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(Continued inside)

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Contents

(Continued on next page)

List of CFR Parts Affected

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

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

7 CFR

833 17407
1068 17407
1421 17408
PROPOSED RULES:
911 17444

9 CFR

331 17408
PROPOSED RULES:
331 17444

21 CFR

121 17408
135e 17409
135g 17408

29 CFR

2200 17409

32 CFR

179 17417

32A CFR

OEP (Ch. I):
E.S. Reg 1 17434
Circ. 4 17434
Circ. 5 17435
PROPOSED RULES:
OIA (Ch. X):
OI Reg. 1 17443

35 CFR

101 17419

41 CFR

1–1 17419
1–2 17421
1–3 17421
1–18 17422
1–30 17422
5A–2 17422
5A–16 17422
5A–74 17422
101–25 17423
101–26 (2 documents) 17423, 17424
PROPOSED RULES:
60–2 17444

43 CFR

2720 17424
PROPOSED RULES:
4 17439

46 CFR

PROPOSED RULES:
530 17449
545 17449
546 17449

47 CFR

2 17424
73 17426
87 17424

49 CFR

571 17430
1002 17432
PROPOSED RULES:
179 17449

50 CFR

32 (2 documents) 17432, 17434

Rules and Regulations

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER E—DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE

PART 833—MAINLAND CANE SUGAR AREA

Sugar Commercially Recoverable From Sugarcane; 1971 Crop

Pursuant to the provisions of section 302(a) of the Sugar Act of 1948, as amended, § 833.18 is added to read as follows:

§ 833.18 Rates of recoverability, 1971 crop.

For the 1971 crop of sugarcane, the amount of sugar, in hundredweight, raw value, commercially recoverable from sugarcane grown on a farm in the Mainland Cane Sugar Area and marketed (or processed by the producer) for the extraction of sugar or liquid sugar, shall be obtained by multiplying the net weight of the sugarcane in tons by the rate of recoverability specified for the average percentage of sucrose in the normal juice of such sugarcane, as follows:

(a) *For farms in Louisiana.*

Percentage of sucrose in normal juice [1]	*Rate of recoverable sugar (hundredweight) per net ton of sugarcane*
5.0	0.398
6.0	0.596
7.0	0.794
8.0	0.974
9.0	1.145
10.0	1.322
11.0	1.492
12.0	1.662
13.0	1.836
14.0	2.009
15.0	2.184
16.0	2.349
17.0	2.502
18.0	2.691

(b) *For farms in Florida.*

Percentage of sucrose in normal juice [1]	*Rate of recoverable sugar (hundredweight) per net ton of sugarcane*
5.0	0.489
6.0	0.676
7.0	0.863
8.0	1.050
9.0	1.243
10.0	1.424
11.0	1.599
12.0	1.776
13.0	1.950
14.0	2.128
15.0	2.303
16.0	2.478
17.0	2.650
18.0	2.819

[1] Rates for the intervening tenths of 1 percent shall be calculated by interpolation and less than 5 percent or more than 18 percent shall be computed in proportion to the immediately higher or preceding interval.

STATEMENT OF BASES AND CONSIDERATIONS

Section 833.16 (34 F.R. 16422) provides the method of determining and establishing amounts of sugar commercially recoverable from sugarcane in the Mainland Cane Sugar Area and provides that the rates shall become effective when public notice thereof is given in the FEDERAL REGISTER. Pursuant to the provisions of § 833.16, this section sets forth the rates applicable for the 1971 crop of sugarcane in the Mainland Cane Sugar Area. These rates reflect changes in the 5-year averages of normal juice extraction, boiling house efficiency, net cane as a percent of gross cane, polarization of sugar produced, and normal juice purity at each normal juice sucrose level.

The rates of recoverable sugar for the 5 and 6 percent normal juice sucrose levels in Florida and the 5 percent normal juice sucrose level in Louisiana have been computed by proportionately decreasing the immediately succeeding interval as the number of analyses in these ranges are insufficient to give a reliable purity. These extrapolations are included as they have been used at various times under prior programs.

The rates are slightly higher in the average normal juice sucrose range than those for the preceding crop in both Louisiana and Florida due to small changes in all of these averages.

A notice of proposed rule making was not given for this determination as it is a mathematical formula which makes use of actual operating and production data reported by the sugar factories involved. Therefore, no discretionary decisions are involved and a public recommendation would not change the data. Public notice is, therefore, unnecessary.

Accordingly, I hereby find and conclude that this determination will effectuate the applicable provisions of the Act.

(Secs. 302, 303, 304, 403, 61 Stat. 930, as amended, 931, 932; 7 U.S.C. 1132, 1133, 1134, 1153)

Effective date: Date of publication (8–31–71).

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

CHAS. M. COX,
Acting Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service.

[FR Doc.71–12693 Filed 8–30–71;8:46 am]

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

[Milk Order No. 68]

PART 1068—MILK IN THE MINNEAPOLIS-ST. PAUL, MINN., 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 Minneapolis-St. Paul marketing area.

It is hereby found and determined that for the month of August 1971, the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1068.9(b) the provision "40 percent or more of such plant's total receipts for such month from farms of"; and

2. In the first proviso of § 1068.9(b) the provision "40 percent or more of such plant's receipts of."

STATEMENT OF CONSIDERATION

This action suspends the shipping requirements of a pool supply plant for August 1971. The suspension is needed to permit an association of producers supplying the market to pool for the month of August 1971 milk which has been regularly associated with the market.

Petitioner requested this action at a hearing that was convened in Bloomington, Minn., on August 17, 1971, and the petition was supported by nine other cooperative associations on the market. These cooperatives represent over 90 percent of the producers on the market. No adverse views were expressed at the hearing concerning this suspension action. One of the issues considered at the hearing was a proposal to lower the shipping requirements for pooling supply plants.

It is hereby found and determined that notice of proposed rule making, public procedure thereon, and 30 days' notice of the effective date hereof are 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 in that some of the supply plants and producers regularly associated with the market and supplying milk to it will not be pooled under the order for August 1971 unless this suspension is made.

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

(c) Producers requested this suspension at a public hearing held August 17, 1971. Interim action is necessary pending review of the testimony and evidence presented at the hearing concerning a proposal to reduce the supply plant shipping requirements now provided.

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 August 1971.

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

Effective date: Upon publication in the FEDERAL REGISTER (8-31-71).

Signed at Washington, D.C., on August 25, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-12691 Filed 8-30-71; 8:47am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1971 Crop Rice Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1971 Crop Rice Loan and Purchase Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation, and published in 36 F.R. 8559, which set forth specific requirements with respect to price support for the 1971 crop of rice are hereby amended to change certain value factors. It is impracticable to follow the notice of proposed rule making procedure with respect to this amendment because 1971 crop rice is being harvested and it is essential that the rates provided in this subpart be put into effect with respect to such rice on the earliest possible date.

Paragraph (a) of § 1421.328 is hereby amended to increase the value factors for all classes of head rice 23 cents per hundredweight and broken rice 12 cents per hundredweight. The amended paragraph (a) reads as follows:

§ 1421.328 Support rates.

* * * * * * *

(a) * * *

VALUE FACTORS FOR HEAD AND BROKEN RICE

Rough rice class	Head rice	Broken rice
	(Cents per pounds)	
Long grains	$8.62	$4.33
Medium grains	7.82	4.33
Short grains	7.77	4.33

* * * * * * *

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

Signed at Washington, D.C., on August 25, 1971.

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

[FR Doc.71-12733 Filed 8-30-71;8:50 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

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

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

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

Designation of Nebraska Under Federal Meat Inspection Act

Statement of considerations. Subsection 301(c)(3) of the Federal Meat Inspection Act (21 U.S.C. 661(c)(3)) authorizes the Secretary of Agriculture to designate any State, upon 30 days' notice to the Governor and publication of the designation order in the FEDERAL REGISTER, as a State in which the requirements of titles I and IV of said Act shall apply to intrastate operations and transactions, and to persons, firms, and corporations engaged therein, with respect to meat products and other articles and animals subject to the Act, if he determines that the State involved is not effectively enforcing requirements, at least equal to those imposed under titles I and IV, with respect to establishments within the State at which cattle, sheep, swine, goats, or equines are slaughtered, or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State.

The Secretary heretofore determined that the State of Nebraska had developed and activated the prescribed requirements. However, the Secretary has now determined that Nebraska currently is not effectively enforcing the prescribed requirements, and he has notified the Governor of the State of such determination and of the intended designation of the State. Therefore, notice is hereby given that the Secretary of Agriculture designates said State under section 301 (c) of the Act. Upon the expiration of 30 days afer publication of this notice in the FEDERAL REGISTER, the provisions of titles I and IV of the Act shall apply to intrastate operations and transactions in said State and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce," within the meaning of the Act. The exemption provisions of Nebraska which conducts an slaughtering or preparation of carcasses or parts or products thereof as described above must have Federal inspection or cease its operations, unless it qualifies for an exemption under section 23(a) or 301(c) of the Act. The exemption provisions of the Act are very limited.

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

Dr. M. J. Hatter, Acting Director, Central Region for Meat and Poultry Inspection Program, Room 905, U.S. Courthouse Building, 811 Grand Avenue, Kansas City, MO 64106, Telephone: AC 816/374-2621.

Accordingly, § 331.2 of the regulations under the Federal Meat Inspection Act (9 CFR 331.2) is amended pursuant to said Act by adding the following State name (in alphabetical order) and effective date of designation to the list set forth in said section:

State:	*Effective Date of Designation*
Nebraska	October 1, 1971

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

This amendment and the notice given hereby shall become effective upon publication in the FEDERAL REGISTER (8-31-71).

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

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-12689 Filed 8-30-71;8:45 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

SUBCHAPTER C—DRUGS

PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

Erythromycin Thiocyanate

The Commissioner of Food and Drugs has evaluated a supplemental new animal

drug application (10-092V) filed by Amdal Co. proposing the safe and effective use of erythromycin in the feed of laying chickens as an aid in increasing egg production. The application is approved.

On the basis of an evaluation of the data before him, the Commissioner concludes that a tolerance limitation is required to assure that eggs from chickens treated with erythromycin are safe for human consumption.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), in accordance with § 3.517 (21 CFR 3.517), and under authority delegated to the Commissioner (21 CFR 2.120), Parts 121 and 135g are amended as follows:

1. Section 121.292 is amended by adding a new item 7.1 to the table in paragraph (d), as follows:

§ 121.292 Erythromycin thiocyanate.

* * * * *

(d) * * *

ERYTHROMYCIN IN ANIMAL FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
6.1 * * *					
7.1 Erythromycin....	18.5			For laying chickens...	As an aid in increasing egg production.

2. Section 135g.34 is amended by revising paragraph (b) and adding a new paragraph (c), as follows:

§ 135g.34 Erythromycin.

* * * * *

(b) Zero in the uncooked edible tissues of chickens, turkeys, and beef cattle and in milk.

(c) In uncooked eggs—0.025 part per million.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (8-31-71).

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

Dated: August 9, 1971.

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

[FR Doc.71-12639 Filed 8-30-71;8:45 am]

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

Decoquinate, Zinc Bacitracin

The Commissioner of Food and Drugs has evaluated a new animal drug application (45-348V), filed by Hess & Clark, Division of Richardson-Merrell, Inc., Ashland, Ohio 44805, proposing the safe and effective use of decoquinate in combination with zinc bacitracin in chicken feed for the purposes set forth below. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135e is amended in § 135e.51 by adding a new subitem a to the table in paragraph (g), as follows:

§ 135e.51 Decoquinate.

* * * * *

(g) * * *

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
2. * * *					
a. 1.....	* * *	Bacitracin.....	10	For broiler chickens; do not feed to laying chickens; feed as sole ration; as zinc bacitracin.	For increased rate of weight gain and improved feed efficiency.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (8-31-71).

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

Dated: August 9, 1971.

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

[FR Doc.71-12640 Filed 8-30-71;8:45 am]

Title 29—LABOR

Chapter XX—Occupational Safety and Health Review Commission

PART 2200—RULES OF PROCEDURE

Pursuant to section 12(g) of the Occupational Safety and Health Act of 1970 (84 Stat. 1604; 29 U.S.C. 651, et seq.), hereinafter referred to as the Act, the Occupational Safety and Health Review Commission has by official action adopted the following interim rules of procedure for the orderly transaction of proceedings brought before it under authority of section 10 of the Act and for the just and expeditious determination of the issues raised in such proceedings.

These rules of procedure are designed to effect, to the extent possible, the expressed congressional intent that the resolution of contested issues regarding the Act's application and enforcement be made as expeditiously as possible, consistent with due process, in order that safe and healthful working conditions will neither be delayed nor denied to any employee. Consistent with that design, the time limitations set forth herein should be strictly observed.

No notice of proposed rule making is required inasmuch as these rules of agency procedure or practice are exempted under 5 U.S.C. 553(b)(A). However, the Commission desires to afford the public and the Secretary of Labor an opportunity to participate in the formulation of its rules of procedure. Accordingly, interested persons may submit, in quadruplicate, written comments, suggestions, or objections with respect to these rules of procedure to the Occupational Safety and Health Review Commission, 1825 K Street NW., Washington, DC 20006, within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

These rules shall take effect as interim rules 30 days from the date of publication in the FEDERAL REGISTER and all proceedings before the Commission, initiated after 30 days from the date of this publication and prior to the publication of the Commission's final rules, shall be conducted in accordance with these interim rules.

By the Commission.

Dated: August 25, 1971.

[SEAL] ROBERT D. MORAN,
Chairman.

JAMES F. VAN NAMEE,
Commissioner.

ALAN F. BURCH,
Commissioner.

As adopted, Part 2200 reads as set forth below:

Sec.
2200.1 Definitions.
2200.2 Scope of Rules; application of Federal Rules of Civil Procedure and Administrative Procedure Act.
2200.3 The Commission.
2200.4 Use of gender and number.
2200.5 Parties.

AUTHORITY: The provisions of this Part 2200 issued under 84 Stat. 1604; 29 U.S.C. 651, et seq.

§ 2200.1 Definitions.

As used in the rules in this part:

(a) The term "Act" means the Occupational Safety and Health Act of 1970, 84 Stat. 1590, 29 U.S.C. 651.

(b) The terms "Commission," "person," "employer," and "employee" (except as otherwise provided herein, e.g., § 2200.18(a)), have the meanings set forth in section 3 of the Act.

(c) The term "citation" means a written communication from the Secretary issued pursuant to section 9(a) of the Act and describing with particularity the nature of the alleged violation of the Act together with the date by which the alleged violation is to be corrected.

(d) The terms "notification of proposed penalty" and "notification of failure to correct a violation," mean written communications from the Secretary issued pursuant to section 10(a) or 10(b) of the Act.

(e) The term "Examiner" means any Hearing Examiner appointed or assigned by the Chairman of the Commission pursuant to section 12 of the Act.

(f) The term "authorized employee representative" or "representative of employees," means a labor organization certified by the National Labor Relations Board as bargaining representative for the affected employees. In the absence of certification it shall be the organization which the affected employees have designated and which has a collective bargaining relationship with the employer. If no labor organization has been certified or has such a collective bargaining relationship the term "authorized employee representative" or "representative of employees," shall mean any person or persons designated by the affected employees to represent them for the purpose of proceedings under this Act.

(g) The term "proceeding" means any proceeding before the Commission or its Examiners initiated under section 10 of the Act.

(h) The term "Secretary" means the Secretary of Labor and shall include any of his duly authorized representatives.

(i) The term "day" means a calendar day.

(j) The term "working day" has the meaning set forth in § 1903.21(c) of this title.

§ 2200.2 Scope of rules; application of Federal Rules of Civil Procedure and Administrative Procedure Act.

(a) Except insofar as proceedings before the Commission and its Examiners are governed by the rules in this part, all procedures at such proceedings shall be in conformity with the provisions of the Federal Rules of Civil Procedure and the Administrative Procedure Act.

(b) Nothing contained herein, or in the Federal Rules of Civil Procedure or the Administrative Procedure Act shall be construed as requiring any party (including a corporation) to be represented by an attorney-at-law.

§ 2200.3 The Commission.

(a) The Occupational Safety and Health Review Commission is an independent establishment of the executive branch of the U.S. Government created by the Act, consisting of three members, appointed by the President by and with the advice and consent of the Senate, one of whom is designated by the President to serve as Chairman.

(b) The Chairman has the administrative authority and responsibilities set forth in section 12(e) of the Act. The Commission will, in case of a vacancy in the office of the Chairman, or in the absence or inability of the Chairman to serve, designate one of its members Acting Chairman to serve during the period of vacancy, absence, or inability.

(c) The Executive Secretary is selected by the Chairman and reports to the Commission.

(1) *Principal duties and responsibilities.* (i) Receives and processes notices of contest from the Secretary. Reviews all formal submissions for sufficiency and compliance with the Commission's rules of procedure, and serves notices and orders upon all parties as required herein. Immediately upon receipt of a notice of contest, he shall formally docket the case and notify all parties of the docket number.

(ii) Schedules hearings, setting the times therefor in accordance with § 2200.7, and designating places therefor as convenient as possible for the employers and employees.

(iii) Prepares agenda and dockets of matters subject to action by the Commission and is responsible for the preparation of minutes with respect to such actions.

(iv) Processes all formal submissions to the Commission.

(v) Serves as the legal custodian of the Commission's seal, property, papers, and legal and public records.

(vi) Processes and certifies all decisions, orders, decrees, and records of the Commission to the appropriate U.S. Court of Appeals when cases are appealed.

(vii) Rules upon requests for enlargement of time for the filing of petitions for discretionary review and answers thereto, as set forth in § 2200.42.

(d) [Reserved]

(e) [Reserved]

(f) The principal office of the Commission is in Washington, D.C. All communications to the Commission should be addressed to: 1825 K Street NW., Washington, DC 20006, except that communications may be filed directly with an Examiner during the period a case is within his jurisdiction unless otherwise provided herein.

(g) The offices of the Commission will be open from 8:30 a.m. to 5 p.m. of each day except Saturdays, Sundays, and Federal legal holidays unless otherwise directed by Executive order or officially declared with appropriate notice.

§ 2200.4 Use of gender and number.

Words importing the singular number may extend and be applied to the plural. Words importing the masculine gender may be applied to the feminine gender.

§ 2200.5 Parties.

(a) In all proceedings brought pursuant to sections 10(a), 10(b), or 10(c) of the Act, the Secretary, the employer to whom the citation, notice of proposed penalty, or notice of failure to abate has been issued, and the affected employees or authorized employee representatives shall be deemed parties. An affected employee (or group of affected employees), who is not represented by an authorized employee representative, as contemplated by section 8(e) of the Act, who has been duly served and notified in accordance with §§ 2200.7(i) and 2200.31, and who fails to identify himself as a party by appropriate notice to the Examiner or the Commission prior to or at the commencement of the hearing shall,

except upon order of the Examiner or the Commission be estopped from asserting his party status. All pleadings served by posting, in accordance with § 2200.7(i)(1), and all notices of hearings shall specifically advise such unrepresented employees of the estoppel provisions of this section. All other affected employees who have an authorized representative, as defined in § 2200.1(f), shall be represented in proceedings before the Commission or its Examiners only by such representative.

(b) In the case of any transfer of interest, the action may be continued by or against the original party, unless the Commission or Examiner directs that the person to whom the interest is transferred be substituted in the action or joined with the original party.

§ 2200.6 Intervention; appearance by non-parties.

(a) A petition for leave to intervene may be filed at any stage of a proceeding. The petition must set forth the interest of the petitioner in the proceeding and show that the petitioner's participation will assist in the determination of the issues in question, and that the intervention will not unnecessarily delay the proceeding. The Commission or the Examiner may grant a petition for intervention and designate the intervenor as a party to such an extent and upon such terms as the Commission or the Examiner shall deem just. In the discretion of the Commission or the Examiner a person may be denied intervention in a matter in which he could have participated as a party but failed to avail himself of the opportunity to do so.

(b) Any person desiring to appear and participate at any hearing or prehearing conference shall, within the time specified in the notice of hearing, file with the Commission or the Examiner a written notice of appearance setting forth his name, address, and interest. If any interested person desires to be heard through a representative, such representative shall file with the Commission or the Examiner a written appearance setting forth his name, address, and employment. The participation of such person in the proceeding shall be determined pursuant to the provisions of paragraph (a) of this section.

§ 2200.7 Pleadings; filing; procedure.

(a) *Pleadings.* There shall be a notice of contest, complaint, answer, and motions or petitions for specific relief. No other pleadings shall be allowed, except as ordered specifically by the Commission or the Examiner.

(b) *Form.* (1) There shall be no specific requirements as to the form of a notice of contest, or a modification of abatement petition, except that it shall clearly identify the citation, notification of proposed penalty, or notification of failure to correct violation which forms the basis for its filing (e.g., by citation number, date of issuance, and employer's name and address, etc.), shall clearly identify the party by whom it is filed (e.g., employer, employee, or representative of employees), shall set forth the names and addresses of the parties personally served and the address of the posting, where such service is required, in accordance with paragraph (i) of this section, and shall indicate the address to which subsequent pleadings should be directed by other parties.

(2) Documents other than notices of contest and modification of abatement petitions shall clearly show the docket number and title of the proceeding.

(3) Pleadings (except the notice of contest and modification of abatement petitions) and other documents shall be printed, typewritten double-spaced, or otherwise processed in permanent form and on good unglazed paper. The paper must not be less than 8 inches nor more than 8½ inches by not less than 10½ inches nor more than 11 inches. The left margin must be 1½ inches and the right margin 1 inch. Documents must be bound or stapled on the left side. If printed, the type shall be not less than 10 point adequately leaded.

(4) In its absolute discretion, and without affirmative action by order or otherwise, the Commission or the Examiner may permit the filing of pleadings or other documents which it deems to comply substantially with paragraphs (b), (c), (d), (e), and (i) of this section. Where the Commission (or the Examiner) finds a filing unacceptable, it shall inform the person submitting the filing, within 3 days of receipt, as to its nonacceptance together with the reason therefor and the period of time allowed to conform.

(c) *Filing.* (1) Notice of contest by an employer, an employee, or a representative of employees under section 10 of the Act shall be filed with the Occupational Safety and Health Administration, U.S. Department of Labor, pursuant to the procedures set out in § 1903.17 of this title. Modification of abatement petitions shall be filed in like manner and will be governed by § 2200.41.

(2) Within 3 days after receipt of the notice of contest, or modification of abatement petition, the Secretary shall file, or cause to be filed, with the Commission the notice of contest or modification of abatement petition and all citations, notifications of proposed penalty, and notifications of failure to correct violations which form the basis for, or in any manner relate to, the notice of contest or modification of abatement petition. Unless otherwise ordered by the Commission, the Executive Secretary shall set a date for the hearing which shall be no sooner than 30 nor later than 40 days after receipt of the notice of contest or modification of abatement petition; except as provided for in paragraph (f) (1) and (2) of this section.

(d) *Complaint.* (1) Within 10 days after receipt of a notice of contest, the Secretary shall file, or cause to be filed, with the Commission a complaint. The complaint shall contain (i) a short and plain statement of the grounds upon which the Commission's jurisdiction depends, (ii) a short and plain statement in support of the citation he issued, the abatement period assigned, and the penalty proposed, (iii) a description of the number and kind of employees affected, and (iv) a demand for the relief to which he deems himself entitled.

(2) The complaint shall also contain the case title, i.e., the Secretary of Labor (see rule 25(d)(2), Federal Rules of Civil Procedure), the name of the affected employer, and the Commission's docket number.

(e) *Answer.* An answer, whether in support of or in opposition to a complaint, shall be filed within 10 days of the receipt or posting of a copy of the complaint, whichever is earlier. The answer shall contain, in short and plain terms, the party's reply to each of the assertions to which he elects to respond and a statement of the facts which constitute the basis for his reply. Where an employee or representative of employees, as a party, does not elect to file an answer, he shall be deemed to have neither admitted nor denied any assertions in the complaint. Where such a party elects to reply, but remains silent on specific assertion(s) within the complaint, he shall be deemed to have neither admitted nor denied such specific assertion(s). The Commission's jurisdiction shall be deemed admitted unless specifically denied by one of the responding parties.

(f) *Expedited procedures.* (1) In any proceeding before the Commission, at any time before the commencement of the hearing, any party may petition the Commission to hold a hearing under the expedited procedures set forth herein. Such petition shall be in writing or by telegraph and shall contain a short and plain statement of the reasons why the proceeding should be held in an expedited manner, and service thereof shall be in accordance with paragraph (i) of this section. The petition shall be granted upon the approval of any member of the Commission. Upon the granting of such petition the Commission shall immediately notify all parties by telegraph of the approval of such petition. The Secretary shall file his complaint within 3 days after receipt of the notice of such approval and the other parties shall file their answers (in accordance with the provisions of paragraph (e) of this section) within 3 days after receipt of a copy of the complaint. The Commission shall schedule a hearing in the matter upon 24 hours' notice to the parties after 8 days from the date on which the petition is granted.

(2) In extraordinary circumstances, the Commission may schedule a hearing in the matter at any time after the petition is granted upon 24 hours' notice to the parties, and order that the Secretary's complaint and the other parties' answers (in accordance with the provisions of paragraph (e) of this section), be made orally at such hearing.

(3) In a proceeding conducted in accordance with subparagraph (1) or (2) of this paragraph, the Examiner will issue his decision without delay upon the conclusion of the hearing and without awaiting receipt of a transcript of the

testimony if a delay would result. The Commission may exercise its discretionary right of review, in accordance with section 12(j) of the Act, as expeditiously as it deems necessary under the circumstances.

(g) *Signature.* (1) Two copies of each document shall be signed by the party or his representative.

(2) Signing a document constitutes a representation by the signer, subject to the provisions of section 17(g) of the Act, that he has read it, that to the best of his knowledge, information, and belief the statements made in it are true, and that it is not interposed for delay. If a document is not signed or is signed with intent to defeat the purpose of this section, it may be stricken as sham and false and the proceeding may go forward as though the document had not been filed.

(h) *Record address.* Every person who files a document in connection with a proceeding shall at the time of his initial filing in the matter state his address. Thereafter he must promptly inform the office in which the filing was made of any change in address, giving the docket numbers of all matters in which he had made such a filing. The successors of such person shall likewise promptly inform such office of their interest in the matters and state their addresses. If a person fails to furnish a record address as required in this section, he will not be entitled to notice in connection with the proceedings on the matter.

(i) *Service.* (1) Copies of all pleadings and other documents filed with the Commission shall be served by the person filing them on all parties to the proceeding as defined in § 2200.5 as well as on all persons granted leave to appear in the proceeding pursuant to § 2200.6. Where there is no authorized employee representative as contemplated by section 8 (e) of the Act, and the affected employees have not been personally served, service in such instance shall be deemed effected when the employer posts copies of all pleadings pertinent to the case in a manner consistent with the notice requirements of § 1903.16 of this title. Each party shall supply sufficient copies of his pleadings to the employer so they may be posted similarly.

(2) Unless otherwise specified herein, wherever these rules require that a copy of a document be served upon a person, service shall be made by delivering the copy personally to him or by sending the document by registered or certified mail, return receipt requested, to his address of record as listed in the file at the Commission.

(3) In any case, service may be proved by an acknowledgement of service signed by the person to be served. Personal service may be proved by a written statement of the person who made such service. Service by registered or certified mail or telegraph may be proved by an appropriate receipt showing that the document was delivered at the person's record address or showing that the document could not be delivered to such person at his record address because he had moved therefrom without leaving a forwarding address or because delivery was refused at that address or because no such address exists. Proof of service of a copy of a document should be filed with the Commission. Unless disputed, a written statement by the person filing the document stating that he has served the same, or caused the same to be served, and the manner of service, will be sufficient as proof of service.

(4) A document will be considered to have been served at the time of personal service, or delivery of a registered or certified letter, or telegram, or upon posting by an employer in accordance with the rules in this part.

(5) Where notice of hearing is made pursuant to paragraph (f)(1) or (2) of this section, such notice will be transmitted by telegraph.

