, were a material factor in the supply of sheet glass on the west coast. Significantly LTFV imports of Japanese sheet glass, which the Commission recently found to be injuring a domestic industry,[3] was also marketed on the west coast; the entries of such Japanese glass were larger in volume, and the LTFV margins were greater, than was true of the Taiwanese glass. As we have held in other recent cases, we must necessarily consider the cumulative impact of contemporary LTFV imports from more than one foreign source in making determinations under the Antidumping Act.[4] Hence, in reaching our determination in this case, we have taken into consideration the LTFV imports of sheet glass from Japan in conjunction with those from Taiwan.

Data supplied to the Commission by West Coast buyers of Taiwanese sheet glass indicate that the net discounted prices they paid were from 10 to 24 percent less than the published prices of the domestic producers in the years 1968–70. By 1969, the first year involved in the Treasury study, the domestic producers were extensively trying to meet, in whole or in part, the discounted prices of Taiwanese (and Japanese) glass in the U.S. market; a substantial share of their total shipments of sheet glass was sold below their published prices, at appreciable discounts, in 1969 and 1970. In turn, a substantial share of such sales were made in an attempt to meet the prices of LTFV sheet glass being sold in the U.S. market. Clearly the resultant price erosion is of such magnitude as to be injurious to the domestic sheet glass industry within the terms of the Antidumping Act. We have, therefore, made an affirmative determination.

STATEMENT OF REASONS FOR NEGATIVE DETERMINATION OF COMMISSIONERS LEONARD AND YOUNG

In our opinion no industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of clear sheet glass from Taiwan found by the Treasury Department to be, or likely to be, sold in the United States at less than fair value (LTFV).

For an affirmative decision under the Antidumping Act, 1921, any injury that may have occurred to a domestic industry must be at least in part by reason of the importation of the LTFV merchandise. In the instant investigation, if there is any injury to the industry in the United States, which we define as 12 establishments owned by five firms producing clear sheet glass, it is not caused to any recognizable degree by the LTFV clear sheet glass imported from Taiwan. In making this determination, we have looked at the tests most frequently employed by the Commission in linking injury with LTFV sales. Those tests include market penetration, market disruption, price depression, and price suppression.

Imports from Taiwan. Imports of clear sheet glass from Taiwan amounted to 2.2 percent of domestic consumption in 1968 and 1.6 percent in both 1969 and 1970. According to the Treasury Department's calculations, less than 10 percent of the imports of such glass from Taiwan during the period of the Treasury study was sold at LTFV. Thus it appears that LTFV sales of such glass from Taiwan were less than one-fourth of 1 percent of U.S. consumption in the years 1968–1970. By itself, then, the minuscule share of the market in the United States taken by LTFV glass from Taiwan could not be said to injure. Moreover, there are no future prospects of such injury.

Total U.S. imports of sheet glass from Taiwant declined from 42 million pounds in 1968 to 28 million pounds in 1970, a decline of 33 percent compared to a decline in total U.S. consumption of only 9 percent, from 1.9 billion pounds in 1968 to 1.7 billion pounds in 1970.

According to Treasury's findings, LTFV imports from Taiwan occurred early in 1969 and thereafter abated. Assurances that no further sales would be

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[1] Commissioners Sutton and Moore determined in the affirmative and Commissioners Leonard and Young determined in the negative. Pursuant to section 201(a) of the Antidumping Act, the Commission is deemed to have made an affirmative determination when the Commissioners voting are equally divided. Chairman Bedell did not participate in the determination.

[2] Clear Sheet Glass and Clear Plate and Flat Glass from Japan * * *, Investigations Nos. AA1921–69/70 * * *, TC Publication 382, Apr. 1971.

[3] Clear Sheet Glass and Clear Plate and Float Glass from Japan * * *, Investigations Nos. AA1921–69/70 * * * TC Publication 382, Apr. 1971.