(6) In all cases where a party is represented, such representative will be recognized as fully controlling the same on behalf of his client, and service of any document relating to the proceeding upon such attorney or other representative will be deemed to be service on the party he represents. Where a party is represented by more than one attorney or other representative, service upon one shall be sufficient.

(7) Filings with the Commission may be effected by first-class mail, postage prepaid, or by telegraph at 1825 K Street, NW., Washington, DC 20006.

(8) Except as otherwise provided in this section, the provisions of rules 8, 10, and 11, Federal Rules of Civil Procedure, shall apply to the extent practicable.

§ 2200.8 Appearance; withdrawal of a representative.

(a) Any party may appear on his own behalf. Any other person appearing on behalf of a party (except an attorney at law) shall file, together with his appearance, a power of attorney establishing his authority to act in such capacity.

(b) Any person who appears as the representative of a party in a proceeding before the Commission must notify the Commission of his withdrawal from such representative status within three days of any such withdrawal. A copy of such notice shall be served by the representative on the party whom he had represented before the Commission and on all other parties.

§ 2200.9 Time for filing.

(a) *Computation of time.* In computing any period of time prescribed for filing and serving a document, the day upon which the decision or document to be contested or answered was received, or the day of any other event, after which the designated period of the time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday, or Federal legal holiday in which event the period runs until the end of the next day which is not a Saturday, Sunday, or Federal legal holiday. When the time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, or Federal legal holidays shall be excluded in the computation. However, this provision is not intended to extend the time requirements of § 2200.7(f)(2).

(b) *Extension of time.* (1) The Commission may extend the time for filing or serving a document in any proceeding.

(2) A request for an extension of time must, except in extraordinary circumstances, be filed within the time allowed for the filing or serving of the document and must be filed in the same office in which the document in connection with which the extension is requested must be filed.

§ 2200.10 Consolidation of proceedings.

The Commission may at any time order a proceeding consolidated with any other such proceeding; provided the proceedings involve the same employer and the same general location and are then pending before the Commission.

§ 2200.11 Withdrawal of notice of contest.

A party may withdraw his notice of contest at any stage of a proceeding, subject to review by the Commission within 5 days after its receipt of notice of such withdrawal, except that, after commencement of the hearing, withdrawal of a notice of contest shall be only by approval of the Commission.

§ 2200.12 Interlocutory appeals.

(a) No interlocutory appeal from a ruling of the Examiner shall be allowed in a proceeding conducted in accordance with § 2200.7(f) (1) or (2).

(b) In all other proceedings, an interlocutory appeal shall be allowed only in accordance with paragraphs (c), (d), and (e) of this section. A ruling by the Examiner, supported by a reasoned statement, will precede consideration by the Commission of any question raised by interlocutory appeal.

(c) Interlocutory appeal from a ruling of the Examiner shall be allowed only when the Examiner certifies that (1) the ruling involves an important question of law concerning which there is substantial ground for difference of opinion; and (2) an immediate appeal from the ruling will materially expedite the ultimate disposition of the proceeding.

(d) The Commission may thereupon, in its discretion, permit an appeal to be taken from such a ruling by the Examiner which has been so certified if a petition is made to it within 5 days after such certification: *Provided, however,* That such petition shall not stay the proceedings before the Examiner for more than 5 days unless otherwise ordered by the Commission for extraordinary circumstances.

(e) Unless it otherwise orders, the Commission will decide the interlocutory appeal on the record without briefs or oral argument.

§ 2200.13 Ex parte communication.

(a) In a proceeding, no employee or agent of the Secretary who performs any investigative or prosecuting function in

connection with the proceeding, no employer in the proceeding, or agent, or counsel, or anyone acting on behalf of an employer, no employee or representative or agent of such employee and no other person who has appeared before the Examiner or Commission in such proceeding shall communicate ex parte, directly or indirectly, with the Examiner, or the Commission, or any employee involved in the decisional process in such proceeding, with respect to the merits of that or a factually related proceeding.

(b) In any proceeding, neither the Commission, an Examiner nor any other person involved in the decisional process of such proceeding, shall communicate ex parte, directly or indirectly, with any employee or agent of the Secretary who performs any investigative or prosecuting function in connection with the proceeding, with any party employer in the proceeding, or agent, or counsel, or anyone acting on behalf of an employer, with any employee or representative or agent of such employee or with any other person who has appeared before the Examiner or Commission in such proceeding, with respect to the merits of that or any factually related proceeding.

(c) In any proceeding, if any such oral or written ex parte communication is made to or by the Examiner, or any other person involved in the decisional process, in violation of paragraph (a) or (b) of this section, such Examiner or person, as the case may be, shall promptly deliver to the Commission any such written communication, or if oral, a report giving the substance thereof in writing, together with a written statement of the circumstances under which it was made. If the Commission determines that any such communication should, in fairness, be brought to the attention of all parties to the proceeding, the relevant written material pertaining thereto shall be made a part of the record of the proceeding to which it applies and the Commission shall send copies thereof to all parties respondent.

(d) In any case where the Commission determines that the dictates of fairness so require, any party requesting an opportunity to do so may rebut, on the record, any facts or contentions contained in any such ex parte communication.

(e) Upon notice and hearing, the Commission may censure, suspend, or revoke the privilege of practice before the Commission of any person who knowingly and willfully makes or solicits the making of a prohibited ex parte communication. To the extent permitted by law, the Commission may, under appppropriate circumstances, deny or limit remedial measures otherwise available under the Act to any party who shall, directly or indirectly, knowingly and willfully make or solicit the making of an unauthorized communication. However, before the Commission institutes formal proceedings under this section, it shall first advise the person or persons concerned in writing that it proposes to take such action and that they may show cause, within a period to be stated in such written advice, but not less than 7 days from the date thereof, why it should not take such action. The Commission may censure or, to the extent permitted by law, suspend, dismiss, or institute proceedings for the dismissal of any Commission employee who knowingly and willfully violates the prohibitions or requirements of this section.

§ 2200.14 Restrictions as to participation by investigative or prosecuting officers.

In any proceeding noticed pursuant to the rules in this part, no officer, employee, or agent of the Secretary who appears before the Commission as an attorney or witness or who actively participates in the preparation of evidence or argument presented by such persons, shall participate or advise as to the Examiner's report or Commission's decision in that proceeding except as a witness or counsel in public proceedings.

§ 2200.15 Standards of conduct and suspension.

(a) All persons appearing before the Commission shall conform to the standards of ethical conduct required in appearances in the courts of the United States.

(b) The Examiner shall have the authority, for good cause stated in the record, to bar from participation in a particular proceeding any person who shall refuse to comply with his directions, or who shall be guilty of disorderly conduct, dilatory tactics, or contemptuous language in the course of such proceedings. Any person so barred shall have the right to appeal to the Commission from such action of the Examiner.

(c) Misconduct of an aggravated character, when engaged in by an attorney or other representative of a party, may be grounds for suspension or disbarment by the Commission from further practice before it after due notice and hearing.

(d) The refusal of a witness at any hearing before the Commission to answer any question which has been ruled to be proper shall, in the discretion of the Examiner, be grounds for striking all testimony given by such witness on related matters.

§ 2200.16 Inspection and reproduction of documents.

Subject to the provisions of law restricting public disclosure of information, all documents filed in the docket in any proceeding may be inspected and copied, at the person's own expense, at the offices of the Commission.

§ 2200.17 Protection of trade secrets.

Upon application by any person required to divulge trade secrets (as that term is referred to in 18 U.S.C. 1905) in a proceeding before the Commission, the Commission or Examiner shall issue such orders as may be appropriate to protect the confidentiality of the trade secret.

§ 2200.18 Restrictions as to former employees.

(a) As used in this section the term "employee" includes a Member of the Commission, or an employee, agent, or attorney of the Commission or of the Secretary.

(b) No former employee shall appear before the Commission as an attorney or other representative of any party to any proceeding or other matter, formal or informal:

(1) In which the former employee participated personally and substantially during the period of such employment; or

(2) For which the former employee was officially responsible during the period of such employment;

unless 1 year has elapsed since the termination of such employment.

§ 2200.19 Postponements.

(a) Postponements of hearings will not be allowed at the request of any party except upon a showing of good cause and proper diligence. A request for a postponement must be served upon all parties to the proceeding and filed in the office of the Examiner at least 5 days prior to the date of the hearing. In no case will a request for postponement served or filed less than 5 days in advance of the hearing or made at the hearing be granted unless the party requesting it demonstrates that an extreme emergency occurred which could not have been anticipated and which justified beyond question the granting of a postponement. In any such emergency, if time does not permit the filing of such request prior to the hearing, it may be made orally at the hearing.

(b) The request for a postponement must state in detail the reasons why a postponement is necessary. If a request is based upon the absence of a witness, it must state what the substance of the testimony of the absent witness would be. No postponement will be granted if the other parties file with the Examiner within 5 days after the service of the request a statement admitting that the witness on account of whose absence the postponement is desired would, if present, testify as stated in the request. If time does not permit the filing of such statement prior to the hearing, it may be made orally at the hearing.

(c) Only one postponement will be allowed to a party on account of the absence of a witness unless the party requesting a further postponement shall at the time apply for an order to take testimony of the alleged absent witness by deposition.

(d) No party may object to a postponement requested on the basis of the absence of a witness, or on the unavailability of evidence, if the witness' absence or the unavailability of the evidence was wrongfully procured by that party.

§ 2200.20 Hearings.

The hearing requirements set forth herein apply to all hearings conducted by the Commission or its Examiners under sections 10(a), 10(b), and 10(c) of the Act.

§ 2200.21 Duties and authority of Examiners.

The Examiner shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, and to maintain order. Except as provided in § 2200.7 (f)(3), the hearing shall be completed within 30 days from the date of the designation of the Examiner unless for compelling reasons the Commission extends such period. He shall have all powers necessary to these ends, including (but not limited to) the power to:

(a) Arrange for hearings previously set by the Executive Secretary.

(b) Hold prehearing conferences to settle, simplify, stipulate, or fix the issues in a proceeding, and to consider other matters that may aid in the expeditious disposition of the proceeding, including the power to require the prehearing exchange (at a time reasonably close to the hearing date) by the parties of witnesses' names and address, and evidentiary exhibits.

(c) Require parties, and allow interested persons, to state their positions with respect to the various issues in the proceeding.

(d) Administer oaths and affirmations and issue subpoenas as authorized.

(e) Rule on motions, depositions, and other procedural items on matters pending before him.

(f) Regulate the course of the hearing and the conduct of all persons thereat.

(g) Examine witnesses and direct witnesses to testify.

(h) Receive, rule on, exclude, or limit evidence.

(i) Fix the time for filing motions, petitions, briefs, or other items in matters pending before him, subject to the various filing provisions of the rules in this part.

(j) Issue decisions, in accordance with 5 U.S.C. 557 (Administrative Procedure Act), as expeditiously as possible, but in any case (except in proceedings under § 2200.7(f) (1) and (2)) within a period not to exceed 30 days from the completion of the hearing unless for compelling reasons the Commission extends such period.

(k) Take any action authorized by these rules and in conformance with the provisions of 5 U.S.C. 556 (Administrative Procedure Act).

(l) Withdraw from a proceeding whenever he deems himself disqualified. Any party may request the Examiner, at any time following his designation by the Chairman and before filing his decision, to withdraw on ground of personal bias or disqualification, by filing with him promptly upon the discovery of the alleged facts a timely affidavit setting forth in detail the matters alleged to constitute grounds for disqualification. If, in the opinion of the Examiner, such affidavit is filed with due diligence and is sufficient on its face, he shall forthwith disqualify himself and withdraw from the proceeding. If the Examiner does not disqualify himself and withdraw from the proceeding, such decision of the Examiner will be considered to be a ruling involving an important question of law as contemplated in § 2200.12, and the Examiner shall make the certification necessary for a consideration of the question by the Commission as provided for in § 2200.12.

§ 2200.22 Prehearing conferences.

(a) At any time before the hearing begins, the Examiner, on his own motion or on motion by a party, may, and when consistent with the stated purpose of the rules in this part to expedite proceedings should, direct the parties or their counsel to participate with him in a prehearing conference to consider the following:

(1) Simplification and clarification of the issues.

(2) Necessity or desirability of amending pleadings.

(3) Obtaining stipulations of fact or admissions of undisputed facts or the contents and authenticity of documents.

(4) Issuance of and response to subpoenas.

(5) Taking of depositions and the use of depositions in the proceeding.

(6) Orders for discovery, inspection, and examination of premises, documents, and other physical objects, and responses to such orders.

(7) Orders limiting the number of expert and other witnesses and limiting the subject matter of their testimony.

(8) Disclosure of the names and addresses of witnesses (if at a time that is reasonably close to the date of hearing) and the exchange of documents intended to be offered in evidence.

(9) Precis of expert testimony intended to be introduced at the hearing.

(10) Any other matter that will tend to simplify the issues or expedite the proceedings, including the avoidance of undue repetition or complication in the presentation of evidence or argument.

(b) Whenever a prehearing conference is held, the Examiner shall issue a binding prehearing order which recites the matters discussed, the agreements reached, and the rulings made at the prehearing conference. The order is to be served on the parties and shall be filed in the record of the proceedings.

§ 2200.23 Settlement.

If all parties agree, settlement will be allowed at any stage of the proceedings, subject to the approval of the Examiner who shall certify that such settlement is consistent with the provisions of the Act. Settlement agreements submitted by the parties shall be accompanied by an appropriate proposed order.

§ 2200.24 Affidavits.

Affidavits may be admitted only if the evidence is otherwise admissible and the parties agree that affidavits may be used in lieu of oral testimony by a witness, either depositional or by personal appearance.

§ 2200.25 Depositions.

(a) At any time after the filing of a notice of contest or a request for modification under § 2200.41, any party, upon reasonable notice to all other parties, may take the deposition of any person upon oral examination, except that the deposition of an employee of the Secretary may be taken only upon order of the Commission, or the Examiner, as the case may be, upon a showing that the party desiring to take the deposition is seeking significant unprivileged information which is not discoverable by alternative means prior to the hearing. Attendance may be compelled in accordance with § 2200.28. Upon a failure of agreement as to the time and place for the taking of a deposition, an appropriate order of the Commission, or of the Examiner, if one has been designated at that time, may be obtained by the party seeking to take the deposition. The Examiner's authority to order the submission of oral testimony by deposition is limited only to the extent that such order must provide for the avoidance of unnecessary delay of the proceedings. The Examiner shall, upon the application of any party, prohibit the taking of a deposition by oral examination, if, in his discretion, he deems that any unnecessary delay of the proceedings is likely to result.

(b) Depositions by written interrogatories shall not be allowed.

(c) Unless otherwise ordered by the Commission or the Examiner, rules 26, 27, 28, 29, 30, 32, and 37 of the Federal Rules of Civil Procedure shall govern the procedures for the taking and use of depositions unless inconsistent with the rules in this part.

(d) Each witness testifying upon deposition shall be sworn, and all other parties shall have the right to cross-examine. The questions propounded and the answers thereto, together with all objections made, shall be reduced to writing, read by the witness, subscribed by him, and certified by the officer before whom the deposition is taken. Thereafter, the officer shall seal the deposition with two copies thereof, in an envelope and mail the same by certified mail to the Examiner, or to the Comission, if prior to the designation of the Examiner.

(e) The Examiner, or the Commission, as the case may be, shall rule upon the admissibility of the deposition or any part thereof upon its attempted use at the hearing.

(f) Upon the written stipulation of all the parties and of the deponent, a deposition, or any designated part thereof may be used in lieu of the deponent's oral testimony at the hearing. Any such stipulation, previously made, may be revoked by any party, or by the deponent, upon notice to all parties, provided such notice is given 5 days prior to the hearing.

(g) If the parties so stipulate in writing, depositions may be taken before any person at any time or place, upon any notice and in any manner, and when so taken may be used like other depositions, subject to the avoidance of unnecessary delay as provided in paragraph (a) of this section.

§ 2200.26 Interrogatories; requests for admission of facts; and production of documents.

(a) Interrogatories and requests for admission shall not be allowed.

(b) For substantial need shown, the Examiner may order a party to produce and permit inspection and copying or photographing of designated documents relevant to the proceeding, and order that a party permit entry upon designated land or other property in the possession or control of the party upon whom the request is served for the purpose of inspecting, measuring, surveying, photographing, testing, or sampling the property or any designated object, operation, or material thereon.

§ 2200.27 Failure to comply with orders for discovery.

If a party or an officer or agent of a party fails to obey an order of the Commission or the Examiner to provide or permit discovery, pursuant to § 2200.25 or § 2200.26, the Commission on the Examiner may make such orders in regard to the failure as are just. He may, among other things, direct that the matters regarding which the order was made, or any other designated facts, shall be taken to be established for the purposes of the proceeding in accordance with the claim of the party obtaining the order, or prohibit the disobedient party from introducing designated matters in evidence, or strike any evidence, complaint, or pleadings or parts thereof, subject, however, to the provisions of § 2200.35(c).

§ 2200.28 Issuance of subpoenas; petitions to revoke subpoenas; right to inspect or copy data.

(a) Any member of the Commission shall, on the application of any party directed to the Commission, forthwith issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence, including relevant books, records, correspondence, or documents, in his possession or under his control. Applications for suboenas, if filed subsequent to the appointment of an Examiner, shall be filed with the Examiner. An Examiner shall grant the application on behalf of any member of the Commission. Applications for subpoenas may be made ex parte. The subpoena shall show on its face the name and address of the party at whose request the subpoena was issued.

(b) Any person served with a subpoena, whether ad testificandum or duces tecum, shall, within 5 days after the date of service of the subpoena upon him, move in writing to revoke the subpoena if he does not intend to comply. All motions to revoke subpoenas shall be served on the party at whose request the subpoena was issued. Such motion to revoke, if made prior to the appointment of an Examiner, shall be filed with the Commission, and the Executive Secretary shall refer the motion to the Examiner or to the Commission for ruling. Motions to revoke subpoenas filed during the hearing shall be filed with the Examiner. Notice of the filing of motions to revoke shall be promptly given by the Executive Secretary or the Examiner, as the case may be, to the party at whose request the subpoena was issued. The Examiner or the Commission, as the case may be, shall revoke the subpoena if in its opinion the evidence whose production is required does not relate to any matter under investigation or in question in the proceedings or the subpoena does not describe with sufficient particularity the evidence whose production is required, or if for any other reason sufficient in law the subpoena is otherwise invalid. The Examiner or the Commission, as the case may be, shall make a simple statement of procedural or other grounds for the ruling on the motion to revoke. The motion to revoke, any answer filed thereto, and any ruling thereon shall become a part of the official record.

(c) Persons compelled to submit data or evidence at a public proceeding are entitled to retain or, on payment of lawfully prescribed costs, to procure copies or transcripts of the data or evidence submitted by them.

(d) Upon the failure of any person to comply with a subpoena issued upon the request of a private party, the Commission by its counsel shall initiate proceedings in the appropriate district court for the enforcement thereof, unless in the judgment of the Commission the enforcement of such subpoena would be inconsistent with law and with the policies of the Act. Neither the counsel nor the Commission shall be deemed thereby to have assumed responsibility for the effective prosecution of the same before the court.

§ 2200.29 Failure to file.

Failure of any party to file a pleading or other document within the time prescribed may, in the discretion of the Commission or the Examiner, if one has been assigned, be grounds for denial of the right to participate as a party in the proceedings.

§ 2200.30 Proof of documents.

A true copy of every written entry in the records of the Commission or of the Secretary, made by an officer or employee thereof in the course of his official duties, and relevant to the issues involved in the hearing, shall be admissible, in accordance with 28 U.S.C. 1733. The provisions of 28 U.S.C. 1732 are likewise applicable in proceedings before the Commission and its Examiners.

§ 2200.31 Notice of hearings.

(a) Notice of the time, place, nature of hearing, the legal authority and jurisdiction under which the hearing is to be held, and the matters of fact and law asserted shall be given to all parties to the proceeding within the times prescribed in § 2200.7. Except as otherwise provided herein, such notice shall be in writing.

(b) The employer shall post a notice of the hearing in a manner consistent with the notice requirements of § 1903.16 of this title, or accomplish notification by other appropriate means. A description of how employees have been informed shall be contained in the certification to be filed by the employer with the Examiner.

§ 2200.32 Rules of evidence.

Hearings before the Commission and its Examiners will be governed by the provisions of rule 43 of the Federal Rules of Civil Procedure.

§ 2200.33 Burden of proof.

Except as otherwise provided in the rules in this part (e.g., § 2200.41(d)), the burden of proof shall be on the Secretary in all proceedings to sustain the assertions contained in his citation, notification of proposed penalty, and notification of failure to correct a violation.

§ 2200.34 Exhibits.

(a) All written statements, charts, tabulations, or similar data offered in evidence at the hearing or prehearing shall, after identification by the proponent and upon a satisfactory showing of the admissibility of the contents thereof, be numbered as exhibits, received in evidence, and made a part of the record.

(b) Unless the Examiner finds that the furnishing of copies is impracticable, a copy of each exhibit shall be filed with the Examiner for the use of each other party to the proceeding. The Examiner shall advise the parties as to the exact number of copies which will be required to be filed and shall make and have noted on the record the proper distribution of the copies.

§ 2200.35 Objections.

(a) If any person objects to the admission or rejection of any evidence or to other limitation of the scope of any examination or cross-examination, he shall state briefly the grounds for such objection, and the transcript shall include argument or debate thereon, unless otherwise ordered by the Examiner. A ruling by the Examiner on any such objection shall be a part of the transcript.

(b) Exceptions to rulings by the Examiner are unnecessary.

(c) Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the record of the proceeding.

§ 2200.36 Failure to appear.

(a) Subject to the provisions of paragraph (b) of this section, the failure to appear at a hearing shall be deemed to be a waiver of all rights except the rights to be served with a copy of the Examiner's report and to request Commission review pursuant to § 2200.42.

(b) The Commission or the Examiner upon a showing of good cause may excuse the failure to appear at a hearing and reschedule the hearing at a suitable time thereafter. Requests for reinstatement must be made, in the absence of extraordinary circumstances, within 5 days subsequent to the scheduled hearing date.

§ 2200.37 Transcript of testimony.

Hearings shall be recorded and transcripts will be made available to any party or interested person upon payment of the cost thereof. A copy of the transcript of the testimony taken at any hearing, duly certified by the reporter, shall be filed with the Executive Secretary or the Examiner. The Executive Secretary or the Examiner shall promptly serve notice upon each of the parties of such filing and transmittal.

§ 2200.38 Payment of witness fees and mileage; fees of persons taking depositions.

Witnesses summoned before the Examiner or the Commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witness appears, and the person taking a deposition shall be paid by the party at whose instance the deposition is taken.

§ 2200.39 Reporter's fees.

Reporter's fees shall be borne by the Commission, except as provided in § 2200.37.

§ 2200.40 Proposed findings and conclusions; reply; and Examiner's report.

(a) Except in proceedings conducted in accordance with § 2200.7(f) (1) and (2), each party to a hearing may, in the absolute discretion of the Examiner, have a period of 10 days after the certification by the Examiner of the record (or such shorter or longer period as the Examiner for good cause shall determine), to file with the Examiner proposed findings of fact, conclusions of law, and an order, which may be accompanied by a brief memorandum in support thereof. Such proposals shall be supported by citation of such statutes, decisions, and other authorities, and by page references to such portions of the record as may be relevant. All such proposals, briefs, and memoranda shall become a part of the record.

(b) If the filing of proposed findings of fact, conclusions of law, and order is allowed in accordance with paragraph (a) of this section, a party may, in the absolute discretion of the Examiner, be accorded 5 days (or more or less, as the need for expediency appears to the Examiner) following receipt by the Examiner of the proposed findings to except to the proposed findings of any other party. No new matter shall be introduced in the reply.

(c) Within a reasonable time after the filing of the replies to the proposed findings or within a reasonable time after the termination of the period allowed for the filing of replies to the proposed findings of fact, conclusions, and order, the Examiner shall prepare his report, upon the basis of the evidence received at the hearing, and shall file that report with the Executive Secretary. Such report shall be prepared in the form of findings of fact, conclusions of law, and an order.

§ 2200.41 Special procedures for modification of abatement requirements; burden of proof; and posting.

(a) Where, pursuant to section 10(c) of the Act, an employer has been required by a final order of the Commission to abate a violation of the Act, and he petitions the Secretary for a modification of the abatement order, such request shall be filed prior to the date by which abatement was to be effected. The request shall be forwarded to the Commission for hearing and order in conformity with the rules in this part.

(b) The petition shall contain a short and plain statement of the factors beyond his reasonable control which prevented his abatement despite his good faith efforts.

(c) Answers to the petition shall be filed within 10 days of receipt, or posting, of a copy of the petition. The answer shall contain, in short and plain terms, the party's reply to the factors asserted in the petition. Where a party does not elect to file an answer, he shall be deemed to have neither admitted nor denied any assertions of the petition.

(d) The burden of proving the need for such modification shall be upon the employer.

(e) Copies of any petition under this section shall be posted by the employer from the day of filing until the order of the Commission is rendered. They shall be posted in conspicuous places, including all places where notices to employees are customarily displayed. Reasonable steps shall be taken by the employer to insure that such notices are not altered, defaced, or covered by other material.

§ 2200.42 Petitions for discretionary review of the decision of the Examiner.

(a) *Petitions for discretionary review.* (1) Review by the Commission pursuant to this section is not a matter of the right of any party but is available only in the sound discretion of the Commission, upon the petition of a party, or otherwise, in accordance with section 12(j) of the Act. A petition for discretionary review by the Commission must be filed within 5 days after receipt of the Examiner's report or receipt of the transcript, whichever is later. Such petitions shall be accompanied by proof of service on all parties.

(2) Petitions for discretionary review shall be filed only to assert that:

(i) A material factual finding is erroneous;

(ii) A legal conclusion necessary to the ultimate result is a departure from or contrary to law, rules, or precedent;

(iii) A substantial question of law, policy, or discretion is involved; or

(iv) A prejudicial procedural error has occurred.

(3) Each issue shall be separately numbered, plainly and concisely stated, and should be supported by detailed citations of the record when objections are based on the record, and by statutes, regulations, or principal authorities relied upon. Any matters of fact or law not argued before the Examiner, but which the petitioner proposes to argue to the Commission shall be stated together with a concise statement of the reason for the failure to argue the matter below.

(4) Petitions for discretionary review shall be self-contained and where they incorporate by reference any other document shall specify by name and page number the referenced material. Where such documents are not part of the record, copies thereof shall be attached to the petitions. Petitions should be contained in no more than 10 pages.

(5) Requests for oral argument on petitions for discretionary review may be entertained by the Commission.

(b) *Answer.* Within 5 days after receipt of a petition for discretionary review, any party may file and serve a reply of not more than 10 pages in support of or in opposition to the petition. If any party desires to reply to more than one petition for discretionary review in the same proceeding, he shall do so in a single document of not more than 20 pages.

(c) *Orders declining review.* Failure of the Commission to grant the petition within 30 days of the filing of the Examiner's decision shall constitute denial of the petition. The Examiner's decision thereupon becomes the final order of the Commission in accordance with section 12(j) of the Act.

(d) *Review proceedings.* (1) The Commission will exercise its right of review upon petition for review or on its own initiative, where no petition has been filed, when one or more Commission members vote in favor of review.

(2) Where the Commission desires further proceedings, the Commission will issue an order for review, to be served on all parties, which will:

(i) Make the entire record subject to review;

(ii) Specify the portions of the Examiner's decision, if any, which are to be stayed as well as the effective date of the remaining portions thereof;

(iii) Specify whether the Commission desires oral argument and/or the filing of supplementary briefs and, if so, on which specific points.

§ 2200.43 Oral argument before the Commission.

(a) In the case where the Commission determines that oral argument is appropriate, all parties to the proceeding will be advised of the date and hour set for such argument and the amount of time allowed to each party.

(b) Pamphlets, charts, and other written data may be presented to the Commission at oral argument only in accordance with the following rules: All such material shall be limited to facts in the record of the case being argued. All such material shall be served on all parties to the proceeding and three copies should be transmitted to the

Chairman of the Commission at least 5 days in advance of the argument. As used herein, "material" includes, but is not limited to, maps, charts included in briefs, and similar exhibits which are to be enlarged and used for demonstration purposes at the argument, but does not include the enlargements of such exhibits.

§ 2200.44 Remand for additional testimony.

Where any matter is before the Commission, the Commission may issue an order remanding the proceeding for further hearings by the Examiner in accordance with such order or may order the taking of additional testimony before the Commission itself.

§ 2200.45 Amendments to rules.

The Commission may at any time upon its own initiative or upon written suggestion of any interested person setting forth reasonable grounds therefor amend or revoke any of the rules contained herein. Such suggestions should be addressed to the Commission in Washington, D.C. (§ 2200.3(f)).

§ 2200.46 Official Seal Occupational Safety and Health Review Commission.

The seal of the Commission shall consist of: A gold U.S. eagle with outstretched wings, head facing west, a shield with 13 vertical stripes on its breast, perched on an olive branch; superimposed over a plain solid white Greek cross formed of five equal squares with a green background, the arc between the two arms of the cross is defined as the square that would be formed if intersecting lines were drawn from the end of the arms; encircled by a white band edged in black and inscribed "Occupational Safety and Health Review Commission" in black letters.

[FR Doc.71-12685 Filed 8-30-71;8:45 am]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER E—DEFENSE CONTRACTING

PART 179—USE OF CONTRACTOR AND GOVERNMENT RESOURCES FOR MAINTENANCE OF MATERIEL

The Deputy Secretary of Defense approved the following:

Sec.
179.1 Purpose.
179.2 Applicability and scope.
179.3 Definitions.
179.4 Policy.
179.5 Criteria.
179.6 Responsibilities.

AUTHORITY: The provisions of this Part 179 issued under sec. 301, title 5 of the United States Code.

§ 179.1 Purpose.

This part establishes policies and related criteria governing the use of contractor and Department of Defense resources in providing DoD material maintenance requirements, in consonance with the policies set forth in DoD Directives 3232.1,[1] "Department of Defense Maintenance Engineering Program," 4000.19,[1] "Basic Policies and Principles for Interservice and Interdepartmental Logistic Support," and Parts 168 and 169 of this subchapter, and further delineates Military Department responsibilities for assuring the accomplishment of such materiel maintenance by either contracting or interservicing arrangements.

§ 179.2 Applicability and scope.

(a) The provisions of this part apply to the Military Departments, and to those Defense Agencies having responsibilities for the maintenance of materiel.

(b) This part does not conflict with nor alter DoD Directives 3232.1, 4000.19 and Parts 168 and 169 of this subchapter.

§ 179.3 Definitions.

(a) *Contract maintenance.* That maintenance (i.e., modification, modernization, rebuild, overhaul, repair or servicing of materiel) performed under contract by commercial organizations (including original manufacturers) on a one-time or continuing basis and utilizing contractor personnel.

(b) *Organic maintenance.* That maintenance performed by a Military Department utilizing (government-owned or controlled facilities, tools, test equipment, spares, repair parts) military or government civilian personnel.

(c) *Materiel.* Materiel consists of all tangible items (including ships, tanks, self-propelled weapons, aircraft, etc., and related spares, repair parts and support equipment; but, excluding real property, installations, and utilities) necessary to equip, operate, maintain, and support military activities without distinction as to its application for administrative or combat purposes.

(d) *Mission-essential materiel.* That materiel, authorized and assigned to approved combat and combat support forces which would be immediately employed to (1) destroy the enemy or his capacity to continue war, (2) provide battlefield protection of personnel, (3) communicate under war conditions, (4) detect, locate, or maintain surveillance over the enemy, (5) permit contiguous combat transportation and support of men and materiel, and (6) equipment assigned to training missions that is of the same type and configuration as that assigned to combat and combat support forces which is designated to be immediately employed for purposes enumerated above.

(e) *Interservice maintenance support.* Maintenance performed by the organic capability of one military service or element thereof in support of another military service or element thereof. Such action can be recurring or nonrecurring in character. (See DoD Directive 4000.19).[1]

(f) *Direct maintenance support.* Refers to that maintenance performed to materiel while it remains under the custody of the using military command. Upon restoration of serviceable condition, the materiel normally is returned directly to service.

(g) *Indirect maintenance support.* Refers to that maintenance performed to materiel after its withdrawal from the custody of the using military command. Upon restoration to servicable condition, the materiel is returned to stock for reissue, or returned directly to the user under conditions authorized by the Military Department concerned.

(h) *Maintenance capability.* Consists of those resources, namely: Facilities, tools, test equipment, drawings, technical publications, trained maintenance personnel, engineering support, and an assured availability of spare parts, required to modify, retain materiel in, or restore materiel to, serviceable condition.

(i) *Maintenance capacity.* Is the quantitative expression of maintenance capability in the amount of direct labor man-hours that can be applied on a 40-hour week (one shift—5 days).

(j) *Depot maintenance support assignment.* The DoD component designated by the Secretary of Defense to provide depot maintenance support to all users of specified multiservice equipment.

(k) *Weapon system.* An instrument of combat either offensive or defensive used to destroy, injure, defeat, or threaten the enemy. It consists of the total entity that is an instrument of combat that incorporates in itself a complex assembly of functional parts, e.g., F-104 aircraft, FBM submarines, M-60 tank, Hawk missile.

(l) *Major end items.* A major piece of equipment, including support equipment, used to aid, assist or complement a weapon system.

(m) *Analytical overhaul.* The complete disassembly, inspection, engineering evaluation, repair, assembly, and test of military materiel either in or entering the inventory for the purpose of refining requirements for spares and repair parts, maintenance technical criteria, tooling, test equipment and technical data and/or determining the need for product improvement.

§ 179.4 Policy.

(a) Maintenance support of military equipment is vital to the sustained application of military power. It is necessary, therefore, that the Military Departments provide an adequate program for maintenance of assigned equipment to effectively and efficiently meet sustained readiness in accordance with responsibility for military missions.

(b) Guidance with respect to the use of government or contract sources to meet defense maintenance needs is provided below. It is intended that:

[1] Filed as part of original. Copies may be obtained from U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120, Attn: Code 300.

[1] Ibid.

(1) Combat and combat support activities of the Military Departments will be self-sufficient insofar as possible in providing direct (intermediate-organizational) maintenance support for assigned weapons systems and equipment. The use of contractual services for such support will generally be limited to short term tasks to overcome specific deficiencies.

(2) The evaluation and determination of the source of direct support of other than combat and combat support activities will be based on (i) the need to maintain a training/rotational base for military technical personnel; (ii) the security implications involved, and (iii) cost/effectiveness considerations.

(3) Indirect (depot) maintenance support of military weapons and equipment will be planned and accomplished by the combined use of contractual sources and organic military capability, in order to establish and sustain a flexible maintenance production base capable of expansion to accommodate emergency military needs within a limited time frame (DoD Directive 4005.1, "DoD Industrial Mobilization Production Planning Program—Limited War").

(4) Normally each Military Department and Defense Agency will provide for the support of DoD mission-essential equipment. Interservice support arrangements (see DoD Directive 4000.19 [1]) will be established and executed wherever such actions will prove more beneficial to the DoD in terms of effectiveness of support or economy of operations.

(5) The extent of facility capability and capacity within the Military Departments for depot support of mission-essential equipment will be kept to the minimum required to insure a ready and controlled source of technical competence and resources necessary to meet military contingencies. Generally, organic depot maintenance capacity will be planned to accomplish no more than 70 percent of the gross mission-essential depot maintenance workload requirements with a facility capacity loading at a minimum rate of 85 percent, on a 40-hour week, one-shift basis. The Services will attempt in the implementation of this part to utilize the DoD-wide industrial organization in a manner that will insure the most advantageous and economic benefits to the DoD.

(6) A Joint Support Plan will be developed in all cases where the same weapon is being procured for use by two or more military services. Joint Support Plans may also be selectively required for jointly used major end items and components when such plans are in the best overall interest of the DoD. The Support Plan will include an assessment of existing depot maintenance capabilities of the Military Departments involved and will indicate (i) the basic considerations; (ii) how the depot maintenance proposed assignments make maximum use of existing DoD capabilities and reduces to a minimum new investment in additional resources and (iii) the planned distribution of depot maintenance workloads between organic and commercial sources over the weapon or equipment's planned life (see DoD Directives 5126.22 (26 F.R. 1922) and 4100.35, "Development of Integrated Logistic Support for Systems and Equipment" [2]). These plans will be submitted to the ASD(I&L) for approval.

(7) Workloads which are not directly related to mission-essential systems and equipments on approved listings and which are to be performed by organic depot maintenance facilities will be submitted and justified annually under the criteria for a new start set forth in Part 169a of this subchapter.

§ 179.5 Criteria.

(a) Within the policy statements in § 179.4, the maintenance of mission-essential military materiel will be accomplished with DoD organic resources when required to assure a controlled source of equipment support of military operations under emergency or war conditions, and when essential:

(1) To retain or upgrade technical ability within the Military Service to permit effective performance of the Military Mission, or

(2) To provide necessary experience and information on the military requirements, design specifications, performance evaluations, and the review and control of costs, or

(3) To develop the technical competency necessary to conduct analytical evaluations of maintenance criteria, specification and performance data that are necessary to assure improved performance of military equipment.

(b) Within the policy statements in § 179.4:

(1) Contract maintenance has its principal applications in the following areas (see also Part 170 of this subchapter).

(i) For accomplishment of indirect maintenance requirements which exceed the military capacity retained to support mission-essential materiel, and such requirements can be accomplished at reasonable cost (considering the allowable costs set forth in Part 15 of this chapter) and when compared with the actual costs experienced by existing organic maintenance activities.

(ii) For accomplishment of direct and indirect maintenance requirements in support of nontactical elements when the military control and performance of such work is not required for (*a*) military effectiveness, (*b*) personnel training, or (*c*) rotation and career development of manpower.

(iii) For direct maintenance support of materiel of a temporary nature pending the attainment of an organic capability or to accommodate peak workloads of a transitory nature.

(iv) When required for an interim period to attain an earlier operational status for new military materiel.

(v) For accomplishment of analytical overhaul or modification of new military materiel entering the inventory (see DoD Instruction 7041.3 [1]).

(vi) When the extent or complexity of modification or modernization work to be accomplished requires the inherent technical qualifications of the original manufacturer.

(vii) When the contract lead times and processing of equipment through contractors would not result in overall increased costs for procurement of spares to fill an enlarged logistic pipeline.

(viii) When administrative cost of contracting for small lots would be appropriate to the requirement.

(2) Interservice maintenance has its principal applications in the following areas:

(i) Where capability and capacity exists or can be made available through redistribution of DoD workloads.

(ii) Where two or more services use the same item and the workload of one service for the item is of small magnitude in comparison to the quantity being repaired by the other service.

(iii) When it provides for a reduction in equipment out-of-service time; will result in a reduction of logistic pipeline inventories; and/or provides the potential for reducing investment and operating support costs.

§ 179.6 Responsibilities.

(a) Each Military Department and Defense Agency shall:

(1) Determine and designate those systems and equipments in their operating programs which are mission-essential materiel, including the extent of depot level maintenance capacity and capability that should be developed and/or retained within the DoD for its support, and publish lists of these mission-essential systems and equipment covering the current year and 4 out years.

(2) Develop and present the annual depot maintenance program as a part of the normal budget cycle. The program will reflect the total military department or defense agency requirements for accomplishment by organic, contract or interservice sources as appropriate (see DoD Instruction 7110.1 [1]).

(3) Assure that efficient utilization is being realized from that organic capability retained for the depot maintenance support of mission-essential materiel.

(4) Maintain the technical competency necessary to assure effective and efficient management of the total depot maintenance workload program.

(5) Determine, in coordination with other departments and agencies, as appropriate, those workloads which can be most effectively and economically accomplished by defense organic or commercial industry sources.

(6) Foster the establishment and retention of a competitive commercial depot maintenance industrial base.

(7) Assure that the same degree of management emphasis and attention is given to workloads accomplished by contract sources as that given to workloads

[1] Ibid.

[2] Ibid.

[1] Ibid.

performed by organic sources (see Part 170 of this subchapter).

(8) Request deviation from the provisions of this part in those cases where there are peculiar circumstances or there are other overriding factors to be considered.

(b) The ASD(I&L) shall be responsible for:

(1) Annual reviews of departmental depot maintenance programs concurrent with the OSD/BoB[2] budget reviews of departmental programs. Conduct reviews at least annually of mission-essential weapons and equipment end item lists for which a depot maintenance capability has been established or will be required. Take actions necessary to insure the effective implementation of the policies set forth in and intent of this part.

(2) Review of DoD depot maintenance capabilities and capacities. Assess alternative plans for depot maintenance support. Review and approve proposed plans for depot maintenance support of multiservice use weapons and selected end items (see also DoD Directive 5126.22 (26 F.R. 1922)).

(3) Providing final determination on all requests for deviation from the provisions of this part.

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

[FR Doc.71-12687 Filed 8-30-71;8:45 am]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

SUBCHAPTER C—SHIPPING AND NAVIGATION

PART 101—ARRIVING AND DEPARTING VESSELS: VARIOUS QUARANTINE, CUSTOMS, IMMIGRATION AND ADMEASUREMENT REQUIREMENTS

CFR Correction

In § 101.9 appearing on page 173 of Title 35, Revised as of January 1, 1971, the final sentence is corrected to read as follows:

§ 101.9 Papers required by boarding officer.

* * * If a vessel fails to present any one of the prescribed papers upon arrival it shall be subject to delay or to denial of entry or denial of the use of Canal Zone port and other facilities in whole or in part in accordance with § 101.13, but it shall not be subject to fine.

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

RESPONSIBLE PROSPECTIVE CONTRACTORS

This amendment of the Federal Procurement Regulations prescribes a new Subpart 1–1.12, Responsible Prospective Contractors, which replaces the treatment of this subject that previously appeared in § 1–1.310. The new subpart provides substantial additional coverage of the subject, particularly with respect to standards, special findings, preaward surveys, and responsibility of subcontractors.

The table of contents for Part 1–1 is amended to include revised and additional entries as follows:

PART 1–1—GENERAL

Subpart 1–1.3—General Policies

Sec.
1–1.310 [Reserved]

Subpart 1–1.12—Responsible Prospective Contractors

1–1.1200 Scope of subpart.
1–1.1201 Applicability.
1–1.1202 General policy.
1–1.1203 Minimum standards for responsible prospective contractors.
1–1.1203–1 General standards.
1–1.1203–2 Additional standards.
1–1.1203–3 Special standards.
1–1.1203–4 Ability to meet certain minimum standards.
1–1.1204 Determination of responsibility or nonresponsibility.
1–1.1204–1 Requirement.
1–1.1204–2 Affiliated concerns.
1–1.1205 Procedures for determining responsibility of prospective contractors.
1–1.1205–1 General.
1–1.1205–2 When information will be obtained.
1–1.1205–3 Sources of information.
1–1.1205–4 Preaward surveys.
1–1.1206 Subcontractor responsibility.
1–1.1207 Disclosure of preaward data.

AUTHORITY: The provisions of this Subpart 1–1.12 issued under sec. 305(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 1–1.3—General Policies

1. Section 1–1.302–2(e) is revised to read as follows:

§ 1–1.302–2 Production and research and development pools.

* * * * *

(e) *Responsibility of pool member.* Where a member of a production pool has submitted a bid or proposal in its own name, the pool agreement shall be considered in determining the pool member's responsibility pursuant to Subpart 1–1.12.

2. Section 1–1.310 is revised to delete the text and to reserve the section for future use, as follows:

§ 1–1.310 [Reserved]

Subpart 1–1.12—Responsible Prospective Contractors

1. Subpart 1–1.12 is added which reads as follows:

§ 1–1.1200 Scope of subpart.

This subpart prescribes policies concerning the responsibility of prospective contractors, minimum standards for responsible prospective contractors, requirements and procedures for the determination of responsibility, and policies regarding the determination of subcontractor responsibility.

§ 1–1.1201 Applicability.

(a) This subpart applies to all formally advertised or negotiated procurements made by executive agencies from contractors located in the United States, its possessions, or the Commonwealth of Puerto Rico. In addition, it applies to such procurements from contractors in other places, except where inconsistent with the laws and customs of the place where the prospective contractor is located. The subpart also applies to the procurement of automatic data processing equipment and related supplies and equipment by Federal agencies in the judicial and legislative branches, other than the Senate, the House of Representatives, and the Architect of the Capitol, as well as to the procurement of such equipment by executive agencies.

(b) This subpart does not apply to procurements from (1) other governments, including State and local governments or their instrumentalities, (2) other U.S. Government agencies or their instrumentalities (e.g., the Federal Prison Industries, Inc.), or (3) the National Industries for the Blind.

§ 1–1.1202 General policy.

(a) Purchases shall be made only from, and contracts shall be awarded only to, responsible prospective contractors (see 41 U.S.C. 253(b) and 10 U.S.C. 2305(c)). A responsible prospective contractor is one who meets the standards set forth in §§ 1–1.1203–1 and 1–1.1203–2 and such special standards as may be prescribed in accordance with § 1–1.1203–3.

(b) The award of a contract to an offeror solely on the basis of the lowest evaluated price is a disservice to the Government if subsequently the contractor defaults, is late in his deliveries, or otherwise performs unsatisfactorily, with the result that the Government incurs additional procurement or administrative costs, and acceptable supplies or services may not be furnished within the time required. Such awards are also unfair to other offerors who are capable of satisfactory performance and tend to discourage them from submitting bids or proposals on future procurements.

(c) While it is important that purchases be made on the basis of offers which are most advantageous to the Government, price and other factors considered, this does not require an award to an offeror solely because he submits the lowest bid or offer. A prospective contractor must affirmatively demonstrate his responsibility and, when necessary, the responsibility of his proposed subcontractors.

(d) A determination of nonresponsibility shall be made by the contracting officer if, after compliance with §§ 1–1.1205 and 1–1.1206, the information obtained does not indicate clearly that the prospective contractor is responsible. Recent unsatisfactory performance regarding either quality or timeliness of delivery, whether or not default proceedings were instituted, is an example

[2] Now Office of Management and Budget.

of a problem which the contracting officer must consider and resolve as to its impact on the current procurement prior to making an affirmative determination of responsibility. Where a contracting officer has doubts regarding the productive capacity or financial strength of a prospective contractor which cannot be resolved affirmatively, the contracting officer shall determine that the prospective contractor is nonresponsible. (See § 1–1.708 if a small business concern is involved.)

§ 1–1.1203 Minimum standards for responsible prospective contractors.

§ 1–1.1203–1 General standards.

Except as otherwise provided in this § 1–1.1203, a prospective contractor must:

(a) Have adequate financial resources, or the ability to obtain such resources as required during performance of the contract;

(b) Be able to comply with the required or proposed delivery or performance schedule, taking into consideration all existing business commitments, commercial as well as governmental;

(c) Have a satisfactory record of performance. Contractors who are or have been seriously deficient in current or recent contract performance, when the number of contracts and the extent of deficiency of each are considered, in the absence of evidence to the contrary or circumstances properly beyond the control of the contractor, shall be presumed to be unable to meet this requirement. Past unsatisfactory performance will ordinarily be sufficient to justify a finding of nonresponsibility (see § 1–1.708 if a small business concern is involved);

(d) Have a satisfactory record of integrity and business ethics (see § 1–1.708–2 if a small business concern is involved); and

(e) Be otherwise qualified and eligible to receive an award under applicable laws and regulations, e.g., see Subparts 1–12.6 and 1–12.8.

§ 1–1.1203–2 Additional standards.

(a) In addition to the standards in § 1–1.1203–1, where procurements involve production, maintenance, construction (see § 1–18.106), or research and development work (and in other procurements as appropriate), a prospective contractor must:

(1) Have the necessary organization, experience, operational controls, and technical skills, or the ability to obtain them. This standard includes, where appropriate, such elements as adequacy of production control procedures and quality assurance measures, including those applicable to materials produced or services performed by subcontractors (see § 1–1.1203–4); and

(2) Have the necessary production, construction, and technical equipment and facilities, or the ability to obtain them. Where a prospective contractor proposes to use the facilities or equipment of another concern, not a subcontractor, or of his affiliate (see § 1–1.701–2), all existing business arrangements, firm or contingent, for the use of such facilities or equipment shall be considered in determining the ability of the prospective contractor to perform the contract (see also § 1–1.1203–4).

(b) Procurement of subsistence shall be made only from those sources which, in addition to meeting the standards in § 1–1.1203–1, are approved with respect to agency standards and procedures.

§ 1–1.1203–3 Special standards.

When the situation warrants, contracting officers shall develop with the assistance of technical personnel or other specialists, special standards of responsibility to be applicable to a particular procurement or class of procurements. Such special standards may be particularly desirable where a history of unsatisfactory performance has demonstrated the need for insuring the existence of unusual expertise or specialized facilities necessary for adequate contract performance. The resulting standards shall form a part of the solicitation and shall be applicable to all bidders or offerors.

§ 1–1.1203–4 Ability to meet certain minimum standards.

Except to the extent that a prospective contractor pruposes to perform the contract by subcontracting (see § 1–1.1206), acceptable evidence of his "ability to obtain" equipment, facilities, and personnel (see §§ 1–1.1203–1(a) and 1–1.1203–2) shall be required. If these are not represented in the contractor's current operations, they should normally be supported by a commitment or explicit arrangement, which is in existence at the time the contract is to be awarded, for the rental, purchase, or other acquisition of such resources, equipment, facilities, or personnel.

§ 1–1.1204 Determination of responsibility or nonresponsibility.

§ 1–1.1204–1 Requirement.

(a) No purchase shall be made from, and no contract shall be awarded to, any person or firm unless the contracting officer first makes an affirmative determination that the prospective contractor is responsible within the meaning of § 1–1.1202. Such affirmative determinations shall be documented in accordance with agency procedures. In this regard, however, the signing of a contract may be deemed to be an affirmative determination by the contracting officer that the prospective contractor is responsible with respect to that contract. Supporting documents and reports, including any preaward survey reports (see §1–1.1205–4) and any applicable SBA certificate of competency (see § 1–1.708), shall be made a part of the contract file.

(b) Where a bid or offer on which an award would otherwise be made is rejected because the prospective contractor is found to be nonresponsible, a determination of nonresponsibility shall be made, signed, and placed in the file. (See § 1–1.708 if a small business concern is involved.) The determination of nonresponsibility shall set forth the basis of the determination.

§ 1–1.1204–2 Affiliated concerns.

(a) Affiliated concerns generally shall be considered as separate entities in determining whether the concern which is to perform the contract meets the applicable standards for a responsible prospective contractor. (See § 1–1.701 regarding the use of the term "affiliates" in the definition of a small business concern; see also the definition of "affiliates" in § 1–1.701–2 which shall apply to all business concerns, including small business concerns, for the purpose of this Subpart 1–1.12.)

(b) The record of performance and integrity of an affiliated concern which may adversely affect the responsibility of the prospective contractor shall be considered by the contracting officer when making a determination of responsibility.

§ 1–1.1205 Procedures for determining responsibility of prospective contractors.

§ 1–1.1205–1 General.

(a) Before making a determination of responsibility (see § 1–1.1204), the contracting officer shall have in his possession information sufficient to satisfy himself that a prospective contractor currently meets the minimum standards set forth in § 1–1.1203, to the extent that such standards are applicable to a specific procurement.

(b) Maximum practicable use shall be made of currently valid information which is on file within the agency. Each agency shall, at such level and in such manner as it deems appropriate, maintain records and experience data which shall be made readily available for use by contracting officers in the placement of new procurement.

§ 1–1.1205–2 When information will be obtained.

Generally, information regarding the responsibility of a prospective contractor, including preaward surveys when deemed necessary (see § 1–1.1205–4), shall be obtained promptly after bid opening or receipt of proposals. However, in negotiated procurements, especially those involving research and development, such information may be obtained before the issuance of requests for proposals. Notwithstanding the foregoing, information regarding financial resources (see §1–1.1203–1(a)) and performance capability (see § 1–1.1203–1 (b) and (c)) shall be obtained on as current a basis as feasible with relation to the date of contract award.

§ 1–1.1205–3 Sources of information.

Information regarding the responsibility of prospective contractors may be obtained from the following sources:

(a) Any list of debarred, suspended, or ineligible concerns or individuals established pursuant to § 1–1.602;

(b) From the prospective contractor. This should include representations and other information contained in or attached to bids and proposals; replies; replies to questionnaires; financial data such as balance sheets, profit and loss statements, cash forecasts, and financial

histories of the contractor an affiliated concerns; current and past production records; personnel records; lists of tools, equipment, and facilities; written statements or commitments concerning financial assistance and subcontracting arrangements; and analysis of operational control procedures. Where it is considered necessary by the contracting officer to prevent practices prejudicial to fair and open competition or for other reasons, prospective contractors may be required to submit statements concerning their ability to meet any of the minimum standards set forth in § 1–1.1203, and company ownership and control;

(c) Other information existing within the agency, including records on file and knowledge of personnel within the purchasing office making the procurement, other purchasing offices, related activities, audit activities, and offices concerned with contract financing;

(d) Publications, including credit ratings, trade and financial journals, and business directories and registers; and

(e) Other sources. These should include suppliers, subcontractors, and customers of the prospective contractor; banks and financing institutions; commercial credit agencies; Government departments and agencies; purchasing and trade associations; and better business bureaus and chambers of commerce.

§ 1–1.1205–4 Preaward surveys.

(a) A preaward survey is an evaluation of a prospective contractor's performance capability under the terms of a proposed contract. Such evaluation shall be used by the contracting officer as an aid in determining the prospective contractor's responsibility. The evaluation may be accomplished by use of (1) data on hand, (2) data from another Government agency or commercial source, (3) an onsite inspection of plant and facilities to be used for performance of the proposed contract, or (4) any combination of the above. Preaward surveys shall be conducted in accordance with agency procedures.

(b) A preaward onsite survey shall be made when the information available to a purchasing office (see § 1–1.1205–3) is not sufficient to enable the contracting officer to make a determination regarding the responsibility of a prospective contractor (see paragraph (c) of this section). When this situation occurs, the contracting officer shall request the appropriate agency officials to make a preaward survey for the purpose of providing needed responsibility information in such detail as is commensurate with the dollar value and complexity of the procurement. In requesting a preaward survey, the contracting officer shall identify the factors which he believes should receive special attention. The factors selected by the contracting officer shall be applicable to all firms responding to the solicitation and shall be considered in all preaward surveys performed in connection with the solicitation.

(c) Where a procurement is significant in terms of the dollar value or the critical nature of the requirements, a verification of the information available regarding current workload and financial capacity shall be considered. The consideration of such a verification shall not be affected by the apparent sufficiency of the information available to the purchasing office to indicate contractor responsibility with respect to the standards set forth in § 1–1.1203–1 (a) and (b).

§ 1–1.1206 Subcontractor responsibility.

(a) To the extent that a prospective contractor proposes to perform the contract by subcontracting, determinations regarding the responsibility of prospective subcontractors may be necessary in order to determine the responsibility of the prospective prime contractor. Determinations concerning the responsibility of prospective subcontractors generally should be made by the prospective prime contractor (see § 1–1.603 relating to subcontractors listed on any list of debarred, suspended, and ineligible contractors). A prospective prime contractor may be required to (1) provide written evidence regarding the responsibility of proposed subcontractors, or (2) show that he has an acceptable and effective purchasing and subcontracting system which includes a method for determining subcontractor responsibility.

(b) Notwithstanding the general ability of a prospective contractor to demonstrate the responsibility of his prospective subcontractors, it may be in the best interest of the Government to make a direct determination of the responsibility of one or more prospective subcontractors prior to award of the prime contract. Illustrations of such situations where direct determination would be appropriate include the following: (1) Medical items, (2) supplies or services which are so urgently needed that it is necessary for the Government to go beyond the normal process in determining contractor responsibility, and (3) supplies or services, a substantial portion of which will be subcontracted. Determination of prospective subcontractor responsibility by the Government shall be based on the same factors which are applicable to determinations of prospective prime contractor responsibility.