[4] Pig Iron from Canada, Finland, and West Germany * * *, Investigations Nos. AA1921–72/74 * * * YV Publication 398, June 1971, pp. 2–6.

made at LTFV were received in November 1970. The probable future market penetration of LTFV Taiwanese glass is nil.

Regional markets. A small penetration of LTFV imports nationwide can nevertheless be injurious if concentrated in a particular market. Therefore, attention must be directed to the extent of Taiwanese LTFV competition in seaboard areas, where, because of lower waterborne freight costs, imported glass generally has found a certain acceptance.

In its investigation the Treasury Department found LTFV sales of Taiwanese glass on both the east and west coasts of the United States. The largest differences between the home market price and the U.S. price for sheet glass from Taiwan were found on the much smaller, sporadic shipments to the east coast, where Taiwanese glass accounted for but a negligible share of the market. Yet, the inability of Taiwan glass to gain any significant entry into the east coast market shows no injury to any part of the domestic industry by reason of LTFV sheet glass from Taiwan and further indicates a lack of relationship between the margins of dumping ascribed to sheet glass from Taiwan and injury to the domestic industry.

Taiwan sold more than two-thirds of its total shipments to the United States on the west coast. Imports of Taiwanese glass in that area amounted to 17 percent of west coast consumption in 1967 and 1968 but fell to 13 percent in 1969 and 10 percent in 1970. But only 10 percent of Taiwan imports were found to be at LTFV. Thus, less than 2 percent of the sheet glass consumed on the west coast consisted of LTFV imports from Taiwan. By contrast, the difference between the home market price and the export price of glass shipped to that area from Taiwant, which amounted to less than 5 percent, was much smaller than on the east coast. The greater penetration, but smaller dumping margins require a study of the pricing situation and the competitive factors to determine whether the LTFV glass from Taiwan is causing, or is likely to cause, injury to the domestic industry on the west coast.

West coast pricing and competition. Prior to 1967, U.S. glass marketed on the west coast was sold from plants east of the Rockies at a higher delivered price than elsewhere in the United States, and a larger share of that market was supplied by imports than elsewhere. The investigation revealed that in 1967, domestic production facilities were opened on the west coast, and shortly thereafter glass was sold below published prices by both importers and domestic producers. The practice of price discounting was progressively intensified in 1968, 1969, and 1970. At times sales were made on the basis of prices as much as 24 percent below published price.

When a new source of supply becomes available, aggressive marketing practices would be expected on the part of the new supplier, as well as others in the area. All suppliers would begin to shave prices to maintain regular customers and acquire new ones. By so doing, volume would be maintained in the producing facilities, and an experienced labor force, salesmen, office workers, etc. could be maintained. Price competition is the heart of the free enterprise system.

Although price discounting, per se, is not wrong or illegal, when a foreign manufacturer discounts his prices of products shipped to the United States below his prices in the home market, the question is immediately raised as to whether this dumping injures a domestic industry. The questions here being considered then is, did the dumping of Taiwanese glass on the west coast injure the domestic industry?

Taiwan glass was sold for export to the west coast priced at 95 percent or more of the home market price. The facts developed in this investigation do not reveal the extent, if any, to which the LTFV sales of sheet glass from Taiwan contributed to the discounting of prices that was taking place on the west coast. Even the very small price reduction by the Taiwanese was limited to only an estimated 10 percent of their shipments of glass to the west coast of the United States. This very limited extent of dumping, both as to price and as to volume, by the Taiwanese seems to explain why glass from Taiwan did not fare so well in the intense competition for the U.S. west coast market. As this competition intensified, Taiwan's share of the west coast market fell from 17 percent in 1967 and 1968 to 13 percent in 1969 and 10 percent in 1970, as previously noted. Although actual shipments to the west coast by Taiwan increased modestly in 1968 over 1967, shipments in 1970 were about 6.5 million pounds less than in 1967. All the while, shipments by U.S. producers to the west coast increased from 65 million pounds of glass in 1967 to 110 million pounds in 1970—an increase of 69 percent, and the U.S. producers' share of the west coast market was going up from 45 percent in 1967 to 51 percent in 1968, 53 percent in 1969, and 64 percent in 1970. Thus, while U.S. producers' shipments to the west coast were increasing absolutely and relatively, Taiwan's shipments to the west coast fell.