§ 1–1.1207 Disclosure of preaward data.

Data, including information obtained from a preaward survey, accumulated for purposes of determining the responsibility of a prospective contractor shall not be released outside the Government, and shall not be made available for inspection by individuals, firms, or trade organizations. Such data may be disclosed to, or summarized for, other elements within the Government upon request. Prior to making a determination of responsibility, such data may be discussed with the prospective contractor as determined necessary by the purchasing office. After an award, the findings of the preaward survey may be discussed by the contracting officer with the company surveyed as provided in § 1–2.408.

Subpart 1–1.18—Postaward Orientation of Contractors

Section 1–1.1802 (b) is revised to read as follows:

§ 1–1.1802 Policy.

* * * * *

(b) However, a postaward orientation conference may not be used in substitution for affirmative preaward determinations as to a bidder's responsibility, e.g., as to his willingness and ability to comply with the equal employment opportunity requirements.

PART 1–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 1–2.1—Use of Formal Advertising

Section 1–2.103(c) is revised to read as follows:

§ 1–2.103 General requirements for formally advertised contracts.

* * * * *

(c) Determination has been made as to the responsible bidder (see Subpart 1–1.12) whose bid is responsive to the invitation for bids and is most advantageous to the Government, price and other factors considered, and award is made as prescribed in Subpart 1–2.4.

Subpart 1–2.4—Opening of Bids and Award of Contract

1. Section 1–2.404–2(e) is revised as follows:

§ 1–2.404–2 Rejection of individual bids.

* * * * *

(e) Low bids received from firms determined to be not responsible, pursuant to Subpart 1–1.12, shall be rejected (but if a bidder is a small business concern, see Subpart 1–1.7 with respect to certificates of competency).

* * * * *

2. Section 1–2.407–2 is revised to read as follows:

§ 1–2.407–2 Responsible bidder—reasonableness of price.

Before awarding the contract, the contracting officer shall determine that a prospective contractor is responsible (see Subpart 1–1.12) and that the prices offered are reasonable. The price analysis techniques set forth in § 1–3.807–2(b)(1) may be used as guidelines, where appropriate, but determination in each case shall be made in the light of all prevailing circumstances. Particular care must be taken in cases where only a single bid is received.

PART 1–3—PROCUREMENT BY NEGOTIATION

Subpart 1–3.1—Use of Negotiation

Section 1–3.101(b)(4) is revised to read as follows:

§ 1–3.101 General requirements for negotiation.

* * * * *

(b) * * *

(4) The prospective contractor has been determined to be responsible in accordance with Subpart 1–1.12.

* * * * *

Subpart 1–3.8—Price Negotiation Policies and Techniques

Section 1–3.802(b) is revised to read as follows:

§ 1–3.802 Preparation for negotiation.

* * * * *

(b) *Selection of prospective sources.* Selection of qualified sources for solicitation of proposals is basic to sound prices. Proposals should be invited from a sufficient number of competent potential sources to insure adequate competition (see §§ 1–1.302, 1–1.702, 1–1.1203, and 1–3.101). The bidder's mailing lists prescribed by § 1–2.205 should be used where appropriate.

* * * * *

PART 1–18—PROCUREMENT OF CONSTRUCTION

Subpart 1–18.1—General Provisions

Section 1–18.106 is revised to read as follows:

§ 1–18.106 Minimum standards for responsible prospective contractors.

In evaluating the financial resources and ability to perform of a prospective contractor, the contracting officer, in addition to other pertinent factors (see Subpart 1–1.12), shall consider whether a bid guarantee has been and performance and payment bonds are to be furnished. However, the mere ability to furnish bonds shall not, in itself, be considered acceptable evidence of adequate financial resources and ability to perform. Where the prospective contractor is a joint venture, the contracting officer shall consider the financial resources and individual capacities of all its members in determining the responsibility of the joint venture.

PART 1–30—CONTRACT FINANCING

Subpart 1–30.2—Basic Policies

1. Section 1–30.210(a) is revised to read as follows:

§ 1–30.210 Financing not a handicap.

(a) The need for advance payments or for progress payments or for a guaranteed loan (with reasonable percentage of guarantee) shall not be treated as a handicap in awarding contracts to those qualified contractors who are deemed competent and capable of satisfactory performance (see §§ 1–1.1204, 1–2.407, 1–30.211, and 1–30.212). The ability of the contractor to perform the contract, including the availability of money or credit necessary for performance, must be reasonably assured in all cases. Awards which are otherwise proper must not be deterred by the necessity for providing reasonable contract financing. A contractor deemed reliable, competent, capable, and otherwise responsible, must not be regarded as any less responsible by reason of the need for reasonable contract financing provided or guaranteed by a procuring agency. Responsible personnel must endeavor to assure that full, proper, and prudent use is made of contract financing, in such ways that financial difficulties will not bring about delay or failure in performance or result in monetary losses to the Government. In selection of an appropriate method for provision of funds, contractors will not be expected to seek or obtain loans or credit (1) at excessive interest rates or other exorbitant charges, or (2) from agencies of the Government other than the procurement agency.

* * * * *

2. Section 1–30.211 is revised to read as follows:

§ 1–30.211 Financial responsibility of contractors.

Procuring activities in placing contracts shall give due regard to the financial capabilities of the supplier. Financial difficulties encountered by contractors and subcontractors may (a) disrupt production schedules, (b) cause wastage of manpower and materials, and (c) if connected with guaranteed loans, advance payments, or progress payments, result in monetary loss to the Government. Also, if financial crises occur in the course of a contractor's production, the need for continued production may make guaranteed loans or advance payments imperative for continuance of such production, even though monetary losses may be likely under the circumstances. In order to reduce these hazards so far as possible, contracts should be entered into only with those potential contractors who meet the requirements of § 1–1.1204 or § 1–2.407, and who have the financial capacity or credit (giving due regard to the availability of progress payments, guaranteed loans, and advance payments), technical skill, management competence, and plant capacity and facilities (including subcontracting capacity) reasonably to assure their ability to perform their contracts in accordance with their terms. Care should be taken also to the extent practicable to avoid the placement of additional contracts or subcontracts with contractors in situations where additional contracts will overload the contractor's production capacity, overextend his financial resources and credit, and thus tend to interfere with timely performance of contracts on hand, and create need for additional contract financing arrangements, which may be impossible to establish on a prudent basis. In all cases, whether involving formal advertising or negotiation, it must be determined that the contractor is financially and otherwise able to perform the contract. In addition, consideration must be given to the judgment, skill, and integrity of the potential contractor, and to his reputation and experience, including prior work of a similar nature done by him, and the other factors set forth in §§ 1–1.1203, 1–2.407, and 1–3.102, as appropriate. Persons placing subcontracts, at all levels of subcontracting, should be encouraged to apply these standards in placing subcontracts. Some practical examples of important points which should be kept in mind are set out in §§ 1–30.211–1 through 1–30.211–6.

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

Effective date. These regulations are effective August 30, 1971, but may be observed earlier.

Dated: August 24, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71–12717 Filed 8–30–71;8:49 am]

Chapter 5A—Federal Supply Service, General Services Administration

REVISION OF GSA FORM 1246, GSA SUPPLEMENTAL PROVISIONS (A.I.D. PROCUREMENT)

Chapter 5A of title 41 is amended as follows:

PART 5A–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5A–2.2—Solicitation of Bids

Section 5A–2.201–70(e)(2) is amended to read as follows:

§ 5A–2.201–70 Forms to be used.

* * * * *

(e) * * *

(2) GSA Form 1246, GSA Supplemental Provisions (A.I.D. Procurement), July 1971 edition, shall be incorporated by reference in each solicitation for offers under the AID buying program by using the following provision:

GSA Form 1246, GSA Supplemental Provisions (A.I.D. Procurement), July 1971 edition, receipt of which is acknowledged by the bidder, is hereby incorporated by reference. A copy of GSA Form 1246, if not enclosed, is available upon request.

* * * * *

PART 5A–16—PROCUREMENT FORMS

The table of contents for Part 5A–16 is amended as follows:

Sec.
5A–16.950–1246 GSA Form 1246, GSA Supplemental Provisions (A.I.D. Procurement), July 1971 edition.

Subpart 5A–16.9—Illustrations of Forms

Section 5A–16.950–1246 is revised as follows:

§ 5A–16.950–1246 GSA Form 1246, GSA Supplemental Provisions (A.I.D. Procurement), July 1971 edition.

PART 5A–74—SPECIAL PURCHASE PROGRAMS

Subpart 5A–74.4—Overseas Supply Support Program

Section 5A–74.407–2(b) is amended to read as follows:

§ 5A–74.407–2 Agency for International Development (AID).

* * * * *

(b) *Buy American Act—Restrictions on source.* Article 14 of GSA Form 1246

deletes Article 14 (Buy American Act) of SF 32 and paragraph 7 (Buy American Certificate) of SF 33.

* * * * *

NOTE: The revised form mentioned in § 5A-2.201-70(e)(2) and listed in § 5A-16.950-1246 is filed as part of the original document. Copies may be obtained from General Services Administration (3BRD), Washington, D.C. 20407.

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

Effective date. These regulations are effective 30 days after the date shown below.

Dated: August 16, 1971.

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

[FR Doc.71-12715 Filed 8-30-71;8:49 am]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

CLARIFICATION OF POLICY ON PROCUREMENT OF PERSONAL CONVENIENCE ITEMS AND PROCUREMENT OF SIMILAR ITEMS FROM GSA SOURCES

The policy on procurement of personal convenience items is clarified and strengthened, and guidelines are provided to enable agencies to more effectively restrict the procurement and use of such items. The policy guidance on requests for waivers to procure similar items from other than GSA is relocated to provide a single source reference for such guidance.

PART 101-25—GENERAL

The table of contents of Part 101-25 is amended to read as follows:

Sec.
101-25.105 [Reserved]

Subpart 101-25.1—General Policies

The text of § 101-25.105 is deleted and the caption revised to read as follows:

§ 101-25.105 [Reserved]

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

The table of contents of Part 101-26 is amended to read as follows:

Sec.
101-26.100-2 Request for waivers.
101-26.103 Establishing essentiality of requirements.
101-26.103-1 Policy for personal property.
101-26.103-2 Restriction on personal convenience items.

Subpart 101-26.1—General

1. Section 101-26.100 is revised as follows:

§ 101-26.100 Scope of subpart.

This subpart provides policy guidance of a general nature concerning procurement of lowest cost items obtainable from GSA supply sources; availability from GSA of special buying services in addition to the specified GSA procurement sources; criteria for placing end-of-year purchase documents with GSA and for insuring that end-of-year requisitions placed with GSA obligate the applicable fiscal year appropriation; and justification requirements to support negotiated procurement by GSA for other agencies.

2. Section 101-26.100-1 is revised and § 101-26.100-2 is added as follows:

§ 101-26.100-1 Procurement of lowest cost items.

GSA provides under both its supply distribution system and the Federal Supply Schedule program, lines of similar items to meet particular end-use requirements. Although these similar items may differ in terms of price, quality, and essential characteristics, they can often serve the same functional end-use procurement needs of the various ordering agencies. Therefore, in submitting requisitions or purchase orders for an item obtainable from both GSA stock and Federal Supply Schedule contracts, agencies shall utilize the source from which the lowest cost item can be obtained which will adequately serve the functional end-use purpose.

§ 101-26.100-2 Request for waivers.

When an agency required to use GSA stock or Federal Supply Schedule items determines that such items will not serve the required functional end-use purpose of the item proposed to be procured, requests to waive the requirement for use of GSA sources shall be submitted to GSA for consideration. (Personal preference and subjective evaluations are not acceptable as sufficient justification for a waiver.) However, a waiver is not required where a desired similar item will be procured at a lower cost from another GSA source in accordance with the policy set forth in § 101.26.100-1 relating to the acquisition of the lowest cost item from GSA sources.

(a) Requests for waivers shall be submitted to the Commissioner, Federal Supply Service, General Services Administration, Washington, D.C. 20406, and, if considered justified, will be approved. If disapproved, the requesting office will be so notified. Such requests shall contain:

(1) Complete description of the item requested. (Descriptive literature such as cuts, illustrations, drawings, and brochures which show the characteristics or construction of the item or explain its operation should be furnished wherever possible in satisfaction of this requirement.)

(2) Comparison of price and pertinent technical differences between the item requested and the GSA item:

(i) Inadequacies of the GSA item in performing required functions.

(ii) Advantages of the item requested, such as technical, economic, or other.

(3) Quantity required. (If demand is recurrent (estimate annual usage), nonrecurrent, or unpredictable, so state.)

(4) Other pertinent date when applicable.

(b) Agencies shall not initiate action to procure similar items from non-GSA sources until a request for a waiver has been requested from and approved by GSA. The fact that action to procure a similar item has been initiated will not influence GSA action on a request for waiver.

3. Section 101-26.102-2(b) is revised as follows:

§ 101-26.102-2 Utilization by military agencies.

* * * * *

(b) The items involved are not properly obtainable from GSA stock or Federal Supply Schedules.

4. Sections 101-26.103, 101-26.103-1, and 101-26.103-2 are added as follows:

§ 101-26.103 Establishing essentiality of requirements.

§ 101-26.103-1 Policy for personal property.

To obtain maximum benefit from Government funds available for procurement of personal property, each executive agency shall:

(a) Insure that personal property currently on hand is being utilized to the fullest extent practical and provide supporting justification prior to effecting new procurement for similar type property. (When the proposed procurement is for similar items from non-GSA sources, the provisions of § 101-26.100-2 apply.)

(b) Procure the minimum quantity and quality of property which is required to support the mission of the agency and to satisfy the function for which the property is required.

(c) Limit procurement of different varieties, types, sizes, colors, etc., of required items to those essential in satisfying the functional end-use purpose. To this end the quantity, quality, and variety of personal property required to adequately perform the end-use function should be determined prior to initiation of procurement processes.

§ 101-26.103-2 Restriction on personal convenience items.

Government funds may be expended for pictures, objects of art, plants, or flowers (both artificial and real), or any other similar type items when such items are included in a plan for the decoration of Federal buildings approved by the agency responsible for the design and construction. Determinations as to the need for purchasing such items for use in space assigned to any agency are judgments reserved to the agency. Determinations with respect to public space such as corridors and lobbies are reserved to the agency responsible for operation of the building. Except as otherwise authorized by law, Government funds shall not be expended for pictures, objects of art, plants, flowers (both artificial and real), or any other similar type items intended solely for the personal convenience or to satisfy

the personal desire of an official or employee. These items fall into the category of "luxury items" since they do not contribute to the fulfillment of missions normally assigned to Federal agencies.

Subpart 101–26.3—Procurement of GSA Stock Items

Section 101–26.301–1 is revised as follows:

§ 101–26.301–1 Similar items.

(a) Agencies required to procure, exclusively, items listed in the GSA Stock Catalog shall utilize such items in lieu of procuring similar items from other sources when the GSA items will adequately serve the required functional end-use purpose.

(b) When an agency determines that items available from GSA stock will not serve the required functional end-use purpose of the item proposed to be procured, a request to waive the requirement to use this source shall be submitted to GSA for consideration in accordance with the provisions of § 101–26.100–2.

Subpart 101–26.4—Purchase of Items From Federal Supply Schedule Contracts

Section 101–26.401–3 is revised as follows:

§ 101–26.401–3 Similar items.

(a) Agencies required to use Federal Supply Schedule contracts shall obtain needed items from this source in lieu of procuring similar items from other sources when the Federal Supply Schedule item will adequately serve the required functional end-use purpose. This is not applicable where procurement (1) does not exceed the amount set forth in the "Small Requirements" provision, (2) is to be effected under the "Urgent Requirements" provision, or (3) is for delivery outside the geographical area specified in the scope of contract provision.

(b) When an agency determines that items available from Federal Supply Schedule contracts will not serve the required functional end-use purpose of the item proposed to be procured, a request to waive the requirement to use this source shall be submitted to GSA for consideration in accordance with the provision of § 101–26.100–2.

Section 101–26.401–4 is amended as follows:

§ 101–26.401–4 Exceptions to mandatory use.

* * * * *

(f) [Deleted]

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

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (8–31–71).

Dated August 24, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71–12716 Filed 8–30–71;8:49 am]

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

Establishing Policy on Adjusting Quantities Requisitioned

A policy is established to permit GSA a reasonable degree of latitude in adjusting quantities requisitioned to conform to the applicable bulk/shipping container pack.

The table of contents for Part 101–26 is amended by the addition of the following new entry:

Sec.
101–26.312 Adjusting quantities requisitioned.

Subpart 101–26.3—Procurement of GSA Stock Items

Section 101–26.312 is added as follows:

§ 101–26.312 Adjusting quantities requisitioned.

Quantities on requisitions may be adjusted, upward or downward, to allow GSA to ship the entire quantity from bulk stocks. Adjustments will be limited to 10 percent of the quantity requisitioned or $5, whichever will permit the greater adjustment potential. Such adjustments will be made only when shipment of the exact quantity requisitioned would result in a mixture of one or more full shipping containers (as originally received from GSA suppliers), and a lesser quantity repackaged by GSA. Requisitions for quantities less than one full shipping container generally will not be adjusted (upward). Agencies may use advice code 2D, "Do not adjust," to preclude adjustment by GSA of requisitioned quantities. However, use of advice code 2D shall be limited to those cases where space and fund limitations or shelf-life considerations make it uneconomical for the user to accept more than the quantity requisitioned.

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

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (8–31–71).

Dated: August 24, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71–12714 Filed 8–30–71;8:49 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

[Circular No. 2312]

PART 2720—PUBLIC SALE-PUBLIC LAND SALE ACT

Expiration of Authority

The purpose of this amendment is to delete the regulations which implemented the Public Land Sale Act of September 19, 1964, as amended (43 U.S.C. 1421–1427). That Act expired on December 23, 1970. Part 2720 is being deleted in its entirety. The regulations contained therein will be applied to sales initiated under the regulations prior to December 23, 1970, and which, in accordance with section 7 of the Act may still be completed. No other substantive changes are intended.

It is the policy of the Department of the Interior to give notice of proposed rule making and to invite the public to participate in rule making except where such participation would be impracticable, unnecessary or contrary to the public interest and a specific finding to this effect is published with the rules or regulations (36 F.R. 8336, May 4, 1971). Public participation is unnecessary in this case since the amendment simply removes provisions from the regulations where the legal effect has expired by operation of law.

Part 2720 of Chapter II, Title 43 of the Code of Federal Regulations is deleted in its entirety.

Effective date: August 31, 1971.

W. T. PECORA,
Acting Secretary of the Interior.

AUGUST 24, 1971.

[FR Doc.71–12690 Filed 8–30–71;8:46 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18931; FCC 71–848]

PART 2—FREQUENCY ALLOCATION AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

PART 87—AVIATION SERVICES

Channel Spacing To Provide Additional Frequencies

Report and order. In the matter of amendment of Parts 2 and 87 of the rules to provide additional frequencies in the 128.825–132.025 MHz band by permitting the use of 25 kHz channel spacing, Docket No. 18931, RM–1507.

1. The Commission on August 7, 1970, released a combined Notice of Proposed Rule Making and Notice of Inquiry in the above-entitled proceeding. The notice was published in the FEDERAL REGISTER (35 F.R. 1277) on August 12, 1970, and provided for filing comments and reply comments. The time allowed for filing comments and reply comments has expired. The notice was in response to a petition for rule making (RM 1507), filed by Aeronautical Radio, Inc. (ARINC), proposing that the number of frequencies in the 128–132 MHz band be doubled by permitting the use of 25 kHz channel spacing rather that the 50 kHz now authorized, and that 6A9 emission be authorized in that band.

2. The Commission proposed rules in accordance with the ARINC request to provide for 25 kHz channel spacing. With

respect to the use of 6A9 emission, however, we did not believe that ARINC had furnished sufficient specific information for proper evaluation. We, therefore, did not propose the use of 6A9 emission, but issued a Notice of Inquiry on this aspect of the petition.

3. In response to the notices, comments were filed by Aircraft Owners and Pilots Association (AOPA), In-Flight Devices Corp. (IFD), Collins Radio Co. (Collins) and ARINC. All commentators either expressly concur in, or do not object to, the proposed 25 kHz channel spacing. AOPA supports a footnote provision in the proposed rule change to permit the continued use of 50 kHz equipment for 5 years asserting that this will provide a reasonable time period to accommodate smaller airlines and larger general aviation aircraft that utilize ARINC's services and the 5-year period will permit an orderly transition to more sophisticated airborne equipment without undue hardship. AOPA states, however, it does not want 25 kHz spacing for airline operational purposes to establish a precedent which will later be applicable to, and work a hardship on, general aviation, operating in the aeronautical band other than 128–132 MHz by requiring the use of more sophisticated equipment. IFD contends that 25 kHz channel spacing as proposed should be accompanied by a substantial tightening of the frequency tolerance of aviation ground stations to minimize adjacent channel interference. IFD asserts that if the tolerance in the rules were changed to 0.0005 percent for ground stations, adjacent channel interference would be minimized. IFD requests that no action be taken to split channels without concurrent action to require a more stringent frequency tolerance for the ground stations.

4. Collins generally supports the proposal to provide for 25 kHz channels and says the Commission should proceed to adopt the proposed rule changes. Collins also furnished information concerning the feasibility of field modification of 50 kHz equipment to operate on 25 kHz channels. Collins states that it is one of the major manufacturers of aeronautical radio communications equipment affected by the rule changes proposed in this proceeding. The Company explains that current production transmitters and receivers are designed for operation in a 25 kHz environment and that the equipment can, at the option of the users, be converted from 50 kHz to 25 kHz operation by a simple field modification at an estimated cost of $400 including parts and labor. Collins states there are a number of earlier transmitters and receivers still in wide use by aircraft that employ the ARINC networks and other stations operating in the 128–132 MHz band and that about 10,000 sets manufactured by Collins could be modified for 25 kHz channel operation for about $1,000 each; and that about another 10,000 units used mostly by business aircraft and costing about $2,500, made in 1962 and earlier could not economically be modified and would have to be declared obsolete, except that they would continue to be satisfactory for operation on 50 kHz channels in the balance of the aeronautical 118–136 MHz band. Additionally, Collins discusses the need for careful consideration of the acceptable frequency tolerance of both transmitters and receivers for airborne and ground stations operating in the 128–132 band MHz. Finally, Collins proposes that as a consequence of the adoption of this proposed rule change, that all ground station transmitters, government and nongovernment, employed in the band 118–136 MHz be required to meet 0.003 percent frequency tolerance within 1 year to insure compatability with aircraft receivers designed for operation with a 25 kHz channel capability. With respect to ARINC's request for authority to use an emission for data link operations, Collins agrees that the designator 6A9 is too imprecise but that the Commission should adopt rules or policy governing the regular use of data link systems, as a separate matter, as early as may be appropriate.

5. ARINC supports the rule changes providing for 25 kHz channels as proposed in our notice but urges the Commission not to specify any date for the termination of the use of equipment designed to operate on 50 kHz channels. ARINC asserts that whereas aircraft currently being delivered to domestic airlines are configured to operate with 25 kHz interleaved channels, many domestic and foreign flag aircraft still in use do not have this capability, and that reasonable time should be afforded to amortize this investment. With respect to the use of an emission for data link operations, ARINC furnished additional specific technical information in response to the Notice of Inquiry and urges the Commission to proceed to amend the rules to authorize an emission as hereinafter discussed.

6. The comment of AOPA that the rule changes proposed in this proceeding should not set a precedent that will adversely affect general aviation operating in other aeronautical bands is not a valid argument for not making necessary rule changes as proposed in this docket for the frequencies used by enroute stations. We cannot refuse to adopt changes in our rules needed now because such action may establish a precedent that, conjecturally, may later have adverse effects beyond the scope of this proceeding. If we later propose, as a result of a petition for rule making, or on our own motion, to extend the 25 kHz channels to other than the 128–132 MHz aeronautical bands, this will be undertaken through our usual rule making proceedings with advance public notice and provision for the filing of comments by the public and interested parties.

7. The concern expressed as to the suitability of our present frequency tolerances for ground and aircraft transmitters operating with 25 kHz channel spacing is noted. However, these frequency tolerances are not a factor which is decisively applicable to this proceeding or sufficient reason to deny ARINC authority to operate now with 25 kHz channel spacing. The question of the suitability of our present frequency tolerances for 25 kHz channel spacing was considered by us in 1964 in Docket 14452. That Docket was a part 87 rule making proceeding to implement certain requirements of the 1959 Geneva Radio Regulations regarding frequencies, frequency stability and definitions. After exhaustive study and review of technical information and consideration of 274 comments filed in response to the Notice of Proposed Rule Making released in that proceeding, we conclude, in part, that "A 0.005 percent tolerance for ground and aircraft transmitters, together with suitable receivers, will allow for an unrestricted use of 50 kc/s channel spacing and may permit use of 25 kc/s channeling" and that "A 0.003 percent tolerance for all equipment is, of all the alternatives, the most favorable to extensive use of 25 kc/s channel spacing" (paragraph 9 (b) and (d), second report and order, adopted July 29, 1964). Although, as indicated above, we found the 0.003 percent tolerance for all equipment to be the most favorable to extensive use of 25 kc/s channeling, we compromised then in order to ease the economic impact on the aircraft licensee and specified in the rules a frequency tolerance of 0.003 percent for ground stations and 0.005 percent for aircraft stations taking into consideration that the 0.005 percent tolerance would also permit the use of 25 kc/s channeling.[1] Thus, we believe tolerances contained in our rules will not prevent ARINC from instituting the 25 kHz channel operation as requested.

8. We have noted ARINC's comment that additional time, beyond the 5-year period specified in the Notice of Proposed Rule Making, should be allowed to phase out the use of 50 kHz channel equipment to permit amortization of equipment investment by some domestic and foreign carriers. A study of type acceptance data in Commission files for many aircraft station communication transmitter types has shown that only a small percentage of those presently type accepted fail to meet a 25 kHz occupied bandwidth limit, and we believe most of those which fail to meet this limit are not types normally used by scheduled air carriers. Therefore, we have not specified a cutoff date as originally proposed, inasmuch as few transmitters not meeting the 25 kHz limit are expected to be operated in the 128.825–132.000 MHz band. (Licensees may find that performance characteristics of the receiver, rather than the associated transmitter, are the deciding factor in whether any particular item of aircraft equipment must be replaced or modified to operate in a 25 kHz channel spacing environment. The Commission's

[1] At the time of the release of the NPRM in this proceeding, our rules contained a typographical error. The allowable frequency tolerance for aircraft stations in § 87.65(a)(5) was incorrectly shown as 0.003 percent rather than 0.005 percent as specified in our report and order adopted July 29, 1964, in Docket No. 14452. That error was corrected by Transmittal Sheet No. 3 to Volume V of the rules and regulations January 1970 Edition.

rules do not specify performance characteristics for receivers in aircraft stations, other than the radiation limits and certification thereto in part 15.) Instead of the cutoff date originally proposed, the rules herein adopted require that all transmitters type accepted for use in this band on or after February 1, 1972 meet the 25 kHz authorized bandwidth limit and permit use of transmitters type accepted for use in this band prior to that date until further notice.

9. In response to Notice of Inquiry concerning ARINC's request for new emission authorization for data link service, only ARINC commented and urged that the Commission proceed to authorize such an emission. In support of this, ARINC furnished technical information entitled Voice and Data Communications in the Aeronautical Service, compiled by Nathan D. Steele, Jr., and dated September 14, 1970. Additionally, ARINC asserts as follows:

* * * ARINC is currently testing the various candidate systems, and the final decision as to which system, or systems, will be implemented has not been made. Probably two systems will be used—one for the domestic environment where high signal-to-noise ratios are encountered and a separate system for ARINC's extended range VHF overocean environment where the signal-to-noise ratios are significantly lower.

Implementation of any of these systems will not in any way derogate the voice communications system now employed. The voice bandwidth compatible techniques (audio phase shift keying, audio frequency shift keying, carrier phase shift keying, and carrier frequency shift keying) can either be assigned discrete channels in any given area or multiplexed on top of the voice carrier. The audio receiving equipment on board the aircraft will only produce the audio bandwith and reception will not be derogated by the existence of higher order signals. The pulse duration modulation (PDM) technique will be used to transmit both analogue voice signal and digital data and during transition separate channels for 6A3 and PDM emission will be maintained. The advantages of data link are twofold. First, data link transmits information at a vastly improved rate over voice with the same bandwidth. Second, it will permit the utilization of more of the 25 kHz channel than presently occupied by a single voice channel. The voice bandwith compatible techniques will be multiplexed on top of existing voice signals thereby permitting the use of 12 kHz, not including guardbands. Similarly, the PDM technique will transmit data and voice on a 13 kHz bandwidth.

10. We believe that the additional information submitted by ARINC on the purpose, need and characteristics of the emission desired for data link service is now adequate to justify a rule change to authorize such an emission.

11. *Accordingly, it is ordered,* That pursuant to the authority contained in sections 4(i) and 303(b) (g) and (r) of the Communications Act, as amended, our rules are amended effective October 5, 1971, as set forth below. *It is further ordered,* That this proceeding is hereby terminated.

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

Adopted: August 18, 1971.

Released: August 23, 1971.

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

§ 2.106 [Amended]

1. Section 2.106 is amended by changing the footnote reference in column 10 for the frequency band 128.825–132 MHz from NG34 to NG67, and a new footnote is added to read as follows:

NG67. The spacing between frequency assignments in this band shall be 25 kHz. The first and last assignable frequencies are those indicated in column 10.

2. In § 87.67(b)(1), the table is amended by adding A9 as a new class of emission and by adding footnotes 5 and 6 in the column for authorized bandwidth above 50 MHz for A3 and A9 emission, respectively, to read as follows:

§ 87.67 Types of emission.

* * * * *

(b)(1) * * *

Class of emission	Emission designator	Authorized bandwidth		
		Below 50 MHz	Above 50 MHz	Frequency deviation
* * *	* * *	*Kilohertz* * * *	*Kilohertz* * * *	*Kilohertz* * * *
A3	6A3	8.0	[5] 50	
* * *	* * *	* * *	* * *	* * *
A3J [3]	3A3J [3]	4.0		
A9	13A9		[6] 25	
F1	1.7F1	1.7		
* * *	* * *	* * *	* * *	* * *

* * * * *

[3] In the band 128.825–132.000 MHz, the authorized bandwidth is 25 kHz. The 25 kHz limit applies to all transmitters type accepted for use in this band on or after Feb. 1, 1972. Transmitters type accepted for use in this band prior to Feb. 1, 1972, will continue to be subject to the 50 kHz limit until further notice.

[5] This emission is authorized only for audio phase and frequency shift keying and carrier phase and frequency shift keying for digital data link purposes in the 128.825–132.000 MHz band when the channel on which the signal is transmitted is not used for voice communications; Or, if voice communication the emission is authorized, as specified herein, provided it is multiplexed on the voice carrier without derogation to voice or other higher order signals.

3. In § 87.295, the frequencies listed in paragraph (b) are amended to read:

§ 87.295 Continental U.S. (excluding Alaska).

* * * * *

(b) * * *

MHz	*MHz*
128.850	129.250
128.875	129.275
128.900	129.300
128.925	129.325
128.950	129.350
128.975	129.375
129.000	129.400
129.025	129.425
129.050	129.450
129.075	129.475
129.100	129.500
129.125	129.525
129.150	129.550
129.175	129.575
129.200	129.600
129.225	129.625
129.250	129.650
129.275	129.675
129.300	129.700
129.325	129.725
129.350	129.750
129.375	129.775
129.400	129.800
129.425	129.825
129.450	129.850
129.475	129.875
129.500	129.900
129.525	129.925
129.550	129.950
129.575	129.975
129.600	130.000
129.625	130.025
129.650	130.050
129.675	130.075
129.700	130.100
129.725	130.125
129.750	130.150
129.775	130.175
129.800	130.200
129.825	130.225
129.850	130.250
129.875	130.275
129.900	130.300
129.925	130.325
129.950	130.350
129.975	130.375
130.000	130.400
130.025	130.425
130.050	130.450
130.075	130.475
130.100	130.500
130.125	130.525
130.150	130.550
130.175	130.575
130.200	130.600
130.225	130.625
130.250	130.650
130.275	130.675
130.300	130.700
130.325	130.725
130.350	130.750
130.375	130.775
130.400	130.800
130.425	130.825
130.450	130.850
130.475	130.875
130.500	130.900
130.525	130.925
130.550	130.950
130.575	130.975
130.600	131.000
130.625	131.025
130.650	131.050
130.675	131.075
130.700	131.100
130.725	131.125
130.750	131.150
130.775	131.175
130.800	131.200
130.825	131.225
130.850	131.250
130.875	131.275
130.900	131.300
130.925	131.325
130.950	131.350
130.975	131.375
131.000	131.400
131.025	131.425
131.050	131.450
131.075	131.475
131.100	131.500
131.125	131.525
131.150	131.550
131.175	131.575
131.200	131.600
131.225	131.625
131.250	131.650
131.275	131.675
131.300	131.700
131.325	131.725
131.350	131.750
131.375	131.775
131.400	131.800
131.425	131.825
131.450	131.850
131.475	131.875
131.500	131.900
131.525	131.925
131.550	131.950
131.575	131.975
131.600	132.000

[2] Commissioner H. Rex Lee absent.

[FR Doc.71-12530 Filed 8-30-71;8:45 am]

[Docket No. 18425; FCC 71-879]

PART 73—RADIO BROADCAST SERVICES

Operation of VHF and UHF TV Broadcast Stations by Remote Control

Second Report and Order. In the matter of amendment of Part 73, Subpart E of the Commission's rules and regulations governing television broadcast stations concerning the operation of VHF and UHF television broadcast stations by remote control; RM-1340.

1. On March 17, 1971, the Commission adopted amendments of its rules governing the remote control of television broadcast stations. On the same date, it issued a Further Notice of Proposed Rule Making (FCC 71-286) in the same docket, soliciting comments concerning the requirements of paragraph (f) of § 73.676 of the amended rules, which reads as follows:

Suitable test signals generated at the remote control point shall be transmitted in the vertical interval pursuant to § 73.682(a)(21). These signals shall be received and observed at the remote control point for the purpose of verifying that the entire system is so adjusted and operated that the visual modulation envelope meets the requirements of the Commission's rules.

A note appended to this rule suspended its effectiveness pending a determination of the characteristics and manner of use of such test signals. It was the purpose of the further notice to obtain information on which any necessary or desirable amplification of the rule may be based.

2. The Commission requested interested parties to comment on all aspects of the matter, and particularly on the following points:

(1) The characteristics of specific test signals which could most usefully be employed.

(2) Whether the rules should specify the duration of transmission of each of selected test signals, or specify a composite test signal.

(3) Whether the rules should set the levels for test signal transmissions.

(4) The times at which the test signals should be transmitted.

(5) Whether the same test signals should accompany monochrome and color transmissions.

(6) Whether the rules should specify the line or lines to be occupied by the test signals.

As extended by order of April 28, 1971, the deadlines for filing comments and reply comments in this proceeding were May 17, 1971 and May 28, 1971, respectively. The matter is, accordingly, ready for decision.

3. The following parties filed timely comments:

Electronic Industries Association (EIA).
Channel 3, Inc. (KVDO–TV, Salem, Oreg.).
KRGV–TV.
Screen Gems Stations, Inc.
Spantronics Engineering, Inc.
Kaiser Broadcasting Corp.
American Broadcasting Cos., Inc. (ABC).
Leake TV, Inc.
Columbia Broadcasting System, Inc. (CBS).
National Association of Broadcasters (NAB).
Forward Communications Corp.
National Broadcasting Co., Inc. (NBC).
Tektronix, Inc.

No reply comments were filed. All comments have been fully considered in arriving at a decision in this matter.

4. All parties favor the requirement that test signals be generated and transmitted in the vertical interval; it is the general opinion that this offers a potentially effective means for monitoring and maintaining the quality of the transmitted signal. There is also a rather general consensus that such test transmissions should be confined to lines 18 and 19; several parties point out that line 17 is being considered for occupation by test signals accompanying programs intended for international distribution (Docket 18505), while present efforts to develop a vertical interval reference (VIR) signal, which would be inserted at the source of a color program, look toward the dedication of line 20 to this purpose. Lines earlier than 17 might be suitable for such test signals, but it remains to be demonstrated that earlier lines can be used without adversely affecting the performance of too large a percentage of receivers now in the hands of the general public.

5. Beyond these two points, there is little agreement. Many of those commenting are of the opinion that decisions on the test signals to be employed, the levels at which they are transmitted (as long as they meet the requirements of § 73.682(a)(13) or the rules), and the duration and frequency of transmission should be left to the discretion of each licensee. These parties hold that little purpose would be served by requiring the continuous transmission of test signals; conditions in the transmitter and associated equipment do not change with such rapidity as to require continuous surveillance. In any event, where the observation of test signals indicated the desirability of transmitter adjustment, in most cases corrective measures could not be taken at the remote control point, or prior to the next maintenance period. Others suggest that test signal observations be required a minimum number of times during the day, perhaps at the time meter readings were logged; observations could be made at such other times as a licensee might deem desirable.

6. NAB, NBC, and CBS, in particular, while looking toward the possibility of the standardization of test signals and requirements for their observation at some future time, maintain that extensive field tests should be conducted prior to the adoption of definitive rules governing their transmission and use. Furthermore, each separately urges that such signals not be used by the Commission in the enforcement of its rules, and in any case should not be relied on for this purpose when they are observed at other than the remote control point.

7. Noting that VITS signals have been used successfully for a number of years for monitoring the performance of network lines, these parties urge that there are a number of factors which militate against their successful employment for the evaluation of transmitter performance. CBS lists these factors as follows:

(1) The introduction of distortion in the demodulation of the transmitter output signal to provide a baseband signal for observation on waveform monitor or vectorscope.

(2) Multipath distortions which may attend off-the-air observations.

(3) Variations in the VITS with changes in the average picture level of the program.

(4) Many transmitters react differently to vertical interval transmissions than to program material.

8. CBS points out that certain of the test signals which we suggest as appropriate for vertical interval transmission (multiburst, color bars) might be used (if received without distortion) to demonstrate compliance with specific requirements of the Commission's rules. Other signals mentioned are useful in evaluating signal characteristics which are vital for proper color transmissions, but for which the Commission has established no standards. The transmission of such signals would not be necessary to demonstrate that "the visual modulation envelope meets the requirements of the Commission's rules."

9. CBS foresees the development of test signals other than those in general use, having greater potential virtues than conventional signals. It suggests that that only minimum requirements should be set now for test signal transmissions, to allow for innovation and to permit broadcasters to gain experience in utilizing these signals. Therefore, it offers that the rules should impose maximum levels only, and require that test signals include elements of reference white and reference black. The other characteristics of such signals, and the time and duration of their transmission should be left entirely to the discretion of the broadcaster.

10. Three parties are of the opinion that specific test signals should be adopted, ABC, EIA, and Tektronix, Inc. They make specific proposals to this end. ABC offers for adoption without modification its "Omni-Vit", a composite signal occupying one line in one field, which it has employed over a period of 2 years in testing the network lines between its stations in New York, Chicago, and Washington. The signal consists of a five-riser staircase, subcarrier modulated in phase with the color burst, with the peak amplitude of the upper tread subcarrier extending to 110 IRE units, a sine squared 20T pulse, and a half line pulse at 100 IRE unit level.

11. EIA proposes a "package" of test signals, specifically, multiburst with white flag, to be transmitted at 40 IRE unit level and 60 IRE unit peak to peak amplitude on field 1 at line 18, color bars with white and black level indicators on line 18, field 2, and a composite signal, normally transmitted in both fields of line 19.[1] The composite signal consists of a five-riser staircase, 2T and 12.5T sine squared pulses, and a bar at reference white of 18 us duration. For color transmissions, the staircase and 12.5T pulse are modulated with a color subcarrier in phase with the color burst. EIA recommends the retention of subcarrier modulation during monochrome program transmission, even though, in this

[1] EIA suggests that line 19, field 2, may, on occasion, be employed for transmission of special test signals chosen by the licensee, or, in more general practice, would carry the composite signal, but inserted at the transmitter input. Several of the parties have noted the desirability of providing for test signals at the transmitter input, so that the performance of transmitter and STL equipment may be separately evaluated.

case, the subcarrier is not controlled by the incoming signal.[3]

12. In the EIA proposal, the absolute and relative levels of the components of each test signal, and the levels of each signal relative to other signals have been adjusted to minimize the interaction of one signal with another, the effect of the test signal transmission on program material, to permit accurate measurements in the presence of noise, and to avoid the more serious effects of quadrature distortion which may result when the test signals are demodulated to baseband.

13. The filing of Tektronix, Inc., supports the EIA proposal, and elaborates on the technical details and the application of the various test signals.

14. After full consideration of all of the views of the parties, we have decided to adopt rules which require the transmission of vertical interval test signals essentially as proposed by EIA.

15. While we do not question the usefulness of the "Omni-Vit" for its present purpose, we think the EIA signal package, tailored specifically for transmitter surveillance and with the problems of off-the-air reception in mind, is more appropriate for use with remotely controlled broadcast transmissions.

16. The transmission and frequent observation of appropriate test signals in the vertical interval during regular operation we believe, and most parties agree, can contribute importantly to high quality picture transmission, especially when the picture is in color. We are convinced that the adoption of standards for such test signals is the best means for promoting their effective use for the following reasons:

(1) Standardization will make for the maximum simplicity in test signal generating and encoding apparatus, and facilitate automatic operation of such equipment.

(2) It is important that test signals transmitted in the vertical interval simultaneously with program material, and observed off-the-air, have appropriate absolute and relative levels, both to limit the possibility of interference with program material and to minimize the effects of distortion and noise involved in the monitoring process. This objective can most easily be achieved through a standardization of the test signals.

(3) Standardization will encourage the regular use and reliance on test signal observations.

17. EIA proposes the integrated use of recognized test signals; the majority of television engineers are fully familiar with the use and interpretation of these signals. By adopting such a standardized "package" we do not intend to preclude the development and use of special signals which, CBS suggests, may prove to be more generally useful than some of the recognized test signals. Stations may employ such signals in the vertical interval at such times as the standard signal is not being transmitted, or transmit such signals on field 2 of line 19 simultaneously with the standard signal, if the average picture level (APL) of the special signal is adjusted to approximate the APL of the test signal on field 1.

18. At least a part of the reluctance of NAB and other parties to concur in the establishment of specific vertical interval test signals at this time, and, perhaps, to any specific schedule for the transmission of these signals, may stem from an apprehension that the Commission intends to use the results of off-the-air monitoring of these signals in the enforcement of its rules. The language of § 73.676(f) may be responsible partially for this apprehension.

19. We have no such intention. We fully realize that these signals may be subject to distortion in demodulation, and to multipath effects, particularly when observed from other than the remote control point. We will not undertake to hold a licensee responsible for transmissions which off-the-air monitoring of test signals might indicate to be faulty in the absence of substantiating on-the-site observations and measurements.

20. On the other hand, we do not believe that the possibility of such distortion substantially lessens the utility of vertical interval test signals as a means by which a licensee can maintain effective surveillance of system performance. At the fixed location of the remote control point, multipath distortion may be minimized by the proper selection, siting and orientation of the receiving antenna. Demodulators of recent design normally incorporate features, which, in one way or another, increase, prior to demodulation, the effective level of the picture carrier relative to components in the color subcarrier region for the purpose of minimizing quadrature distortion. As we stated in the first report and order in this proceeding, we expect extreme care will be exercised in the design and installation of off-the-air monitoring equipment, and that a state-of-the-art demodulator will be employed. Such residual distortions as may occur, we expect, may be recognized and provided for in the periodic calibration of the remote monitors against monitors at the transmitter, which is required by our rules. In any event, the immediate purpose of the test signals is to permit the detection of changes occurring in the operation of the transmitting system which may have adverse effects on the transmitted picture. Such changes should be manifested as changes in the characteristics of the test signals from those observed at the remote control point when the system is properly adjusted, rather than as departures from the ideal configuration of such signals.

21. Similarly, we are of the the opinion that, to the extent that vertical interval test signals emitted by some transmitters may not fully reflect the performance of the transmitter in picture transmission, the differences experienced may be provided for by appropriate calibration procedures (e.g., by a comparison of the test signals transmitted full field against the vertical interval transmissions).

22. All broadcast transmitters not exempted from the requirement by statute are required to be under the continuous surveillance of licensed operators. Thus, even though our rules require the reading and logging of specific parameters only at stated intervals, this represents but a periodic verification of such surveillance; the operator, of course, is responsible for departures from proper transmitter operation occurring at any time, not just at the times log entries are required. So that he may fully discharge this responsibility, the facilities for observing presently specified transmitter parameters are made continuously available to the operator.

23. Vertical interval test signals offer the broadcaster a new and, we believe, highly effective means for supervising the performance of his television system on a continuous basis. However, if the potentialities of test signal transmissions are to be fully exploited, the operator must have a capability for observing the test signals at any time during the daily operation of the television broadcast station. We have no reason to believe that the provision of test signals on a continuous basis would impose an undue burden on the broadcaster.

24. The appended rules therefor, require such continuous test signal transmission. While the logging of test signal observations are required only every half hour, the test signals are available for observation at such other times as may be necessary or desirable.

25. Signals of specified characteristics, originated at the remote control point are to be inserted on line 18, fields 1 and 2, and line 19, field 1. Normally, the composite signal specified for field 1, line 19, would also be inserted in field 2 of this line at the remote control point. However, the rules permit the optional insertion of the composite signal on field 2 at the transmitter input, or, subject to certain safeguards, the employment of line 19, field 2 for the transmission of test signals chosen by the station licensee.

26. The characteristics of the required test signals are established by charts included in the rules by an amendment hereby made of § 73.699. The values specified are nominal; no tolerances will be set at this time. The pertinent levels of the components of these signals are specified at the point of signal insertion in units on the IRE standard scale, a method of measurement in general use throughout the industry which is appropriate and convenient to apply in test signal specification. However, since this scale has not been utilized or recognized

[3] Certain of these signals are modified somewhat from their familiar configuration: The highest frequency of the multiburst signal is set at 4.1 MHz rather than the more usual 4.2 MHz, to insure its inclusion in the visual passband; a sine² 12.5T modulated signal is proposed, rather than a 20T signal, since its frequency spectrum conforms more closely to that of the chrominance signal in the NTSC system than does the spectrum of the 20T.

previously in our rules, we are amending § 73.681 to include a definition of the term IRE standard scale.

27. Since the lines chosen for locally generated vertical interval transmission are the same as those utilized by the networks for test transmissions, the facilities utilized by each network-connected station must include provision for erasing the network test signals before insertion of locally generated signals.[3] We expect there will be available a single generator or simple combination of apparatus which will perform this function and generate all of the required test signals for direct insertion in the designated lines without a separate encoder, and which will require a minimum of manipulation by the user. Pending the general availability of suitable apparatus, we are suspending the applicability of the test signal requirement until April 1, 1972.

28. While not pertinent to the subject matter of the further notice, EIA, in its comment in this proceeding has called our attention to an inconsistency created in our adoption by the first report and order of § 73.682(a)(23)(vi), which sets the permissible aural transmitter output noise level for operation with telemetry signals for remote observation multiplexed on the aural carrier. EIA points out that maximum noise level permitted on the main carrier, 60 decibels below the level corresponding to 100 percent modulation of the main carrier, is lower than the permissible level for FM noise specified for the aural transmitter without multiplexing, pursuant to § 73.687(b)(4) and (5).

29. It suggests that the permissible FM and AM output noise levels for multiplex operation should be the same as those specified for regular operation, and should be established by reference to § 73.687(b) (4) and (5). It offers an amendment of § 73.682(a)(23)(vi) for this purpose.

30. We agree that EIA's point is well taken, and we will avail ourselves of this opportunity to amend § 73.682(a)(23)(vi) essentially in accordance with its suggestion, viz: "Multiplexing of the aural carrier shall not result in transmitting system output noise levels exceeding those specified in § 73.687(b) (4) and (5)."

31. *Accordingly, it is ordered*, Effective October 5, 1971, that part 73 of the rules and regulations is amended as set forth below.

32. Authority for the adoption of these rule amendments is found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

33. *It is further ordered*, That this proceeding is terminated.

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

[3] Even when network test signals are not present, erasing facilities should be employed to remove excessive noise before the specified lines are locally utilized.

Adopted: August 18, 1971.

Released: August 24, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE,

Secretary.

1. Section 73.671 is amended to add new paragraph (a)(3)(iii).

§ 73.671 Operating log.

(a) * * *

(3) * * *

(iii) For remote control operation, the results of observations of vertical interval test signal transmissions (see § 73.676(f)).

* * * * *

2. Section 73.676(f) is amended to read as follows, including the substitution of a new Note amending the effective date of this paragraph.

§ 73.676 Remote control operation.

* * * * *

(f) Test signals shall be generated and inserted in the vertical interval of the visual signal at the remote control point, and shall be observed at the remote control point after extraction from the radio frequency signal at the output of the transmitter. Normally, the radiated signal is utilized after off-the-air reception, but the signal may be obtained by coupling to the output circuit of the transmitter at the point where the radio frequency signal enters the antenna transmission line.

(1) The required test signals, and the place of insertion in the vertical interval shall be as follows:

(i) Multiburst, on field 1, line 18 (see Figure 13 of § 73.699).

(ii) Color bars, on field 2, line 18 (see Figure 14 of § 73.699). During monochrome transmission chrominance information shall not be included in this test signal.

(iii) Composite signal, on field 1, line 19 (see Figure 15 of § 73.699).

(iv) Generally, a composite signal of characteristics identical to those prescribed in subdivision (iii) of this subparagraph, shall be inserted on field 2, line 19, at the remote control point. However, to permit a separate determination to be made of the effects of the transmitter and the studio transmitter link on system performance, the composite signal on field 2, line 19 may be inserted at the transmitter input. Alternatively, in lieu of the composite signal, a licensee may insert any suitable test signal on field 2 of line 19, either at the remote control point or at the transmitter. When such signals are transmitted at the same time as program material and/or the required test signals, the characteristics of the licensee-selected signals shall be such as to minimize the possibility that their transmission will result in interference with the required test signals, or in degradation of the picture or sound signals.

Figures 6 and 7 of § 73.699 identify the numbered lines and fields referred to in this subparagraph.

(2) The required test signals shall be transmitted continuously during all periods of regular station operation.

(3) The required test signals shall be observed immediately after commencement of operation, and subsequently thereafter with intervals between successive observations not exceeding one-half hour. More frequent observations shall be made as necessary to insure proper performance of the transmitter and associated equipment.

(4) The date and time of each observation of the test signals shall be entered in the operating log, together with notations as to the results of these observations.

(5) Any signals or noise already existing on lines 18 and 19 (e.g., network test signals), shall be erased prior to the insertion in the vertical interval of locally generated test signals.

NOTE: Paragraph (f) of § 73.676 shall not become effective until April 1, 1972, by which time the equipment necessary for the generation and vertical interval insertion of the required test signals should be generally available.

* * * * *

3. Section 73.681 is amended by inserting the following definition in alphabetical order to read as follows:

§ 73.681 Definitions.

* * * * *

IRE standard scale. A linear scale for measuring, in IRE units, the relative amplitudes of the components of a television signal from a zero reference at blanking level, with picture information falling in the positive, and synchronizing information in the negative domain.

NOTE: When a carrier is amplitude modulated by a television signal in accordance with § 73.682, the relationship of the IRE standard scale to the conventional measure of modulation is as follows:

Level	IRE standard scale (units)	Modulation percentage
Zero carrier	120	0
Reference white	100	12.5
Blanking	0	75
Synchronizing peaks (maximum carrier level)	−40	100

* * * * *

4. Section 73.682(a)(23)(vi) is amended to read as follows:

§ 73.682 Transmission standards.

(a) * * *

(23) * * *

(vi) Multiplexing of the aural carrier shall not result in transmitting system output noise levels exceeding those specified in § 73.687(b)(4) and (5).

* * * * *

§ 73.699 [Amended]

5. Section 73.699 is amended by adding the following charts:

Multiburst test signal, Figure 13.

Color bar test signal, Figure 14.

Composite test signal, Figure 15.

[4] Commissioners H. Rex Lee and Wells absent.

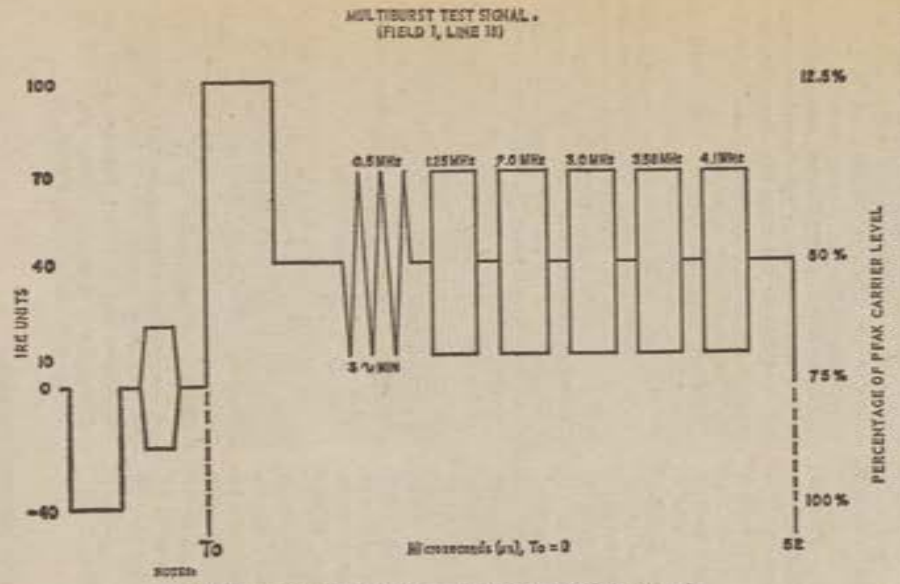

FIGURE 13

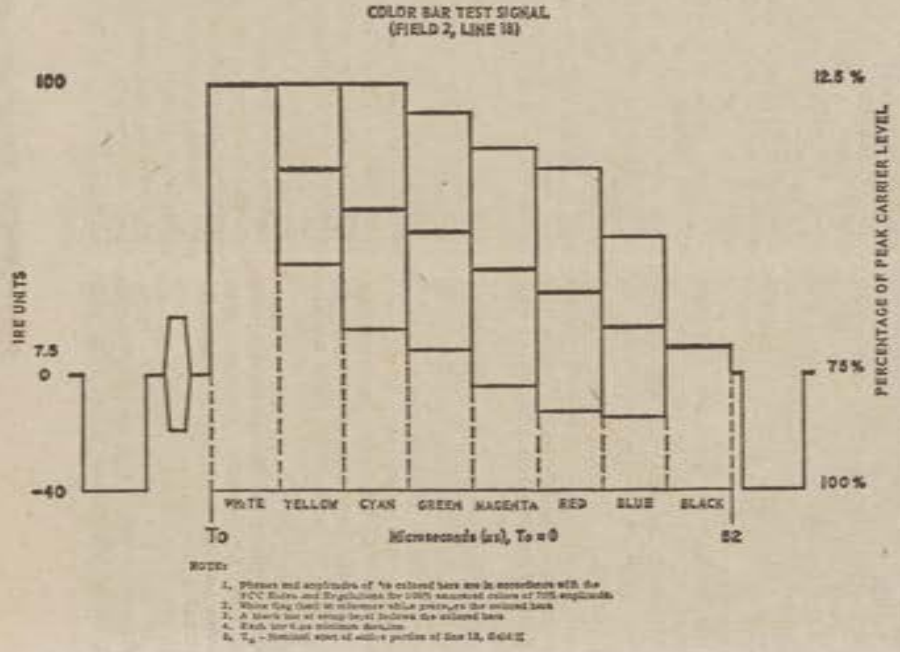

FIGURE 14

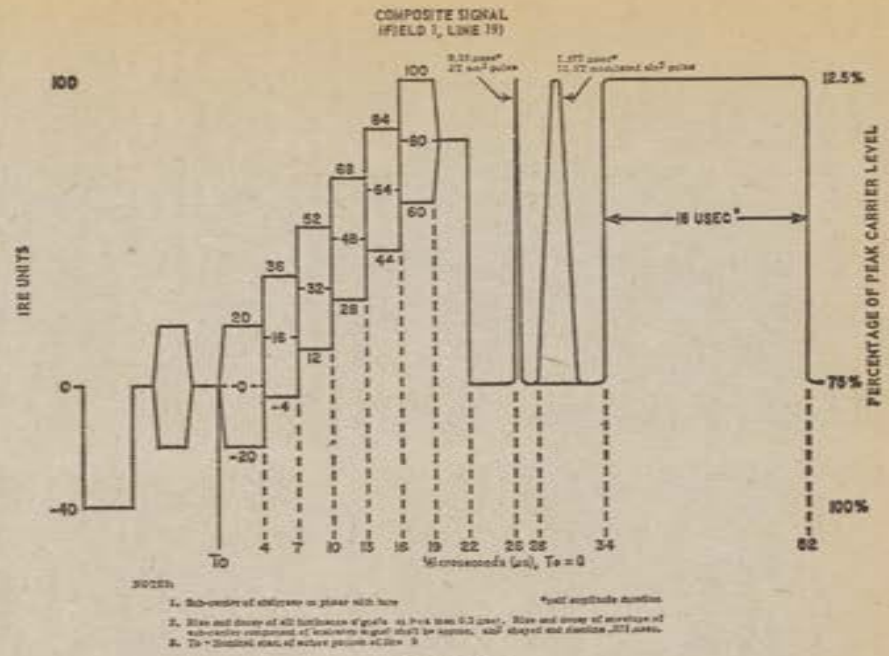

FIGURE 15

[FR Doc.71-12529 Filed 8-30-71;8:45 am]

Title 49—TRANSPORTATION

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

[Docket 69-23, Notice 3]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Seat Belt Assemblies; Reconsideration and Amendment

The purpose of this notice is to respond to petitions filed pursuant to § 553.35 of Title 49, Code of Federal Regulations, requesting reconsideration of various amendments to Motor Vehicle Safety Standard No. 209, Seat Belt Assemblies, that were published March 10, 1971 (36 F.R. 4607). The petitions are granted in part and denied in part. Requests not expressly discussed in this notice should be considered denied.