Conclusion. Having taken all of these factors regarding market price levels and competition into account, we can find no causal relationship between LTFV sales of sheet glass from Taiwan on the west coast and injury or likelihood of injury or prevention of establishment of an industry in that area. Therefore, from the point of view of the industry as a whole and the industry in particular regional markets, our determination is in the negative in this investigation.

By direction of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-10623 Filed 7-26-71;8:47 am]

INTERSTATE COMMERCE COMMISSION

[Notice 335]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 21, 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 26088 (Sub-No. 21 TA), filed July 15, 1971. Applicant: THE SANDERS TRUCK TRANSPORTATION CO., INC., Gwinnett Street, Post Office Box 457, Augusta, GA 30903. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Augusta, Ga., and the plantsite of Pollard Lumber Co., 10 miles from Augusta, Ga., to points in Florida, North Carolina, and South Carolina, for 150 days. Supporting shippers: Augusta Hardwood Co., Post Office Box 400, Augusta, GA; Pollard Lumber Co., Inc. Appling, Ga. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 55883 (Sub-No. 16 TA), filed July 15, 1971. Applicant: EXPRESS INCORPORATED, Post Office Box 15, Stephenson, VA 22656. Applicant's representative: Bill R. Davis, Suite 1208, Gas Light Tower, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Egg containers*, from Atlanta, Ga., and Natchez, Miss., to points in Alabama, for 180 days. Supporting shippers: Boaz Poultry Farms, Division of Hughes Eggs,

Inc., Post Office Box 220, Boaz, AL; Kennesaw Plastic, Division of W. R. Grace & Co., Post Office Box 464, Duncan, SC 29334. Send protests to: District Supervisor Robert D. Caldwell, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

No. MC 82063 (Sub-No. 35 TA), filed July 14, 1971. Applicant: KLIPSCH HAULING CO., 119 East Loughborough; Mailing: 112 North Fourth Street, 63102, St. Louis, MO 63111. Applicant's representative: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid caustic soda*, in bulk, in tank vehicles, from Pine Bluff, Ark., to points in Tennessee and Mississippi, for 180 days. Supporting shipper: The Dow Chemical Co., 7733 Forsyth Boulevard, St. Louis, MO 63105. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, 210 North First Street, Room 1465, St. Louis, MO 63101.

No. MC 98154 (Sub-No. 10 TA), filed July 14, 1971. Applicant: BRUCE CARTAGE INCORPORATED, 3460 East Washington Road, Saginaw, MI 48601. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing Michigan, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt with by retail department stores, between Saginaw, Mich., and Grand Rapids, Mich., on the one hand, and, on the other, J. C. Penney Stores and warehouses located at points in Michigan south of a line beginning at Lake Michigan and extending east along the north boundary of Manistee, Wexford, and Missaukee Counties, thence south along the east boundary of Missaukee County to the north boundary of Clare County, thence east along north boundary of Galdwin and Midland Counties to a point due west of Kawkawlin, Mich., thence east along an imaginary line drawn east and west through Kawkawlin, Mich., to Saginaw Bay. Restriction: The operations authorized herein are subject to the following conditions, said operations are restricted against the transportation of traffic to or from stores and warehouses located in Monroe, Washtenaw, Oakland, Macomb, St. Clair, and Wayne Counties, Mich., said operations are restricted to the transportation of traffic originating at Secaucus and Jersey City, N.J., and Statesville, N.C., for 150 days. NOTE: Applicant has authority to transport the commodities requested herein except, that the same is restricted against transportation of articles weighing in the aggregate more than 500 pounds, from one consignor at one location to one consignee at one location on any one day except traffic moving from Wauwautosa, Wis., which is not subject to said restriction. The purpose of this application is to eliminate such restrictions insofar as shipments are made to stores and warehouses of J. C. Penney Co., from the points of Secaucus and Jersey City, N.J., and Statesville, N.C. Supporting shipper: E. F. Stadelman, General Traffic Manager, J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, NY 10019. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 225, Federal Building, Lansing, Mich. 48933.