1. One of the results of the March 10 amendments was that as of September 1, 1971, the standard would have become a vehicle standard as well as an equipment standard, i.e., vehicles manufactured after the effective date would have had to have equipment conforming to the new requirements. The amendments relating to emergency-locking retractors are such, however, that with normal production tolerances it would be difficult to manufacture retractors that conform to the currently applicable requirements so that they would also conform to the post-September 1 requirements, and vice versa. This creates an awkward situation, in which retractors supplied to vehicle manufacturers for use on September 1 would have to be made on September 1 and not before.

The vehicle aspect of the standard is therefore being deleted, and the date on which the amended requirements become mandatory is postponed to January 1, 1972, to coincide with the effective date

of the new Standard No. 208. To allow for efficient changeover, manufacturers are permitted to manufacture belts to either the current or the amended requirements between September 1, 1971, and January 1, 1972.

2. With respect to the technical amendments to the attachment hardware requirements in S4.1(f), American Safety Equipment Corp. requested that the reference to Standard No. 210 be omitted, so that anchorage nuts, plates, and washers would not have to be supplied if the vehicle has an anchorage that does not require them. The request has been found reasonable, and the standard is amended accordingly.

3. The National Highway Traffic Safety Administration has also evaluated requests by the American Safety Equipment Corp. concerning the range of occupants that a belt must adjust to fit, the test buckle release force test procedure, and the buckle crush resistance test procedure. The amended adjustment requirements (S4.1(g) (1) and (2)) specify more exactly the range of occupants that was intended by the original standard. The importance of having installed belts of proper length for the normal range of occupants outweighs, in the agency's judgment, the effort involved in ascertaining vehicle dimensions. The adjustment requirements are therefore not changed. With respect to the buckle test procedures, the petitioner's requests relating to the clarity of the buckle release procedure and to the need for an explanatory diagram to accompany the crush test are also denied. Although the buckle release test no longer refers to a method for testing lever action buckles, the method was little more than a suggestion and may in some cases have conflicted with the intent of the procedure that the force shall be applied so as to produce maximum releasing effect. The diagram requested to show the buckle crush procedure is not regarded as essential to understanding the procedure and has not been adopted.

4. Although no petition was received directly relating to the subject, the Swedish Trade Commission, on behalf of the Swedish manufacturers, has expressed uncertainty as to how the crush test is to be applied to seat belt assemblies that have a buckle mounted on a rigid or semirigid bracket between the front seats. As described by the Commission, one design would tend to bend downwards under the pressure of the test device long before the required force of 400 pounds could be reached. In this case, the buckle will have to be supported from beneath, just as the conventional lap belt has to have some rigid backing in order to reach the 400-pound level. It is anticipated that if additional questions are raised concerning the method of force application to specific buckles, such questions can be answered through administrative interpretation.

5. Several petitions questioned the need to test a vehicle-sensitive emergency-locking retractor by accelerating it "in three directions normal to each other with its central axis oriented horizontally." The pendulum device used in most vehicle-sensitive retractors can sense lateral accelerations and sense the tilt of the vehicle, but it cannot readily sense upward or downward accelerations of the type required by the three-direction test when the retractor is oriented horizontally. It was suggested by Volvo that a retractor that locks when tilted to 35° in any direction should be exempt from the acceleration requirement. Volkswagen recommended accelerating the retractor in the horizontal plane in two directions normal to each other. On reconsideration, the National Highway Traffic Safety Administration has concluded that it is appropriate to relieve such a retractor from the vertical acceleration requirement when it is oriented horizontally and to establish an alternative to the requirement that it lock when accelerated in directions out of the horizontal plane, but that accelerations within the horizontal plane should continue to be required.

Accordingly, S5.2(j) is amended to require a vehicle-sensitive retractor to be accelerated in the horizontal plane in two directions normal to each other. During these accelerations, the retractor will be oriented at the angle in which it is installed in the vehicle. In addition, the retractor must either lock when accelerated in orientations out of the horizontal as prescribed in the March 10 rule or lock by gravity when tilted in any direction to any angle greater than 45°.

6. One petitioner questioned the correctness of requiring webbing-sensitive retractors to be accelerated in the direction of webbing retraction, rather than in the direction of webbing withdrawal. The usage is neceessary because under the test procedures of S5.2(j) it is the retractor, and not the webbing, that is accelerated. The acceleration must be in the direction that will reel the webbing out of the retractor—i.e. the direction in which the webbing moves when retracting.

7. An additional question on retractor acceleration levels concerns the distance which a belt must be withdrawn in determining compliance with the requirement that the retractor shall not lock at 0.3 g. or less (S4.3(j)(ii)). The Hamill Manufacturing Co. has requested an amendment to S4.3(j)(ii) to provide that the retractor shall not lock before the webbing extends a short distance at an acceleration of 0.3 g. The National Highway Traffic Safety Administration recognizes that many retractors may be velocity-sensitive to some degree as well as acceleration-sensitive. Although a retractor that locks at too low a velocity would be an inconvenience, the NHTSA recognizes that an occupant does not ordinarily accelerate the belt after an initial pull and that the usual velocity involved in withdrawing the belt is low. On reconsideration, the NHTSA has therefore decided to amend S4.3(j)(ii) to provide that the retractor shall not lock before the webbing extends 2 inches at 0.3 g.

8. Several petitioners pointed out that the requirements for retractor force specified in S4.3(j) (iii) and (iv) were not appropriate for systems in which a single length of webbing is used to provide both lap and shoulder restraint. In a typical installation of this sort, the webbing passes from a floor-mounted retractor up to a fitting on the B-pillar, then down across the shoulder to a slip joint on the buckle connector, and from there back across the lap to an outboard floor attachment. Although such a system may provide satisfactory restraint, it cannot simultaneously exceed a retractive force of 1.5 pounds on the lap belt and have a retractive force on the shoulder belt of between 0.45 and 1.1 pounds, and it would therefore fail to conform to the standard as published March 10.

Upon reconsideration, the National Highway Traffic Safety Administration has decided to amend S4.3(j) by establishing retraction forces for 3-point systems that employ a single length of webbing. A new subsection (v) is added that requires such a system to have a retraction force falling within the range 0.45–1.50 pounds, and (iii) and (iv) are amended so that they do not apply to retractors in such systems. This range was suggested by Volkswagen, Volvo, and Klippan, and is considered to be a reasonable compromise between the need to provide complete retraction of the belt when not in use and the need to limit the force so that it will not be uncomfortable to occupants.

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

1. S2 is amended to read as follows:

S2. *Application.* This standard applies to seat belt assemblies for use in passenger cars, multipurpose passenger vehicles, trucks, and buses.

2. S4.1(f) is amended to read as follows:

(f) *Attachment hardware.* A seat belt assembly shall include all hardware necessary for installation in a motor vehicle in accordance with SAE Recommended Practice J800B, Motor Vehicle Seat Belt Installations, September 1965. However, seat belt assemblies designed for installation in motor vehicles equipped with seat belt assembly anchorages that do not require anchorage nuts, plates, or washers, need not have such hardware, but shall have 7/16–20 UNF–2A or 1/2–13UNC–2A attachment bolts or equivalent hardware. The hardware shall be designed to prevent attachment bolts and other parts from becoming disengaged from the vehicle while in service. Reinforcing plates or washers furnished for universal floor installations shall be of steel, free from burrs and sharp edges on the peripheral edges adjacent to the vehicle, at least 0.06 inch in thickness and at least 4 square inches in projected area. The distance between any edge of the plate and the edge of the bolt hole shall be at least 0.6 inch. Any corner

shall be rounded to a radius of not less than 0.25 inch or cut so that no corner angle is less than 135° and no side is less than 0.25 inch in length.

3. S4.3(j) is amended in pertinent part to read as follows:

(ii) Shall not lock before the webbing extends 2 inches when the retractor is subjected to an acceleration of 0.3 g. or less;

(iii) shall exert a retractive force of at least 1.5 pounds under zero acceleration when attached only to the pelvic restraint;

(iv) Shall exert a retractive force of not less than 0.45 pound and not more than 1.1 pounds under zero acceleration upon any strap or webbing that contacts the shoulder when the retractor is attached only to an upper torso restraint; and

(v) Shall exert a retractive force of not less than 0.45 pound and not more than 1.5 pounds under zero acceleration when attached to a strap or webbing that restrains both the upper torso and the pelvis.

4. S5.2(j) is amended to read as follows:

(j) *Emergency-locking retractor.* A retractor shall be tested in a manner that permits the retraction force to be determined exclusive of the gravitational forces on hardware or webbing being retracted. The webbing shall be fully extended from the retractor, passing over or through any hardware or other material specified in the installation instructions. While the webbing is being retracted, the lowest force of retraction within plus or minus 2 inches of 75 percent extension shall be determined. The retractor shall be subjected to an acceleration of 0.3 g. within a period of 50 milliseconds, while the webbing is at 75 percent extension, to determine compliance with S4.3(j)(ii). The retractor shall be subjected to an acceleration of 0.7 g. within a period of 50 milliseconds, while the webbing is at 75 percent extension, and the webbing movement before locking shall be measured under the following conditions: For a retractor sensitive to webbing withdrawal, the retractor shall be accelerated in the direction of webbing retraction while the retractor drum's central axis is oriented horizontally and at angles of 45°, 90°, 135°, and 180° to the horizontal plane. For a retractor sensitive to vehicle acceleration, the retractor shall be—

(1) Accelerated in the horizontal plane in two directions normal to each other, while the retractor drum's central axis is oriented at the angle at which it is installed in the vehicle; and,

(2) Accelerated in three directions normal to each other while the retractor drum's central axis is oriented at angles of 45°, 90°, 135°, and 180° from the angle at which it is installed in the vehicle, unless the retractor locks by gravitational force when tilted in any direction to any angle greater than 45° from the angle at which it is installed in the vehicle.

Effective date: January 1, 1972, except that seat belt assemblies manufactured on or after September 1, 1971, and before January 1, 1972, may conform either to the current requirements of Standard No. 209 in 49 CFR 571.21 or to the requirements of Standard No. 209 as amended by this notice and the notice of March 10, 1971 (36 F.R. 4607).

(Secs. 103, 112, 119, National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1393, 1401, 1407; delegation of authority at 49 CFR 1.51)

Issued on August 26, 1971.

CHARLES H. HARTMAN,
Acting Administrator.

[FR Doc.71-12783 Filed 8-30-71;8:50 am]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 246]

PART 1002—FEES

Services Performed in Connection With Licensing and Related Activities; Correction

AUGUST 25, 1971.

In its report of May 19, 1971, in Ex Parte No. 246, published at 36 F.R. 11293, the Commission in certain respects amended the existing regulations governing fees for Commission services. Through inadvertence items 17 and 45 of § 1002.2(d), Schedule of filing fees, incorrectly show filing fees of $200 rather than $700.

Accordingly, Items 17 and 45 of § 1002.2 (d) should be corrected to read as follows:

(17) An application for authority to abandon all or a portion of a line of railroad or the operation thereof, Section 1(18), $700.

(45) A complaint seeking or a petition requesting institution of an investigation seeking the prescription of divisions of joint rates, fares, or charges, Section 15(6), $700.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-12732 Filed 8-30-71;8:50 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Certain National Wildlife Refuges in Certain States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER (8-31-71).

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA
HAVASU NATIONAL WILDLIFE REFUGE

Public hunting of doves on the Havasu National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 24,200 acres, is delineated on maps available at refuge headquarters, Needles, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting seasons are as follows: Arizona—white-winged and mourning doves, from September 1 through September 12, 1971, inclusive; mourning doves only, from December 3, 1971 through January 9, 1972, inclusive. California—white-winged and mourning doves, from September 1 through September 30, 1971, inclusive; and November 27 through December 12, 1971, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves subject to the following special condition:

(1) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 9, 1972.

IMPERIAL NATIONAL WILDLIFE REFUGE

Public hunting of doves on the Imperial National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 10,500 acres, is delineated on maps available at refuge headquarters, Yuma, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting seasons are as follows: Arizona—mourning doves only, from December 3, 1971 through January 9, 1972, inclusive; California—white-winged and mourning doves, from November 27 through December 12, 1971, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 9, 1972.

COLORADO

ALAMOSA NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves, sora and Virginia rails, and Wilson's snipe on the Alamosa National Wildlife Refuge, Colo., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,267 acres, is delineated on maps available at refuge headquarters, Alamosa, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting seasons are as follows: Mourning doves, from September 1 through October 30, 1971, inclusive; sora and Virginia rails, from September 1 through November 9, 1971, inclusive; Wilson's snipe, from September 1 through November 4, 1971, inclusive. Hunting shall be in accordance

with all applicable State and Federal regulations covering the hunting of mourning doves, sora and Virginia rails, and Wilson's snipe subject to the following special conditions:

(1) Dogs—Not to exceed two dogs per hunter may be used only for retrieving.

(2) Boats—The use of boats is prohibited.

(3) Admittance—Entrance to the open area and parking of vehicles will be restricted to designated parking areas.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas ger rally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 9, 1971.

MONTE VISTA NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves, sora and Virginia rails, and Wilson's snipe on the Monte Vista National Wildlife Refuge, Colo., is permitted only on the area designated by signs as open to hunting. This open area, comprising 5,314 acres, is delineated on maps available at refuge headquarters, Monte Vista, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting seasons are as follows: Mourning doves, from September 1 through October 30, 1971, inclusive; sora and Virginia rails, from September 1 through November 9, 1971, inclusive; Wilson's snipe, from September 1 through November 4, 1971, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of mourning doves, sora and Virginia rails, and Wilson's snipe subject to the following special conditions:

(1) Dogs—Not to exceed two dogs per hunter may be used only for retrieving.

(2) Boats—The use of boats is prohibited.

(3) Admittance—Entrance to the open area and parking of vehicles will be restricted to designated parking areas.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 9, 1971.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves, rails, woodcock, and Wilson's snipe on the Flint Hills National Wildlife Refuge, Kans., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,906 acres, is delineated on maps available at refuge headquarters, Burlington, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting seasons are as follows: Mourning doves, from September 1 through October 30, 1971, inclusive; rails, from September 1 through November 9, 1971, inclusive; woodcock, from October 16 through December 19, 1971, inclusive; Wilson's snipe, from September 18 through November 21, 1971, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves, rails, woodcock, and Wilson's snipe subject to the following special condition:

(1) Vehicle access shall be restricted to designated parking areas and to existing roads.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 19, 1971.

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of doves on the Kirwin National Wildlife Refuge, Kans., is permitted from September 1 through October 30, 1971, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,300 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 30, 1971.

QUIVIRA NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves, sora and Virginia rails, and gallinules on the Quivira National Wildlife Refuge, Kans., is permitted during the early teal season from September 4 through September 12, 1971, inclusive, but only on the areas designated by signs as open to hunting. This open area, comprising 7,990 acres, is delineated on maps available at refuge headquarters, Stafford, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of mourning doves, rails, and gallinules.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 12, 1971.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

Public hunting of mourning and white-winged doves on the Bitter Lake National Wildlife Refuge, N. Mex., is permitted from September 1 through September 30, 1971, inclusive, and from November 27 through December 26, 1971, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,320 acres, is delineated on maps available at refuge headquarters, Roswell, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of doves.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 26, 1971.

BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE

Public hunting of mourning and white-winged doves on the Bosque del Apache National Wildlife Refuge, N. Mex., is permitted from September 1 through September 30, 1971, inclusive, and from November 27 through December 26, 1971, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 19,020 acres, is delineated on maps available at refuge headquarters, 7 miles south of San Antonio, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves subject to the following special conditions:

(1) Vehicles are permitted only on established roads.

(2) Hunters shall leave the refuge by one-half hour after sunset.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 26, 1971.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Tishomingo National Wildlife Refuge, Okla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of mourning doves subject to the following special conditions.

(1) The open season for hunting mourning doves on the refuge extends from September 1 through September 30, 1971, inclusive.

(2) Dogs may be used for the purpose of hunting and retrieving.

(3) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

The provisions of this special regulation supplement the regulations which

govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1971.

TEXAS

HAGERMAN NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Hagerman National Wildlife Refuge, Tex., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,644 acres, is delineated on maps available at refuge headquarters, 15 miles northwest of Sherman, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of mourning doves subject to the following special condition:

(1) The open season for hunting mourning doves on the refuge extends from September 1 through September 30, 1971, inclusive.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1971.

WILLIAM M. WHITE,
Acting Regional Director,
Albuquerque, N. Mex.

AUGUST 24, 1971.

[FR Doc.71-12697 Filed 8-30-71;8:47 am]

PART 32—HUNTING

Rice Lake National Wildlife Refuge, Minn.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-31-71).

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MINNESOTA

RICE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of ruffed grouse on the Rice Lake National Wildlife Refuge is permitted from sunrise to sunset September 18 through November 30, 1971 inclusive, only on the area designated by signs as open to hunting. This open area comprising 2,200 acres, is delineated on a map available at refuge headquarters, McGregor, Minn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, MN 55111. Hunting shall be in accordance with all applicable State regulations governing the hunting of upland game.

CARL E. POSPICHAL,
Refuge Manager, Rice Lake National Wildlife Refuge, McGregor, Minn.

AUGUST 24, 1971.

[FR Doc.71-12698 Filed 8-30-71;8:47 am]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Emergency Preparedness

[Economic Stabilization Reg. No. 1 Amdt. 2]

E.S. REG. 1—STABILIZATION REGULATIONS FOR PRICES, RENTS, WAGES, AND SALARIES

Change in Dates and Word Change

SECTION 1. The purpose of the amendment contained in section 2 is to substitute the word "ceiling" for the word "maximum" in section 2(c) of Economic Stabilization Regulation No. 1, hereinafter referred to as the regulation. The purpose of the amendment contained in section 3 is to change the date in the regulation after which delayed or deferred wage or salary increases negotiated to take effect in the future, cost-of-living increases built into wage contracts or provided by management, and routine in-grade increases are not permitted. The purpose of the amendment contained in section 4 is to change the termination date of this regulation.

SEC. 2. Subparagraph (c) of section 2 of the regulation is hereby amended to read as follows:

Section 2. Prohibition.

* * * * *

(c) No person shall offer, demand, or receive any rent higher than the ceiling rent prevailing for the same or comparable property for a substantial number of actual transactions during the base period.

* * * * *

SEC. 3. Subparagraph (c) of section 3 of the regulation is hereby amended to read as follows:

Section 3. Guidance.

* * * * *

(c) Wages and salaries. Deferred wage or salary increases which were negotiated to take effect in the future, cost-of-living increases built into wage contracts or provided by management, and routine in-grade increases not in effect on or before August 14, 1971, are not permitted after August 15, 1971. Regardless of any right or contract heretofore or hereafter existing, no change or adjustment shall be made in rates of wages, salaries, or other forms of compensation whether by retroactive increase or otherwise.

SEC. 4. The last paragraph of the regulation entitled "Effective Date" is hereby amended to read as follows:

Effective date. This regulation, unless modified, superseded or revoked, is effective on the date of publication for a period terminating at midnight of November 13, 1971.

Dated: August 30, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.71-12887 Filed 8-30-71;2:10 pm]

[OEP Economic Stabilization Reg. 1; Circular No. 4]

SUPPLEMENTARY GUIDANCE FOR APPLICATION

Economic Stabilization Circular No. 4

This circular is designed for general information only. The statements herein are intended solely as general guides drawn from OEP Economic Stabilization Regulation No. 1 and from specific determinations by the Cost of Living Council and do not constitute legal rulings applicable to cases which do not conform to the situations clearly intended to be covered by such guides.

NOTE: Provisions of this and subsequent circulars are subject to clarification, revision, or revocation.

This fourth circular covers determinations by the Council through August 26, 1971.

APPENDIX I

ECONOMIC STABILIZATION CIRCULAR NO. 4

100. *Purpose.* (a) On August 15, 1971, President Nixon issued Executive Order No. 11615 providing for stabilization of prices, rents, wages, and salaries and establishing the Cost of Living Council, a Federal agency. The order delegated to the Council all of the powers conferred on the President by the Economic Stabilization Act of 1970, as amended. The effective date of the order was 12:01 a.m., August 16, 1971.

NOTE: This section is the same as section 100(a) in OEP Economic Stabilization Circulars Nos. 1, 2, and 3 except for the addition of the last sentence.

(b) By its Order No. 1 the Council delegated to the Director of the Office of Emergency Preparedness authority to administer the program for the stabilization of prices, rents, wages, and salaries as directed by section 1 of Executive Order No. 11615.

(c) The purpose of this circular, the fourth in a series to be issued, is to furnish further guidance to Federal officials and the public in order to promote maximum understanding and cooperation in the application of the program.

200. *Authority.* Relevant legal authority for the program includes the following:

The Constitution, Economic Stabilization Act of 1970, Public Law 91-379, 84 Stat. 799; Public Law 92-15, 85 Stat. 38.

Executive Order No. 11615, F.R. 15127, August 17, 1971.

Cost of Living Council Order No. 1 (36 F.R. 16215, August 20, 1971).

OEP Economic Stabilization Regulation No. 1, as amended (36 F.R. 16515, August 21, 1971).

300. *General guidelines.* (a) The guidance provided in this circular is in the nature of additions to or clarifications of previous determinations of the Cost of Living Council covered in previous OEP Economic Stabilization Circulars.

(b) The numbering system used in this circular corresponds to that used in previous OEP Circulars.

500. *Wage and salary guidelines.*

501. *General guidelines.* (a) Deferred wage or salary increases which were negotiated to take effect in the future, cost-of-living increases built into wage contracts or provided by management, and routine in-grade increases not in effect on or before August 14, 1971, are not permitted after August 15, 1971. Regardless of any right or contract heretofore or hereafter existing, no change or adjustment shall be made in rates of wages, salaries, or other forms of compensation whether by retroactive increase or otherwise.

NOTE: This section is the same as section 501(c) in OEP Economic Stabilization Circular No. 1 except for the change in date.

502. *Specific guidelines.* (a) Where the employer is willing to certify that an agreement was in existence that provided for increases in pay dependent on employees completing educational requirements for specific job levels, the pay increase can be granted during the freeze. For example, a teacher who has been awarded a master's degree can receive the increment which is normally given. If the effective date of the teacher's contract is after August 15, the increment must be the amount that was granted last year. Since the day of August 15 is not subject to the freeze the portion of the payment for that day may be made.

NOTE: This section is the same as section 502(k) in OEP Economic Stabilization Circular No. 1 except for the last sentence clarifying the effective date.

(b) If a salary increase was granted prior to August 15 and the employee actually performed under the new rate on or before August 15, he can be paid at the higher rate if the pay day is after August 15 provided there are adequate records to demonstrate that the increase was put into effect prior to the freeze date.

NOTE: This section is the same as section 502(m) in OEP Economic Stabilization Circular No. 1 except for the references to dates.

1001. *Effective date.* This circular, unless modified, superseded or revoked, is effective on the date of publication for a period terminating at midnight of November 13, 1971.

NOTE: This section is the same as section 1001 in OEP Economic Stabilization Circulars Nos. 1, 2, and 3 except for the change in date.

Dated: August 30, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.71-12885 Filed 8-30-71;2:10 pm]

[OEP Economic Stabilization Reg. 1; Circular No. 5]

SUPPLEMENTARY GUIDANCE FOR APPLICATION

Economic Stabilization Circular No. 5

This circular is designed for general information only. The statements herein are intended solely as general guides drawn from OEP Economic Stabilization Regulation No. 1 and from specific determinations by the Cost of Living Council and do not constitute legal rulings applicable to cases which do not conform to the situations clearly intended to be covered by such guides.

NOTE: Provisions of this and subsequent circulars are subject to clarification, revision, or revocation.

This fifth circular covers determinations by the Council through August 28, 1971.

APPENDIX I

ECONOMIC STABILIZATION CIRCULAR NO. 5

100. *Purpose.* (a) On August 15, 1971, President Nixon issued Executive Order No. 11615 providing for stabilization of prices, rents, wages, and salaries and establishing the Cost of Living Council, a Federal agency. The order delegated to the Council all of the powers conferred on the President by the Economic Stabilization Act of 1970, as amended. The effective date of the Order was 12:01 a.m., August 16, 1971.

(b) By its Order No. 1 the Council delegated to the Director of the Office of Emergency Preparedness authority to administer the program for the stabilization of prices, rents, wages, and salaries as directed by Section 1 of Executive Order 11615.

(c) The purpose of this circular, the fifth in a series to be issued, is to furnish further guidance to Federal officials and the public in order to promote maximum understanding and cooperation in the application of the program.

200. *Authority.* Relevant legal authority for the program includes the following:

The Constitution, Economic Stabilization Act of 1970, Public Law 91-379, 84 Stat. 799; Public Law 92-15, 85 Stat. 38.
Executive Order No. 11615, 36 F.R. 15127, August 17, 1971.
Cost of Living Council Order No. 1 (36 F.R. 16215, August 20, 1971).
OEP Economic Stabilization Regulation No. 1, as amended (36 F.R. 16515, August 21, 1971).

300. *General Guidelines.* (a) The guidance provided in this circular is in the nature of additions to or clarifications of previous determinations of the Cost of Living Council covered in previous OEP Economic Stabilization Circulars.