No. MC 106022 (Sub-No. 11 TA), filed July 15, 1971. Applicant: V. B. MORGAN CO., 6106 Paramount Boulevard, Long Beach, CA 90805. Applicant's representative: Phil Jacobson, 510 West Sixth Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Raw talc*, in special dump transfer units, from Nevada Talc Mine located 8 miles southeast of Lida, Nev., to Dunn Siding at Rail Mill located 21 miles from Baker, Calif., for 180 days. Supporting shipper: Western Talc Co., Post Office Box 268, Yermo, CA 92398. Send protests to: District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 111545 (Sub-No. 162 TA), filed July 15, 1971. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Post Office Box 6426, Station A, Marietta, GA 30060. Applicant's representative: Robert E. Born (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, from Double Springs, Guin, and Addison, Ala., to points in Texas, North Carolina, South Carolina, Georgia, Florida, Alabama, Louisiana, Mississippi, Tennessee, Arkansas, West Virginia, Virginia, and Missouri, for 180 days. Supporting shipper: Winston Industries, Post Office Box 347, Double Springs, Ala. 35553. 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 111729 (Sub-No. 322 TA), filed July 15, 1971. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success (NHP–PO), NY 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media of all kinds*, (a) between J. F. Kennedy Airport, LaGuardia Airport, N.Y., Newark, N.J., Airport, on the one hand, and, on the other, Catonsville, Md. and Eatontown N.J., on traffic having an immediately prior or subsequent movement by air, (b) between Washington, D.C., on the one hand, and, on the other, points in North Carolina, Tennessee, Virginia, and West Virginia, (c) between Deerfield, Ill., on the one hand, and, on the other, Ames, Burlington, Cedar Rapids, Clinton, Davenport, Des Moines, Dubuque, Fort Dodge, Iowa City, Marshalltown, Mason City, Ottumwa, Sioux City, Storm Lake, Waterloo, and West Des Moines, Iowa, Appleton, Baraboo, Brookfield, Eau Claire, Fond du Lac, Green Bay, Janesville, Kenosha, La Crosse, Lake Geneva, Madison, Manitowoc, Middleton, Milwaukee, Racine, Rhinelander, Sheboygan, Watertown, Wausau, West Bend, and Wisconsin Rapids, Wis., (d) between Scranton, Pa., and Paterson, N.J.; (2) *automotive parts and supplies*, restricted against the transportation of packages or articles weighing in the aggregate more than 95 pounds from one consignor to one consignee on any one day (a) between Washington, D.C., on the one hand, and, on the other, points in North Carolina, Tennessee, Virginia, and West Virginia, (b) between Deerfield, Ill., on the one hand, and, on the other, Ames, Burlington, Cedar Rapids, Clinton, Davenport, Des Moines, Dubuque, Fort Dodge, Iowa City, Marshalltown, Mason City, Ottumwa, Sioux City, Storm Lake, Waterloo, and West Des Moines, Iowa, Appleton, Baraboo, Brookfield, Eau Claire, Fond du Lac, Green Bay, Janesville, Kenosha, La Crosse, Lake Geneva, Madison, Manitowoc, Middleton, Milwaukee, Racine, Rhineland, Sheboygan, Watertown, Wausau, West Bend and Wisconsin Rapids, Wis.;

(3) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising materials moving therewith* (excluding motion picture film used primarily for commercial theatre and television exhibition), between Niles, Mich., on the one hand, and, on the other, Anderson, Bloomington, Elkhart, Fort Wayne, Frankfort, Indianapolis, Kokomo, Lafayette, Logansport, Marion, Michigan City, Muncie, Peru, South Bend, Terre Haute, and Vincennes, Ind.; and (4) *ophthalmic goods and business papers and records moving therewith*, between Rosemont, Ill., on the one hand, and, on the other, Fort Wayne, Hammond, and South Bend, Ind., Cedar Rapids, Davenport, and Dubuque, Iowa, Green Bay, Madison, Milwaukee, Oshkosh, and Shitewater, Wis., for 180 days. Supporting Shippers: Montgomery Ward, 1000 South Monroe Street, Baltimore, MD; Volkswagen South Atlantic Distributor, Inc., 9300 George Palmer Highway, Lanham, MD 20801; Volkswagen North Central Distributor, Inc., 3737 Lake Cook Road, Deerfield, IL 60015; The Great Atlantic & Pacific Tea Co., Inc., 90 Delaware Avenue, Paterson, NJ 07503; Cavalier Color, 1265 South 11th Street, Niles, MI 49120; and American Optical Corp., Southbridge, Mass. 01550. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 112963 (Sub-No. 21 TA), filed July 15, 1971. Applicant: ROY BROS.,

INC., 746 Boston Road, Pinehurst, MA 01866. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Animal feed ingredients,* dry, in bulk, in tank vehicles, from Chicago, Ill., to Woburn, Mass., for 180 days. Supporting shipper: Lipton Pet Foods, Inc., Box 89, 209 New Boston Street, Woburn, MA 01801. Send protests to: James F. Martin, Jr., Assistant Regional Director, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Building, Government Center, Boston, MA 02203.

No. MC 113627 (Sub-No. 8 TA), filed July 14, 1971. Applicant: BARNETT MOTOR TRANSPORTATION, INC., 85 Kendall Street, New Haven, CT 06512. Applicant's Representative: John E. Fay, 342 North Main Street, West Hartford, CT 06117. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Concrete pipes, fittings, and components, incidental to the installation of concrete pipes, and equipment and supplies necessary to its installation,* between the plantsite of Interpace Corp., Greenport (Columbia County), N.Y., and points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Delaware, and Maryland, for 150 days. Supporting shipper: Interpace Corp., 260 Cherry Hill, Parsippany, NJ 07054. Send protests to: District Supervisor David J. Kiernan, Bureau of Operations, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High Street, Hartford, CT 06101.

No. MC 113666 (Sub-No. 59 TA), filed July 15, 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: *Dicalcium phosphate,* dry, in bulk and in packages, from ports of entry on the international boundary between the United States and Canada located on the Niagara River in New York and the Detroit and St. Clair Rivers in Michigan, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, NJ 08540. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 116273 (Sub-No. 145 TA), filed July 15, 1971. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL 60650. Applicant's representative: William Lavery (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Ink,* in bulk, in tank vehicles, from Northbrook, Ill., to Norfolk, Va., Washington, D.C., Baltimore, Md., Cincinnati, Ohio, Louisville, Ky., and Minneapolis, Minn., for 150 days. Supporting shipper: Inca Inks, Inc., 1836 Stanley Street, Northbrook, IL 60062. Send protests to: Raymond E. Mauk, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 116273 (Sub-No. 146 TA), filed July 15, 1971. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL 60650. Applicant's representative: William R. Lavery (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Gasoline,* in bulk, in tank vehicles, from River Rouge, Mich., to Mesa, Ariz., for 150 days. Supporting shipper: American Oil Co., 500 North Michigan Avenue, Post Office Box 5690, Chicago, IL 60680. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 123091 (Sub-No. 11 TA), filed July 15, 1971. Applicant: NICK STRIMBU, INC., 3500 Parkway Road, Brookfield, OH 44403. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Crude iron pellets,* in bulk, from Georgetown, S.C., to Birmingham, Ala., Lynchburg, Va., and points in Ohio and Pennsylvania, for 180 days. Supporting shipper: Midland-Ross Corp., 700 South Dock Street, Sharon, PA 16146. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 125338 (Sub-No. 5 TA), filed July 14, 1971. Applicant: SUPER SPEED TRANSPORT, INC., Post Office Box 755, 2 Rue Deschamps, Waterloo, PQ, Canada. Applicant's representative: Frank J. Weiner, 9 Beacon Street, Boston, MA 02108. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Cement,* in bulk, from ports of entry on the international boundary line in New York, New Hampshire, and Vermont to points in Maine, New Hampshire, Rhode Island, Massachusetts, and Connecticut; and (2) *cement,* in bags, from ports of entry on the international boundary line between the United States and Canada in New York, New Hampshire, and Vermont to points in Maine, Massachusetts, Connecticut, and Rhode Island. Restriction: Restricted to traffic originating at points in the Province of Quebec, Canada, for 180 days. Supporting shipper: Miron Co., Ltd., 2201 Jarry Street East, Montreal 455, PQ, Canada. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 133119 (Sub-No. 5 TA), filed July 15, 1971. Applicant: HEYL TRUCK LINES, INC., Post Office Box 755, 750 Reed Street, Akron, IA 51001. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bananas, and coconuts, plantains, pineapples, and other agricultural commodities,* exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas, from Wilmington, Del., Newark, N.J., and Baltimore, Md., to ports of entry on the international boundary line between the United States and Canada located in North Dakota, Minnesota, and Montana, restricted to shipments moving in foreign commerce, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, FL 33101, Attention: Mr. Ben Klein. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 304 Post Office Building, Sioux City, IA 51101.