301. *Seasonal patterns.* (a) Prices, wages, and rents which normally fluctuate in distinct seasonal patterns may be adjusted during the wage-price freeze subject to the following conditions:

(1) Prices and wages must show a large distinct fluctuation at a specific, identifiable point in time, which must be a documented and established practice that has taken place in each of the past 3 years. Examples are Puerto Rican hotel rates at the beginning and end of the fall/winter season, auto dealers' selling prices at new-model-introduction time, and wage rates for some seasonal agricultural workers. New establishments or activities may determine their qualification from that generally prevailing for similar establishments or activities in the immediate area.

(2) Each change must be tied to a specific date (e.g., the introduction of new car models, beginning of resort seasons, etc.). The price change may not take place earlier this year than in 1970, unless the date is tied to a specific event such as a previously planned introduction of new models.

(3) If the price or wage change qualifies as seasonal by the above criteria, the seller is permitted a choice of base periods to use in determining his ceiling price or wage for the period following the specific event. He may use the statutory base period (30 days ending August 14, or the most recent 30 days when sales were made), or he may use the seasonal period of 1970 (from the date of the specific event through November 13). His ceiling price is based, therefore, on the prices realized on a substantial number of transactions during whichever base period he chooses to use.

(4) The seller or employer must have adequate records available to demonstrate the existence of the traditional practice in the 3 preceding years and the basis for calculating his ceiling price from the 1970 period.

(b) Attached hereto as Annex No. 1 is the text of remarks made by the Executive Director of the Cost of Living Council on the issue of "Seasonality" at a news conference on August 28, 1971.

302. *Charitable contributions.* Contributions to charitable organizations may be increased during the freeze.

400. *Price guidelines.*

401. *General guidelines.* (a) Dues are a fee for service, and as such are frozen under Executive Order No. 11615 and OEP Economic Stabilization Regulation No. 1, as amended. Examples are dues for membership in professional associations, trade associations, unions, and country clubs.

(b) Prices charged for advertising (publishing, television, and radio, etc.) and prices of newspapers, books, magazines, etc., are subject to the freeze.

403. *Prices on imports.* (a) The import surcharge should be shown in dollars and cents on the sales ticket or invoice when the charges are passed on to the consumer.

408. *Exemptions.* (a) The following list contains additional examples of exempt and nonexempt agricultural products:

Exempt	*Nonexempt*
Live cattle, calves, hogs, sheep and lambs.	Carcasses and mean cuts.
Live poultry	Dressed broilers and turkeys.
Raw milk	Pasteurized milk and processed products such as butter, cheese, ice cream.
Shell eggs, packaged or loose.	Frozen, dried or liquid eggs.
Sheared or pulled wool.	Wool products.
Raw honeycomb honey.	Processed and blended honeybutter product.

Exempt	*Nonexempt*
Mohair.	
Hay: bulk, pelleted, cubed or baled.	Dehydrated alfalfa meal or alfalfa meal pellets.
Wheat	Flour.
Feed grains including:	
Corn	Mixed feed.
Sorghum	Cracked corn.
Barley	Rolled barley.
Oats	Rolled oats.
Soybeans	Soybean meal and oil.
Leaf tobacco	Cigarettes and cigars.
Baled cotton, cottonseed, cotton lint.	Cotton yarn, cottonseed oil, cottonseed meal.
Fresh potatoes, packaged or not.	Frozen french fries, dehydrated potatoes.
Unmilled rice	Milled rice.
All raw nuts—shelled and unshelled.	Roasted, salted or otherwise processed nuts.
Fresh mushrooms	Canned or freeze dried mushrooms.
Fresh mint	Mint oil.
Fresh hops.	
Dried beans, peas, and lentils.	
Sugar beets and sugar cane.	Raw and refined sugar.
Maple sap	Maple syrup and sugar.
All seeds for planting	Seeds processed for other uses.
Raw coffee bean	Roasted coffee bean.
All fresh vegetables and melons including:	Canned and frozen vegetables.
Tomatoes.	
Lettuce.	
Sweet corn.	
Onions.	
Green beans.	
Cantaloupe.	
Cucumbers.	
Cabbage.	
Carrots.	
Watermelons.	
Green peas.	
Asparagus.	
Peppers.	
Broccoli.	
Cauliflower.	
Spinach.	
Green lima beans.	
Honeydews.	
Escarole.	
Garlic.	
Artichokes.	
Eggplant.	
Brussel sprouts.	
Beets.	
Unpopped popcorn	Popped popcorn.
Stumpage, or trees cut from the stump.	Milled lumber.
All fresh or naturally dried fruits, packaged or not, including:	Canned, artificially dried frozen fruit or juices.
Fresh oranges	Glazed citrus peel.
Grapes and raisins	Canned grapes, wine.
Apples	Applesauce.
Peaches.	
Strawberries.	
Grapefruit.	
Pears.	
Lemons.	
Plums and prunes	Canned prunes and prune juice.
Cherries.	
Cranberries.	
Avocados.	
Blueberries.	
Apricots.	
Tangerines.	
Olives, uncured	Canned olives.
Nectarines.	
Raspberries.	
Blackberries.	
Figs.	
Tangelos.	
Limes.	
Dates.	
Papayas.	
Bananas.	
Pomegranates.	
Currants.	
Persimmons.	
Garden plants and cut flowers.	Floral wreath.

500. *Wage and salary guidelines.*

502. *Specific guidelines.* (a) If an employee is transferred from a job paid on a flat hourly rate to a job paid by an incentive system it is not a violation of the wage-price freeze as long as the new job is compensated under a previously established incentive system. However, no new incentive system can be established during the freeze.

(b) An employer may change the payment system for a job from a flat rate system to a previously established incentive system provided the employee on that job receives no more than the ceiling rate for the job established during the base period.

(c) A company has an established policy of increasing a supervisor's compensation when he must be temporarily transferred to a different city for an extended period. The company can continue to pay this extra compensation when these transfers are necessary but only if the company can document the fact that this is an established company policy. Furthermore, it can only pay at the rates previously established for such extra compensation.

(d) Business and government can continue to make cash awards during the freeze to employees for outstanding performance under the same formula and controls as existed during the base period. Records will have to be maintained on the incidence and amount of these awards which demonstrate that these programs are not used to give employees wage increases in violation of the freeze.

(e) Attached hereto and incorporated herein as Annex No. 2 is an official summary of Council decisions on wage and salary controls in the field of education.

600. *Rent guidelines.*

602. *Specific guidelines.* (a) A landlord cannot require a tenant to pay utilities after August 15, 1971, if prior to that date utilities had been paid by the landlord.

(b) An increase in rent may be charged for property which undergoes a substantial capital improvement if the following criteria are met:

(1) The capital improvement must equal at least 3 months' rent (with a minimum of $250) on items that would be classified as capital improvements by the Internal Revenue Service.

(2) If condition (1) is met the unit may be treated as a new apartment, with rent to be no higher than the rent charged on comparable apartments in the market area, but in no event shall the increase per month exceed 1½ percent of the amount spent for capital improvement.

(c) The ceiling price for rental property that was vacant during the base period is the rent charged the last time the property was rented.

1001. *Effective date.* This circular, unless modified, superseded, or revoked, is effective on the date of publication for a period terminating at midnight of November 13, 1971.

Dated: August 30, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

ANNEX NO. 1 TO OEP ECONOMIC STABILIZATION CIRCULAR NO. 5

Opening remarks by Arnold R. Weber, Executive Director, Cost of Living Council at news conference August 28, 1971:

In the last 12 days, the Cost of Living Council has considered a large number of issues concerning the wage-price freeze. Decisions on these issues have been made in the spirit of the President's basic premise: That the inflation threatening the Nation's economic stability must be halted. As these decisions have been made, we have distributed them to the American public as quickly as possible, because we know that many critical decisions hang upon those actions.

Again today we are issuing a press release, Q & A No. 9, which addresses issues decided by the Council. One of these is the issue of seasonality, which I would like to discuss with you now.

Seasonality. As you know, the prices and wages associated with a large number of products and industries follow distinct seasonal patterns. This is the issue of seasonality and it is not only an important issue, but one that requires immediate action.

The key question is: Should prices and wages that follow a distinct seasonal pattern qualify for exemption under the wage-price freeze?

The answer is not simple. To qualify, prices and wages must show a distinct fluctuation at a specific, identifiable point in time. There must also be a documented and established practice that has taken place in each of the past 3 years. Examples are Puerto Rican hotel rates at the beginning or end of the fall/winter season, auto dealers' selling prices at new-model-introduction time; and wage rates for seasonal agricultural workers.

The important thing here is that each seasonal price change must be tied to a specific date, e.g., the introduction of new car models, the end of a specific month as in the case of traditional August furniture sales, the onset of a specific holiday such as Labor Day, or the start of a particular harvest season. The price change may not take place earlier this year than in 1970, unless the date is tied to a specific event such as previously planned introduction of new models or new television programs.

If the price or wage change qualifies as seasonal by the criteria just stated, the seller is permitted a choice of base periods to use in determining his ceiling price or wage. He may use the statutory base period (30 days prior to August 14 or the most recent 30 days when sales were made) or he may use the same seasonal period for 1970 (from the date of the specific event through November 13).

His selling price is based, therefore, on the prices he realized on a substantial number of transactions during whichever of the alternative base periods he chooses to use.

The seller or employer must have adequate records available to demonstrate the existence of the traditional practice in three preceding years and the basis for calculating his selling price for the 1970 period. New establishments or activities may determine their qualification from that generally prevailing for similar establishments or activities in the immediate area.

Industries that regularly introduce new models require special procedures; separate ceilings must be calculated for the 1971 models and the 1972 models (even if there is no difference in the posted prices of the two models). Taking automobiles, washing machines or snowmobiles, for example, the ceiling for the 1971 models would continue to be based on the July 16–August 14, 1971 base period, while the ceiling for the 1972 models would, if the dealer chooses, be based on prices charged for the 1971 models when they were introduced during the comparable 1970 period.

ANNEX NO. 2 TO OEP ECONOMIC STABILIZATION CIRCULAR NO. 5

Cost of Living Council today issued the following summary of decisions on wage and salary contracts in the field of education.

If a teacher (or other educational personnel) in a school system has either performed work prior to August 15 under a new contract calling for a wage increase or if the teacher was eligible to have earned a salary at the new rate prior to August 15 the new rate is permissible. To be eligible means that the teacher in fact accrued earnings (at the new rate) which covered a period prior to August 15, although he or she may not have actually performed any work during that period.

In many cases a contract may read that its effective date is July 15 or some other day prior to August 15. The effective date of the pay increase for purposes of the wage-price freeze for individual contracts is determined by the two criteria—when the work is performed or when the individual is eligible to receive the new increase. Eligibility is proven by the period covered by and indicated on the pay check (which may be issued after August 15). As an example, if a college has five cafeterias, three of which close down for the summer, and if the cafeteria workers are employed under a wage scale and under individual contracts keyed to those scales, the increase applies only to the summer employee who performed work prior to August 15. Those returning in September who have not performed work under the new contract do not receive the increase. If, however, there was one uniform system contract for all, then those cafeteria workers returning in the fall also receive the increase.

In the case of school systems that have negotiated a systemwide contract which is applicable to all teachers in the system and which makes all teachers eligible to receive payment prior to August 15, all teachers may receive these increased payments if any one teacher either performed work or was accruing pay prior to August 15.

The question has arisen as to whether this applies to cafeteria workers and others. Where there is a system contract that meets the above criteria it applies. Otherwise the rule that applies is that before the increase is granted work must be performed under the new individual contract or the individual must have been eligible to accrue pay during a period prior to August 15.

A distinction is drawn between a system's contract negotiated for all teachers, or for other personnel, and a pay schedule on which individual contracts are based. Under the former, all teachers are eligible for increases if one teacher has performed under the contract prior to August 15 or was eligible to earn under it; under the uniform pay schedule each individual is dealt with individually: If he or she has performed work under a contract prior to August 15 or has been eligible to earn the new increase prior to that date the increase is allowed.

Another question involves multiyear contracts calling for annual increases on a date after the August 15 freeze. The increase may not go into effect.

What about longevity increases due after August 15? The longevity increase is frozen even though the pay raise is approved under conditions described here.

Does a teacher who has completed courses and received additional degrees making her eligible for the higher pay rate get a new salary level? Yes. This is a promotion, not a pay raise.

Can a newly hired teacher whose contract is signed after the freeze date collect the higher pay in a school system where all the wages are frozen under these rulings? No.

The question has been asked as to how this applies to college teachers. Where there is a system contract uniformly applying to college teachers in a college or university system, the same rule applies—if work was performed by any one faculty member under the new contract prior to August 15, or if any faculty member accrued the new salary prior to that date even if no work was performed, all faculty members affected by the contract are eligible for the increase. Where there are individual contracts, the two criteria of work performed or eligibility for accruing salary apply.

It is apparent that variations in contracts will continue to raise questions. School related organizations needing further information for their particular situations should wire Teacher Information at one of the 10 OEP regional centers (see list below), and state their specific questions or problems. A response will be made as soon as possible. Only requests from school related organizations will be honored.

Region	Address, telephone	States served
Boston (I)	JFK Federal Bldg., Room 2003 L, Boston, Mass. 02203. Telephone: (900) 223-2490 or 4053, Area Code 617.	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
New York City (II)	26 Federal Plaza, Room 1355, New York, NY 10007. Telephone: (900) 466-8450, Area Code 212.	New Jersey, New York, Puerto Rico, Virgin Islands.
Philadelphia (III)	Industrial Valley Bank Bldg., Suite 1600, 1700 Market St., Philadelphia, PA 19103. Telephone: (900) 524-2435, Area Code 215.	Delaware, Maryland, Pennsylvania, Virginia, West Virginia, District of Columbia.
Atlanta (IV)	Continental Insurance Bldg., Suites 514, 518, 520, 161 Peachtree St., NE., Atlanta, GA 30303. Telephone: (900) 526-4401 or 4545, Area Code 404.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.
Chicago (V)	33 East Congress Parkway, Room 204 A, Chicago, IL 60604. Telephone: (900) 891-5111, Area Code 312.	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.
Dallas (VI)	Federal Bldg., 1100 Commerce St., Room 4C-38, Dallas, TX 75202. Telephone: (900) 749-1111, Area Code 214.	Arkansas, Louisiana, Oklahoma, New Mexico, Texas.
Kansas City (VII)	New Federal Office Bldg., 601 East 12th St., Room 142, Kansas City, MO 64106. Telephone: (900) 374-5831, Area Code 816.	Iowa, Kansas, Missouri, Nebraska.
Denver (VIII)	Federal Regional Office Bldg. 710, Denver, CO 80225. Telephone: (900) 837-4981. Rent—837-3081. Price—837-4856. Wage—837-3876. Administration—837-3827. Area Code 303.	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.
San Francisco (IX)	450 Golden Gate Ave., Room 2029, San Francisco, CA 94102. Telephone: (900) 556-7746. Wages—556-2452. Prices—556-6260. Rent—556-7027. Area Code 415.	Arizona, California, Hawaii, Nevada, American Samoa, Guam.
Seattle (X)	Federal Office Bldg., Room 1095, 909 1st Ave., Seattle, WA 98104. Telephone: (900) 442-4552, Area Code 206.	Alaska, Idaho, Oregon, Washington.

[FR Doc.71-12886 Filed 8-30-71;2:10 pm]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[43 CFR Part 4]

EQUAL EMPLOYMENT OPPORTUNITY

Proposed Rules of Practice and Procedure

Pursuant to delegated authority, and in accordance with Executive Order No. 11246, as amended by Executive Order No. 11375, and rules and regulations implementing said order, as amended, the Secretary of the Interior proposes to adopt the following rules of practice and procedure to be used in proceedings for the imposition of sanctions under section 209(a) (1), (5), and (6) of Executive Order No. 11246, as amended, for violations of the Executive order, as amended, and rules, regulations and orders thereunder.

The proposed regulations reflect the authority delegated by the Secretary to the Director, Office for Equal Opportunity, Department of the Interior, to initiate the formal administrative proceedings for the imposition of such sanctions, by the filing of a notice of hearing upon the parties concerned, and the authority delegated by the Secretary to the Director, Office of Hearings and Appeals, Office of the Secretary, to issue a final decision for the Department after full opportunity for hearing before a hearing examiner of the Office of Hearings and Appeals.

It is proposed to place these regulations within Part 4 of Title 43 of the Code of Federal Regulations, Department Hearings and Appeals Procedures, as Subpart H thereof, and to provide that, to the extent they are not inconsistent with these special rules, the general rules applicable to all types of proceedings before the Hearings Division and the several Appeals Boards of the Office of Hearings and Appeals, contained in Subpart B of Part 4, will be applicable also to proceedings under these proposed regulations.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed regulations to the Director, Office of Hearings and Appeals, Attention: Special Assistant to the Director (Regulations), 4015 Wilson Boulevard, Arlington, VA 22203, within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 23, 1971.

W. T. PECORA,
Acting Secretary of the Interior.

Subpart H—Special Procedural Rules Applicable to Proceedings Conducted Pursuant to Enforcement of Executive Order 11246, as Amended by Executive Order 11375, and Rules, Regulations and Orders Issued Thereunder

GENERAL

AUTHORITY: The provisions of this Subpart H, issued under Executive Order No. 11246 of September 24, 1965 (30 F.R. 12319), as amended by Executive Order No. 11375 of October 13, 1967 (32 F.R. 14303), and 41 CFR 60-1.26(b), 33 F.R. 7804 (May 28, 1968).

CROSS REFERENCE: See Subpart A for the organization, authority and jurisdiction of the Office of Hearings and Appeals, including its Hearings Division. To the extent they are not inconsistent with these special rules, the general rules applicable to all types of proceedings before the Hearings Division and the several Appeals Boards of the Office of Hearings and Appeals, contained in Subpart B of this part, are applicable also to proceedings under these regulations.

Subpart H—Special Procedural Rules Applicable to Proceedings Conducted Pursuant to Enforcement of Executive Order 11246, as Amended by Executive Order 11375, and Rules, Regulations and Orders Issued Thereunder

GENERAL

§ 4.750 Authority.

These rules of procedure supplement, and are established pursuant to, the provisions of 41 CFR 60-1.26(b).

§ 4.751 Scope of rules.

These rules govern the practice and procedure for proceedings conducted, and decisions made, by the Department precedent to the imposition of sanctions under section 209(a) (1), (5), and (6) of Executive Order 11246, as amended by Executive Order 11375, for violations of the Executive Order 11246, as amended, and rules, regulations and orders thereunder.

§ 4.752 Definitions.

Except as otherwise indicated in the context in which it appears in these regulations, the term

(a) "Department" means the Department of the Interior.

(b) "Secretary" means the Secretary of the Interior.

(c) "Director" means the Director, Office for Equal Opportunity, Department of the Interior.

(d) "Office for Equal Opportunity" means the Office for Equal Opportunity in the Department of the Interior.

(e) "Office of Federal Contract Compliance" means the Office of Federal Contract Compliance, U.S. Department of Labor.

(f) "Office of Hearings and Appeals" means the Office of Hearings and Appeals in the Office of the Secretary, Department of the Interior.

(g) "Hearing examiner" means a hearing examiner appointed by the Director, Office of Hearings and Appeals.

(h) "Executive Order" means Executive Order 11246, 30 F.R. 12319, as

amended by Executive Order 11375, 32 F.R. 14303.

(i) "Notice" means a notice of hearing in a proceeding instituted under 41 CFR 60–1.26(b) and these regulations.

(j) "Party" means a respondent; the Director; and any person or organization participating in a proceeding pursuant to § 4.757.

(k) "Respondent" means a person or organization against whom sanctions are proposed because of alleged violations of Executive Order 11246, as amended, and rules, regulations, and orders thereunder.

§ 4.753 Time computation.

Except as otherwise provided by law, in computing any period of time under these rules or in an order issued hereunder, the time begins with the day following the act or event, and includes the last day of the period, unless it is a Saturday, Sunday, or Federal legal holiday, or other nonbusiness day, in which event it includes the next following day which is not a Saturday, Sunday, Federal legal holiday, or other nonbusiness day. When the period of time prescribed or allowed is 7 days or less, intermediate Saturdays, Sundays, Federal legal holidays and other nonbusiness days shall be excluded in the computation.

DESIGNATION AND RESPONSIBILITIES OF HEARING EXAMINER

§ 4.754 Designation.

Hearings shall be held before a hearing examiner designated by the Chief Hearing Examiner, Hearings Division, Office of Hearings and Appeals.

§ 4.755 Authority and responsibilities.

(a) The hearing examiner shall have all powers necessary to preside over the parties and the proceedings, conduct the hearing, and enter recommended findings and conclusions and a recommended determination. His powers shall include, but not be limited to, the power to:

(1) Hold conferences to settle, simplify, or fix the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding.

(2) Require parties to state their position with respect to the various issues in the proceedings.

(3) Establish rules for media coverage of the proceedings.

(4) Rule on motions and other procedural items in matters before him.

(5) Regulate the course of the hearing, the conduct of counsel, parties, witnesses and other participants.

(6) Administer oaths, call witnesses on his own motion, examine witnesses and direct witnesses to testify.

(7) Receive, rule on, exclude, or limit evidence.

(8) Fix time limits for submission of written documents in matters before him.

(9) Take any action authorized by these regulations or in conformance with the provisions of applicable law.

(b) The hearing examiner shall recommend a determination of the issues on the basis of the record before him. Together with his recommended determination, he shall recommend findings of fact and conclusions of law to the Director, Office of Hearings and Appeals.

APPEARANCE AND PRACTICE

§ 4.756 Participation by a party.

Subject to the provisions contained in Part 1 of this subtitle, a party may appear in person, by representative, or by counsel, and participate fully in any proceeding held pursuant to these regulations.

§ 4.757 Determination of parties.

(a) The Respondent and the Director are the initial parties to the proceeding. To the extent that proceedings hereunder are based in whole or in part on matters subject to a collective bargaining agreement, any labor organization which is signatory to such agreement shall also have the right to participate as a party.

(b) Other persons or organizations shall have the right to participate as parties if the final decision could directly and adversely affect them or the class they represent, and if they may contribute materially to the disposition of the proceedings.

(c) Any person or organization wishing to participate as a party under this section shall submit a petition to the hearing examiner within 15 days after the notice has been served. The petition should be filed with the hearing examiner and served on Respondent, on the Director, and on any other person or organization who has been made a party at the time of filing. Such petition shall concisely state: (1) Petitioner's interest in the proceeding, (2) how his participation as a party will contribute materially to the disposition of the proceeding, (3) who will appear for petitioner, (4) the issues on which petitioner wishes to participate, and (5) whether petitioner intends to present witnesses.

(d) The hearing examiner shall promptly ascertain whether there are objections to the petition. He shall then determine whether petitioners have the requisite interest to be a party in the proceedings, as defined in paragraphs (a) and (b) of this section, and shall permit or deny participation accordingly. Where petitions to participate as parties are made by individuals or groups with common interests, the hearing examiner may request all such petitioners to designate a single representative, or he may recognize one or more of such petitioners to represent all such petitioners; provided that the representative of a labor organization qualifying to participate under paragraph (a) of this section shall be permitted to participate as a party. The hearing examiner shall give each such petitioner written notice of the decision on his petition. If the petition is denied, he shall briefly state the grounds for denial and shall then treat the petition as a request for participation as amicus curiae. The hearing examiner shall give written notice to each party of each petition granted.

(e) Persons or organizations whose petition for party participation is denied may appeal the decision to the Director, Office of Hearings and Appeals, within 7 days of receipt of denial. The Director, Office of Hearings and Appeals, will make the final decision for the Department to grant or deny the petition.

§ 4.758 Determination and participation of amici.

(a) Any interested person or organization wishing to participate as amicus curiae in the proceeding shall file a petition before the commencement of the hearing. Such petition shall concisely state the petitioner's interest in the hearing and who will represent petitioner.

(b) The hearing examiner will grant the petition if he finds that the petitioner has an interest in the proceedings and may contribute materially to the disposition of the proceedings. The hearing examiner shall give the petitioner written notice of the decision on his petition.

(c) An amicus curiae is not a party but may only participate as provided in paragraph (d) of this section.

(d) An amicus curiae may submit a written statement of position to the hearing examiner at any time prior to the beginning of a hearing, and shall serve a copy on each party. He may also file a brief or written statement at such time as the parties submit proposed findings and conclusions and supporting briefs to the hearing examiner and at such time as the parties file exceptions to the recommended determination of the hearing examiner.

FORM AND FILING OF DOCUMENTS

§ 4.759 Form.

Documents filed pursuant to a proceeding herein shall show the docket description and title of the proceeding, the party or amicus submitting the document, the date signed, and the title, if any, and address of the signatory. The original will be signed in ink by the party representing the party or amicus. Copies need not be signed, but the name of the person signing the original shall be reproduced.

§ 4.760 Filing and service.

(a) All documents submitted in a proceeding shall be served on all parties. The original and two copies of each document shall be submitted for filing. Filings shall be made with the hearing examiner, at the address stated in the notice. With respect to exhibits and transcripts of testimony, only originals need be filed.

(b) Service upon a party or amicus shall be made by delivering one copy of each document requiring service in person or by certified mail, return receipt requested, properly addressed with postage prepaid, to the party or amicus or his attorney, or designated representative. Filing will be made in person or by certified mail, return receipt requested, to the hearing examiner, at the address stated in the notice of scheduled hearing.

(c) The date of filing or of service shall be the day when the matter is

deposited in the United States mail or is delivered in person.

§ 4.761 Certificate of service.

The original of every document filed and required to be served upon parties shall be endorsed with a certificate of service signed by the party or amicus curiae making service or by his attorney or representative, stating that such service has been made, the date of service, and the manner of service.

PROCEDURES

§ 4.762 Notice of hearing.

In response to Respondent's request for a hearing, the Director shall serve on the Respondent, pursant to 41 CFR 60–1.26(b), a notice of hearing by registered mail, return receipt requested, to Respondent's last known address. Such notice shall contain the time and place of the hearing; the legal authority under which the proceedings are to be held; and the matters pursuant to which sanctions or other actions are proposed.

§ 4.763 Answer to notice.

Within 15 days after receipt of the notice of hearing, Respondent may file an answer. This answer shall admit or deny specifically and in detail matters set forth in each allegation of the notice unless Respondent is without knowledge, in which case his answer should so state, and the statement shall be deemed a denial. Matters not specifically denied shall be deemed admitted. Matters alleged in the answer as affirmative defenses shall be separately stated and numbered. Failure of Respondent to file an answer within the 15-day period following receipt of the notice may be deemed an admission of all facts recited in the notice.

§ 4.764 Amendments.

The Director may amend his notice once as a matter of course before an answer is filed, and Respondent may amend its answer once as a matter of course not later than 15 days after it is filed. Other amendments of the notice or of the answer to the notice shall be made only by leave of the hearing examiner. An amended notice shall be answered within 10 days of its service, or within the time for filing an answer to the original notice, whichever period is longer.

§ 4.765 Motions.

Motions and petitions shall state the relief sought, the basis for relief and the authority relied upon. If made before or after the hearing itself, these matters shall be in writing. If made at the hearing, they may be stated orally; but the hearing examiner may require that they be reduced to writing and filed and served on all parties. Within 8 days after a written motion or petition is served, any party may file a response to a motion or petition. An immediate oral response may be made to an oral motion. Oral argument on motions will be at the discretion of the hearing examiner.

§ 4.766 Disposition of motions.

The hearing examiner may not grant a written motion or petition prior to expiration of the time for filing responses thereto, but may overrule or deny such motion or petition without awaiting response: *Provided however*, That prehearing conferences, hearings, and decisions need not be delayed pending disposition of motions or petitions. Oral motions and petitions may be ruled on immediately.

§ 4.767 Interlocutory appeals.

No interlocutory appeals will be permitted from an adverse ruling except as specifically provided in these rules.

§ 4.768 Exhibits.

Proposed exhibits shall be exchanged at the prehearing conference, or otherwise prior to the hearing, if the hearing examiner so directs. Proposed exhibits not so exchanged in accordance with the hearing examiner's order may be denied admission as evidence. The authenticity of all exhibits submitted prior to the hearing, under direction of the hearing examiner, will be deemed admitted unless written objection thereto is filed and served on all parties, or unless good cause is shown for failure to file such written objection.