No. MC 133436 (Sub-No. 8 TA), filed July 14, 1971. Applicant: DUDDEN ELEVATOR, INC., Post Office Box 60, Ogallala, NE 69153. Applicant's representative: Richard A. Dussen, 121 East Second Street, Ogallala, NE 69153. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Inedible meat products and inedible articles distributed by meatpacking houses, and articles* dealt in by Wellens & Co., Inc., from East St. Louis, and Mason City, Ill., Muncie, New Albany, and Logansport, Ind., Eagle Grove, Ida Grove, and Le Mars, Iowa; Garden City, Kansas City, Wichita, and Zenda, Kans., Louisville and Lexington, Ky., Lansing, Quincy, and Saginaw, Mich., Albert Lea, Austin, and Minneapolis, Minn., St. Joseph and St. Louis, Mo., Codaz, Darr, Omaha, Lexington, Lincoln, and Rushville, Nebr., Albuquerque, Clovis, Roswell, N. Mex., Collinsville, Oklahoma City, Tulsa, Okla., Amarillo, Dalhart, Lubbock, and Pampa, Tex., Chippewa Falls, Green Bay, Milwaukee, Onalaska and Whitehall, Wis., to Springdale, Ark, Beardstown, Danville, De Kalb, East St. Louis, Galesburg, and Rock Falls, Ill., Bloomington, Columbus, Evansville, Fort Wayne, Indianapolis, Lafayette, Logansport, Marion, Nappanee, New Paris, Portland, Rochester, and Rushville, Ind., Eagle Grove, Mason City, and New Hampton, Iowa, Hutchinson, Kansas City, Liberal, Manhattan, McPherson, Salina, Topeka, and Zenda, Kans., Danville and Lexington, Ky., Grand Rapids, Lansing, and Saginaw, Mich., Kirksville, St. Louis, and Mexico, Mo., Duncan, Fremont, Imperial, McCool, and Norfolk, Nebr., Enid, Cuymon, McAlester, Muskogee, and Oklahoma City, Okla., Perryton, Tex., Madison and Milwaukee, Wis., for 180 days. Supporting shipper: Wellens & Co., Inc., 6950 France Avenue South, Minneapolis, MN

55435. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Courthouse, Lincoln, NE 68508.

No. MC 134054 (Sub-No. 1 TA), filed July 14, 1971. Applicant: WHATLEY EQUIPMENT COMPANY, INC., 230 Ross Clark Circle NE., Dothan, AL 36301. Applicant's representative: D. Harry Markstein, Jr., 512 Massey Building, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, tile, ceramic, and related products*, from the plantsites of Brickerstaff Clay Products Co., Inc., in Cobb County, Ga., and Russell and Jefferson Counties, Ala., and Escambia County, Fla., to points in Alabama, Georgia, Mississippi, and Florida in and west of Hamilton, Suwanee, Lafayette, and Dixie Counties and points in Tennessee, for 180 days. Supporting shipper: Brickerstaff Clay Products Co., Inc., Columbus, Ga. 31901. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 135748 (Sub-No. 1 TA), filed July 14, 1971. Applicant: WILLIAM L. CORNELIUS AND ELLEEN S. CORNELIUS, a partnership, doing business as: C & C TRUCK SERVICE, 5992 South St. Paul Way, Littleton, CO 80121. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rags*, between Denver, Colo., on the one hand, and, on the other, that portion of Texas lying on and west of U.S. Highway 87 from the Texas-New Mexico State line to San Angelo, Tex., and on and west of U.S. Highway 277 from San Angelo to the Texas-Republic of Mexico border; that portion of California lying south of Interstate Highway 80 and to Salt Lake City, Utah, for 150 days. Supporting shipper: Denver Waste Materials, Inc., 2363 Larimer Street, Denver, CO 80205. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 135770 TA, filed July 14, 1971. Applicant: BEAUCE EXPRESS, INC., Post Office Box 38, St. Georges (Beauce), PQ, Canada. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphite and woodpulp*, from ports of entry on the international boundary lines between the United States and Canada located at Jackman and Coburn Gorge, Maine, and Norton Mills, Derby Line, Troy, Richford, and Highgate Springs, Vt., to points in Maine, New Hampshire, and Vermont, for 180 days. Supporting shipper: John Breakey, Ltd., Breakeyville (Levis), Quebec. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 424 Federal Building, Concord, N.H. 03301.

MOTOR CARRIER OF PASSENGERS

No. MC 135567 (Sub-No. 1 TA), filed July 14, 1971. Applicant: VIRGINIA STAGE LINES, INCORPORATED, 114 Fourth Street SE, Charlottesville, VA 22901. Applicant's representative: R. A. Trice (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between Portsmouth and Ironton, Ohio, Kenova, Fort Gay, Kermit, Williamson, Gilbert, Leager, Welch, Bluefield, and Princeton, W. Va., Pearisburg, Dublin, Radford, Christiansburg, Roanoke, Bedford, Lynchburg, Appomattox, Farmville, Crewe, Blackstone, Petersburg, Wakefield, Suffolk, Portsmouth, and Norfolk, Va.; restricted to the transportation of employees of the Norfolk and Western Railway Co., under a continuing contract with the Norfolk and Western Railway Co., for 150 days. Supporting shipper: Norfolk and Western Railway Co., Roanoke, Va. 24011. Send protests to: R. W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10–502 Federal Building, Richmond, Va. 23240.

By the Commission.

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

[FR Doc.71–10575 Filed 7–26–71;8:48 am]

[Notice 722]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 22, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–72855. By order of July 22, 1971. Motor Carrier Board approved the transfer to MTD, Inc., Cockeysville, Md., of the certificate in No. MC–129986 issued July 8, 1971, to Michel Warehousing Corp., doing business as Michel Trucking & Distribution Co., Cockeysville, Md. 21030, authorizing transportation of: General commodities, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over regular routes, between Baltimore, Md., and Washington, D.C., serving the intermediate and off-route points of Muirkirk and Berwyn, Md., points within 6 miles of Baltimore, Md., and those in the Washington, D. C., commercial zone as defined by the Commission. William J. Little, 1513 Fidelity Building, Baltimore, Md. 21201, attorney for applicants.

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

[FR Doc. 71–10649 Filed 7–26–71;8:49 am]

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