§ 4.769 Admissions as to facts and documents.

Not later than 25 days prior to the date of the hearing any party may serve upon an opposing party a written request for the admission of the genuineness and authenticity of any relevant documents described in, and exhibited with, the request, or for the admission of the truth of any relevant matters of fact stated in the request. Each of the matters as to which an admission is requested shall be deemed admitted, unless within a period of 20 days, the party to whom the request is directed serves upon the requesting party a statement either (a) denying specifically the matters as to which an admission is requested, or (b) setting forth in detail the reasons why he cannot truthfully either admit or deny such matters.

§ 4.770 Discovery.

(a) *Methods.* Parties may obtain discovery as provided in these rules by depositions, written interrogatories, production of documents, or other items; or by permission to enter property, for inspection and other purposes.

(b) *Scope.* Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the hearing.

(c) *Protective orders.* Upon motion by a party or by the person from whom discovery is sought, and for good cause shown, the hearing examiner may make any order which justice requires to limit or condition discovery in order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense.

(d) *Sequence and timing.* Methods of discovery may be used in any sequence. The fact that a party is conducting discovery shall not operate to delay any other party's discovery.

(e) *Time limit.* Discovery by all parties will be completed within such time as the examiner directs, from the date the notice of hearing is served on Respondent.

§ 4.771 Depositions.

(a) A party may take the testimony of any person, including a party, by deposition upon oral examination. This may be done by stipulation or by notice, as set forth in paragraph (b) of this section. On motion of any party or other person upon whom the notice is served, the hearing examiner may for cause shown enlarge or shorten the time for the deposition, change the place of the deposition, limit the scope of the deposition or quash the notice. Depositions of persons other than parties shall be upon consent of the deponent.

(b (1) The party will give reasonable notice in writing to every other party of the time and place for taking depositions, the name and address of each person to be examined, if known, or a general description sufficient to identify him or the particular class or group to which he belongs.

(2) The notice to a deponent may be accompanied by a request for the production of documents and tangible things at the taking of the deposition.

(3) A party may name as the deponent a corporation, partnership, association, or governmental agency and may designate a particular person within the organization whose testimony is desired and the matters on which examination is requested. If no particular person is named, the organization shall designate one or more agents to testify on its behalf, and may set forth the matters on which each will testify. The persons so designated shall testify as to matters known or reasonably available to the organization.

(c) Examination and cross-examination of witnesses may proceed as permitted at the hearing. The witness shall be placed under oath by a disinterested person qualified to administer oaths by the laws of the United States or of the place where the examination is held, and the testimony taken by such person shall be recorded verbatim.

(d) During the taking of a deposition a party or deponent may request suspension of the deposition on grounds of bad faith in the conduct of the examination, annoyance, embarrassment, oppression of a deponent or party or improper questions propounded. The deposition will then be adjourned. However, the objecting party or deponent must immediately move the hearing examiner for a ruling on his objections to the deposition conduct or proceedings. The hearing examiner may then limit the scope or manner of the taking of the deposition.

(e) The officer shall certify the deposition and promptly file it with the hearing examiner. Documents or true copies of documents and other items produced for inspection during the examination of

the witness shall, upon the request of a party, be marked for identification and annexed to the deposition.

(f) The party taking the deposition shall give prompt notice of its filing to all other parties.

§ 4.772 Use of depositions at hearing.

(a) Any part or all of a deposition, so far as admissible under § 4.780 applied as though the witness were then present and testifying, may be used against any party who was present or represented at the taking of the deposition or who had reasonable notice thereof as follows:

(1) Any deposition may be used for contradition or impeachment of the deponent as a witness.

(2) The deposition of a party, or of an agent designated to testify on behalf of a party, may be used by an adverse party for any purpose.

(3) The deposition of any witness may be used for any purpose if the party offering the deposition has been unable to procure the attendance of the witness because he is dead; or if the witness is at a greater distance than 100 miles from the place of hearing, or is out of the United States, unless it appears that the absence of the witness was procured by the party offering the deposition; or if the witness is unable to attend or testify because of age, illness, infirmity, or imprisonment; or, upon application and notice, that such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally in open hearing, to allow the deposition to be used.

(b) If only part of a deposition is offered in evidence, the remainder becomes subject to introduction by any party.

(c) Objection may be made at the hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying.

§ 4.773 Interrogatories to parties.

(a) Any party may serve upon any other party written interrogatories after the notice of hearing has been filed. If the party served is a corporation, partnership, association, or governmental agency, an agent shall furnish such information as is available to the party.

(b) Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections signed by the attorney or other representative making them. Answers and objections shall be made within 30 days after the service of the interrogatories. The party submitting the interrogatories may move for an order under § 4.775 with respect to any objection to or other failure to answer an interrogatory.

(c) Interrogatories shall relate to any matter not privileged which is relevant to the subject matter of the hearing.

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

(a) After the notice of hearing has been filed, any party may serve on any other party a request to produce and/or permit the party, or someone acting on his behalf, to inspect and copy any designated documents, phonorecords, and other data compilations from which information can be obtained and which are in the possession, custody or control of the party upon whom the request is served. If necessary, translation of data compilations shall be done by the party furnishing the information.

(b) After the notice of hearing has been filed, any party may serve on any other party a request to permit entry upon designated property in the possession or control of the party upon whom the request is served for the purpose of inspection, measuring, surveying or photographing, testing, or sampling the property or any designated object.

(c) Each request shall set forth with reasonable particularity the items to be inspected and shall specify a reasonable time, place, and manner of making the inspection and performing the related acts.

(d) The party upon whom the request is served shall respond within 15 days after the service of the request. The response shall state, with respect to each item, that inspection and related activities will be permitted as requested, unless there are objections in which case the reason for each objection shall be stated. The party submitting the request may move for an order under § 4.775 with respect to any objection to or other failure to respond.

§ 4.775 Sanctions.

(a) A party, upon reasonable notice to other parties and all persons affected thereby, may move for an order as follows:

(1) If a deponent fails to answer a question propounded or submitted under § 4.771(c), or a corporation or other entity fails to make a designation under § 4.771(b)(3), or a party fails to answer an interrogatory submitted under § 4.773, or if a party, under § 4.774 fails to respond that inspection will be permitted or fails to permit inspection, the discovering party may move for an order compelling an answer, a designation, or inspection.

(2) An evasive or incomplete answer is to be treated as a failure to answer.

(b) If a party or an agent designated to testify fails to obey an order to permit discovery, the hearing examiner may make such orders as are just, including:

(1) That the matters regarding which the order was made or any other designated facts shall be established in accordance with the claim of the party obtaining the order;

(2) Refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters in evidence.

(c) If a party or an agent designated to testify fails after proper service (1) to appear for his deposition, (2) to serve answers or objections to interrogatories submitted under § 4.773, or (3) to serve a written response to a request for inspection, submitted under § 4.774, the hearing examiner on motion may make such orders as are just, including those authorized under subparagraphs (1) and (2) of paragraph (b) of this section.

§ 4.776 Ex parte communications.

(a) Written or oral communications involving any substantive or procedural issue in a matter subject to these proceedings, directed to the hearing examiner, the Director, the Director, Office of Federal Contract Compliance, or the Director, Office of Hearings and Appeals, shall be deemed ex parte communications and are not to be considered part of any record or the basis for any official decision, unless the communication is made by motion pursuant to these rules.

(b) The hearing examiner shall not consult any person, or party, on any fact in issue or on the merits of the matter before him unless upon notice and opportunity for all parties to participate.

(c) No employee or agent of the Federal Government engaged in the investigation and prosecution of a proceeding governed by these rules shall participate or advise in the rendering of the recommended or final decision, except as witness or counsel in the proceeding.

PREHEARING

§ 4.777 Prehearing conferences.

(a) Within 15 days after the answer has been filed the hearing examiner will establish a prehearing conference date for all parties including persons or organizations whose petition requesting party status has not been ruled upon. Written notice of the prehearing conference shall be sent by the hearing examiner.

(b) At the prehearing conference the following matters, among others, shall be considered: (1) Simplification and delineation of the issues to be heard; (2) stipulations; (3) limitation of number of witnesses; and exchange of witness lists; (4) procedure applicable to the proceeding; (5) offers of settlement; and (6) scheduling of the dates for exchange of exhibits. Additional prehearing conferences may be scheduled at the discretion of the hearing examiner, upon his own motion or the motion of a party.

HEARING

§ 4.778 Appearances.

In the event that a party appears at the hearing and no party appears for the opposing side, the party who is present shall have an election to present his evidence in whole or such portion thereof sufficient to make a prima facie case before the hearing examiner. Failure to appear at a hearing shall not be deemed to be a waiver of the right to be served

with a copy of the hearing examiner's proposed decision and to file exceptions to it.

§ 4.779 Purpose.

(a) The hearing is directed primarily to receiving factual evidence and expert opinion testimony related to the issues in the proceeding. A hearing will be held in order to determine whether Respondent has failed to comply with one or more applicable requirements of Executive Order 11246, and rules, regulations, and orders thereunder. However, this shall not prevent the parties from entering into a stipulation of the facts.

(b) If all facts are stipulated, the proceedings shall go to conclusion in accordance with §§ 4.787 to 4.792.

§ 4.780 Evidence.

Formal rules of evidence will not apply to the proceeding. Irrelevant, immaterial, unreliable, and unduly repetitious evidence will be excluded from the record of a hearing. Hearsay evidence shall not be inadmissible as such.

§ 4.781 Official notice.

Whenever a party offers a public document, or part thereof, in evidence, and such document, or part thereof, has been shown by the offeror to be reasonably available to the public, such document need not be produced or marked for identification, but may be offered for official notice as a public document item by specifying the document or relevant part thereof. Official notice may also be taken of other matters, at the discretion of the hearing examiner.

§ 4.782 Testimony.

Testimony shall be given under oath by witnesses at the hearing. A witness shall be available for cross-examination, and, at the discretion of the hearing examiner, may be cross-examined without regard to the scope of direct examination as to any matter which is material to the proceeding.

§ 4.783 Objections.

Objections to evidence shall be timely, and the party making them shall briefly state the ground relied upon.

§ 4.784 Exceptions.

Exceptions to rulings of the hearing examiner are unnecessary. It is sufficient that a party, at the time the ruling of the hearing examiner is sought, makes known the action which he desires the hearing examiner to take, or his objection to an action taken, and his ground therefor.

§ 4.785 Offer of proof.

An offer of proof made in connection with an objection taken to any ruling of the hearing examiner excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony. If the excluded evidence consists of evidence in written form or consists of reference to documents, a copy of such evidence shall be marked for identification and shall accompany the record as the offer of proof.

§ 4.786 Official transcript.

An official reporter will be designated for all hearings. The official transcripts of testimony and argument taken, together with any exhibits, briefs, or memoranda of law filed therewith, shall be filed with the hearing examiner. Transcripts may be obtained by the parties and the public from the official reporter at rates not to exceed the applicable rates fixed by the contract with the reporter. Upon notice to all parties, the hearing examiner may authorize such corrections to the transcript as are necessary to accurately reflect the testimony.

POSTHEARING PROCEDURES

§ 4.787 Proposed findings of fact and conclusions of law.

Within 30 days after the close of the hearing each party may file, or the hearing examiner may request, proposed findings of fact and conclusions of law together with supporting briefs. Such proposals and briefs shall be served on all parties and amici. Reply briefs may be submitted within 15 days after receipt of the initial proposals and briefs. Reply briefs should be filed and served on all parties and amici.

§ 4.788 Record for decision.

The hearing examiner will make his recommended findings, conclusions, and recommended decision upon the basis of the record before him. The transcript of testimony, exhibits, and all papers, documents, and requests filed in the proceedings, except the correspondence section of the docket, shall constitute the record.

§ 4.789 Recommended determination.

The hearing examiner shall, in an expeditious manner, rule on proposed findings and conclusions submitted by the parties; and shall make recommended findings, conclusions, and decision. These rulings and recommendations shall be certified, together with the record for decision, to the Director, Office of Hearings and Appeals, for his decision. The rulings, recommended findings, conclusions, and decision of the hearing examiner shall be served on all parties and amici curiae to the proceedings.

§ 4.790 Exceptions to recommended determination.

Within 30 days after receipt of the recommended determination, all parties to the proceeding may file with the Director, Office of Hearings and Appeals, exceptions to the recommended findings, conclusions and decision of the hearing examiner, together with supporting briefs. Service of such exceptions and briefs shall be made on all parties and amici. Such briefs may be responded to within 15 days of their receipt by the other parties. Responses shall be filed with the Director, Office of Hearings and Appeals, and served on all parties and amici.

§ 4.791 Record.

After expiration of the time for filing briefs and exceptions, the Director, Office of Hearings and Appeals, shall make a decision on the basis of the record before him. The record includes the record before the hearing examiner, the rulings, the recommended findings, conclusions and decision of the hearing examiner, and the exceptions and briefs filed subsequent to the hearing examiner's decision.

§ 4.792 Final decision.

The Director, Office of Hearings and Appeals, may affirm, modify, or set aside in whole or in part, the recommended findings, conclusions, and decision of the hearing examiner. The decision of the Director, Office of Hearings and Appeals, shall not be final without the approval of the Director, Office of Federal Contract Compliance, Department of Labor.

[FR Doc.71-12702 Filed 8-30-71;8:48 am]

Oil Import Administration

[32A CFR Ch. X]

[Oil Import Reg. 1 (Rev. 5)]

IMPORTS OF RESIDUAL FUEL OIL TO BE USED AS FUEL; DISTRICT I

Notice of Extension of Time for Comment

By notice of proposed rule making published in the FEDERAL REGISTER of August 5, 1971 (36 F.R. 14388), the Oil Import Administration requested comments by August 31, 1971, upon a proposed revision to section 12 of Oil Import Regulation 1 (Revision 5), as amended, which provides for the making of allocations of residual fuel oil in District I.

Several requests have been received for an extension of time within which to comment based upon a belief that the proposal represents a change in the policy by whereby maximum levels of imports of residual fuel oil to be used as fuel are set. Proclamation 3279, as amended, establishes the method for determining the maximum level of imports into District I of residual fuel oil. The proposal makes no change in that policy. However, it is deemed advisable to extend the time for comments to September 30, 1971, in order to give all interested parties adequate time to prepare and submit such comments as they desire.

Comments in response to the notice of proposed rule making concerning Imports of Residual Fuel Oil to be Used as Fuel in District I published in the FEDERAL REGISTER on August 5, 1971, (36 F.R. 14388), may be submitted to the Administrator, Oil Import Administration, Department of the Interior, Washington, D.C., 20240. Each person sub-

mitting comments is asked to submit fifteen (15) copies.

T. C. SNEDEKER,
Acting Administrator,
Oil Import Administration.

[FR Doc.71-12737 Filed 8-27-71;12:35 pm]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 911]

LIMES GROWN IN FLORIDA

Proposed Budget of Expenses and Rate of Assessment

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, to the provisions of § 911.209 *Expenses and rate of assessment* (Subpart—Budget of Expenses and Rate of Assessment) currently effective 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, effective under applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment to the said budget of expenses and rate of assessment was proposed by the Florida Lime Administrative Committee, established under said marketing agreement and order as the agency to administer the terms and provisions thereof.

The proposed amendment would authorize the carryover of the committee's unexpended assessment funds for the fiscal year ended March 31, 1971.

As amended, § 911.209 *Expenses and rate of assessment* (36 F.R. 13583) would read as follows:

§ 911.209 Expenses and rate of assessment.

* * * * *

(c) *Reserve.* Unexpended assessment funds, in excess of expenses incurred during the fiscal year ended March 31, 1971, shall be carried over as a reserve in accordance with the applicable provisions of §§ 911.42 and 911.204 (36 F.R. 16570).

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

Dated: August 25, 1971.

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

[FR Doc.71-12692 Filed 8-30-71;8:47 am]

[9 CFR Part 331]

MEAT INSPECTION

Notice of Intended Designation of Guam and Virgin Islands Under Federal Meat Inspection Act

The Secretary of Agriculture has determined, after consultation with appropriate officials of the Territory of Guam and the Territory of the Virgin Islands of the United States that neither of said Territories has developed or activated requirements at least equal to those under titles I and IV of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), with respect to establishments within such Territory at which cattle, sheep, swine, goats, or equines are slaughtered, or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such Territory. Therefore, notice is hereby given that the Secretary of Agriculture will designate said Territories under section 301 (c) of the Federal Meat Inspection Act (21 U.S.C. 661(c)) as jurisdictions in which the requirements of titles I and IV shall apply to intraterritorial operations and transactions and to persons, firms, and corporations engaged therein with respect to meat products and other articles and animals subject to the Act. Such designations will be made as soon as necessary arrangements can be made for determining which establishments are eligible for Federal inspection, for providing inspection at the eligible establishments, and for otherwise enforcing the applicable provisions of the Federal Act with respect to intraterritorial activities when the designations are made and become effective. As soon as these arrangements are completed, notice of the designations will be published in the FEDERAL REGISTER. Upon the expiration of 30 days after such publication, the provisions of titles I and IV of said Act shall apply to intraterritorial operations and transactions and to persons, firms, and corporations engaged therein, in Guam and the Virgin Islands of the United States, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce," within the meaning of the Act, except as otherwise provided in subsection 301(c)(2) of the Act, and any establishment in Guam or the Virgin Islands which conducts any slaughtering or preparation of carcasses or parts or products thereof as described above must have Federal inspection or cease its operations, unless it qualifies for an exemption under the Act. The exemption provisions of the Act are very limited.

Therefore, the operator of each such establishment who desires to continue or commence such operations in either of said Territories after designation of the Territory becomes effective should immediately communicate with the Regional Director specified below:

VIRGIN ISLANDS

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

GUAM

Dr. E. M. Christopherson, Director, Western Region for Meat and Poultry Inspection Program, Room 822, Appraisers Building, 630 Sansome Street, San Francisco, CA 94111. Telephone: AC 415/556-8622.

Done at Washington, D.C., on August 24, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-12690 Filed 8-30-71;8:46 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

[41 CFR Part 60-2]

AFFIRMATIVE ACTION PROGRAMS

Notice of Proposed Rule Making

Notice is hereby given that pursuant to Executive Order 11246 (30 F.R. 12319), as amended by Executive Order 11375 (32 F.R. 14303), the Department of Labor proposes to amend 41 CFR Part 60-2 in the manner set forth below.

This proposed amendment concerns matters relating to public contracts. While public participation in this rule making is not required by 5 U.S.C. 553, the Department wishes to invite written comments, suggestions, or objections regarding this proposed amendment. Accordingly, interested persons are invited to submit written comments regarding the proposed amendment to John L. Wilks, Deputy Assistant Secretary for Employment Standards, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, DC 20210, within 30 days of publication of this notice in the FEDERAL REGISTER.

PART 60-2—AFFIRMATIVE ACTION PROGRAMS

Subpart A—General

Sec.

60-2.1 Title, purpose and scope.
60-2.2 Agency action.

Subpart B—Required Contents of Affirmative Action Programs

60-2.10 Purpose of affirmative action program.
60-2.11 Required utilization analysis and goals.
60-2.12 Additional required ingredients of affirmative action programs.
60-2.13 Compliance status.

Subpart C—Suggested Methods of Implementing the Requirements of Subpart B

60-2.20 Development or reaffirmation of the equal employment opportunity policy.
60-2.21 Dissemination of the policy.
60-2.22 Responsibility for implementation.
60-2.23 Identification of problem areas by organization unit and job categories.
60-2.24 Establishment of goals and timetables.
60-2.25 Development and execution of programs.
60-2.26 Internal audit and reporting systems.
60-2.27 Support of action programs.

Subpart D—Miscellaneous

AUTHORITY: The provisions of this Part 60-2 issued pursuant to section 201, Executive Order 11246 (30 F.R. 12319).

Subpart A—General

§ 60-2.1 Title, purpose and scope.

This part shall also be known as "Revised Order No. 4," and shall cover nonconstruction contractors. Section 60-1.40 of this chapter, Affirmative Action Compliance Programs, requires that within 120 days from the commencement of a contract each prime contractor or subcontractor with 50 or more employees and a contract of $50,000 or more develop a written affirmative action compliance program for each of its establishments. A review of agency compliance surveys indicates that many contractors do not have affirmative action programs on file at the time an establishment is visited by a compliance investigator. This part details the agency review procedure and the results of a contractor's failure to develop and maintain an affirmative action program and then sets forth detailed guidelines to be used by contractors and Government agencies in developing and judging these programs as well as the good faith effort required to transform the programs from paper commitments to equal employment opportunity. Subparts B and C are concerned with affirmative action plans only. They do not deal with remedial relief for members of an "affected class" who, by virtue of past discrimination, continue to suffer the present effects of that discrimination. Although the remedy for an "affected class" shall not be included in a contractor's affirmative action plan, an "affected class" problem must be remedied in order for a contractor to be considered in compliance. Therefore, § 60-2.2 pertaining to an acceptable affirmative action program is also applicable to the failure to remedy discrimination against members of an "affected class."

§ 60-2.2 Agency action.

(a) Any contractor required by § 60-1.40 of this chapter to develop an affirmative action program at each of his establishments who has not complied fully with that section is not in compliance with Executive Order 11246, as amended, (30 F.R. 12319). Until such programs are developed and found to be acceptable in accordance with the standards and guidelines set forth in §§ 60-2.10 through 60-2.32, the contractor is unable to comply with the equal employment opportunity clause.

(b) If, in determining such contractor's responsibility for an award of a contract it comes to the contracting officer's attention, through sources within his agency or through the Office of Federal Contract Compliance or other Government agencies, that the contractor has not developed an acceptable affirmative action program at each of his establishments, the contracting officer shall declare the contractor-bidder nonresponsible unless he can otherwise affirmatively determine that the contractor is able to comply with his equal employment obligations or, unless, upon review, it is determined by the Director that substantial issues of law or fact exist as to the contractor's responsibility to the extent that a hearing is, in his sole judgment, required prior to a determination that the contractor is nonresponsible: *Provided*, That during any preaward conferences every effort shall be made through the processes of conciliation, mediation and persuasion to develop an acceptable affirmative action program meeting the standards and guidelines set forth in §§ 60-2.10 through 60-2.32 so that, in the performance of his contract, the contractor is able to meet his equal employment obligations in accordance with the equal opportunity clause and applicable rules, regulations, and orders: *Provided further*, That when the contractor-bidder is declared nonresponsible more than once for inability to comply with the equal employment opportunity clause a notice setting a timely hearing date shall be issued concurrently with the second nonresponsibility determination in accordance with the provisions of § 60-1.26 of this chapter proposing to declare such contractor-bidder ineligible for future contracts and subcontracts.

(c) Immediately upon finding that a contractor has no affirmative action program or that his program is not acceptable the contracting officer, the compliance agency representative or the representative of the Office of Federal Contract Compliance, whichever has made such a finding, shall notify officials of the appropriate compliance agency and the Office of Federal Contract Compliance of such fact. The compliance agency shall issue a notice to the contractor giving him 30 days to show cause why enforcement proceedings under section 209(b) of Executive Order 11246, as amended, should not be instituted.

(1) If the contractor fails to show good cause for his failure or fails to remedy that failure by developing and implementing an acceptable affirmative action program within 30 days, the compliance agency, upon the approval of the Director, shall immediately issue a notice of proposed cancellation or termination of existing contracts or subcontracts and debarment from future contracts and subcontracts pursuant to § 60-1.26(b) of this chapter, giving the contractor 10 days to request a hearing. If a request for hearing has not been received within 10 days from such notice, such contractor will be declared ineligible for future contracts and current contracts will be terminated for default.

(2) During the "show cause" period of 30 days every effort shall be made by the compliance agency through conciliation, mediation and persuasion to resolve the deficiencies which led to the determination of noncompliance or noncompliance responsibility. If satisfactory adjustments designed to bring the contractor into compliance are not concluded, the compliance agency, with the prior approval of the Director, shall promptly commence formal proceedings leading to the cancellation or termination of existing contracts or subcontracts and debarment from future contracts and subcontracts under § 60-1.26(b) of this chapter.

(d) During the "show cause" period and formal proceedings, each contracting agency must continue to determine the contractor's responsibility in considering whether or not to award a new or additional contract.

Subpart B—Required Contents of Affirmative Action Programs

§ 60-2.10 Purpose of affirmative action program.

An affirmative action program is a set of specific and result-oriented procedures to which a contractor commits himself to apply every good faith effort. The objective of those procedures plus such efforts is equal employment opportunity. Procedures without effort to make them work are meaningless; and effort, undirected by specific and meaningful procedures, is inadequate. An acceptable affirmative action program must include an analysis of areas within which the contractor is deficient in the utilization of minority groups and women, and further, goals and timetables to which the contractor's good faith efforts must be directed to correct the deficiencies and, thus to increase materially the utilization of minorities and women, at all levels and in all segments of his work force where deficiencies exist.

§ 60-2.11 Required utilization analysis and goals.

Affirmative action programs must contain the following information:

(a) An analysis of all major job categories at the facility, with explanation if minorities or women are currently being underutilized in any one or more job categories (job "category" herein meaning one or a group of jobs having similar content, wage rates and opportunities). "Underutilization" is defined as having fewer minorities or women in a particular job category than would reasonably be expected by their availability. In making the work force analysis, the contractor shall conduct such analysis separately for minorities and women.

(1) In determining whether minorities are being underutilized in any job category, the contractor will consider at least all of the following factors:

(i) The minority population of the labor area surrounding the facility;

(ii) The size of the minority unemployment force in the labor area surrounding the facility;

(iii) The percentage of the minority work force as compared with the total work force in the immediate labor area;

(iv) The general availability of minorities having requisite skills in the immediate labor area;

(v) The availability of minorities having requisite skills in an area in which the contractor can reasonably recruit;

(vi) The availability of promotable minorities within the contractor's organization;

(vii) The anticipated expansion, contraction and turnover of and in the work force;

(viii) The existence of training institutions capable of training persons in the requisite skills; and

(ix) The degree of training which the contractor is reasonably able to undertake as a means of making all job classes available to minorities.

(2) In determining whether women are being underutilized in any job category, the contractor will consider at least all of the following factors:

(i) The size of the female unemployment force in the labor area surrounding the facility;

(ii) The percentage of the female work force as compared with the total work force in the immediate labor area;

(iii) The general availability of women having requisite skills in the immediate labor area;

(iv) The availability of women having requisite skills in an area in which the contractor can reasonably recruit;

(v) The availability of women seeking employment in the labor or recruitment area of the contractor;

(vi) The availability of promotable and transferable female employees within the contractor's organization;

(vii) The anticipated expansion, contraction, and turnover of and in the work force;

(viii) The existence of training institutions capable of training persons in the requisite skills; and

(ix) The degree of training which the contractor is reasonably able to undertake as a means of making all job classes available to women.

(b) Goals, timetables and affirmative action commitments must be designed to correct any identifiable deficiencies. Where deficiencies exist and where numbers or percentages are relevant in developing corrective action, the contractor shall establish and set forth specific goals and timetables separately for minorities and women. Such goals and timetables, with supporting data and the analysis thereof shall be a part of the contractor's written affirmative action program and shall be maintained at each establishment of the contractor. Where the contractor has not established a goal, his written affirmative action program must specifically analyze each of the factors listed in "a" above and must detail his reason for a lack of a goal. In the event it comes to the attention of the compliance agency or the Office of Federal Contract Compliance that there is a substantial disparity in the utilization of a particular minority group or men or women of a particular minority group, the compliance agency or OFCC may require separate goals and timetables for such minority group and may further require, where appropriate, such goals and timetables by sex for such group for such job categories and organizational units specified by the compliance agency or OFCC. In establishments with over 1,000 employees, or where otherwise appropriate, goals and timetables may be presented by organizational unit. The goals and timetables should be attainable in terms of the contractor's analysis of his deficiencies and his entire affirmative action program. Thus, in establishing his goals and timetables the contractor should consider the results which could be reasonably expected from his good faith efforts to make his overall affirmative action program work. If he does not meet his goals and timetables, the contractor's "good faith efforts" shall be judged by whether he is following his program and attempting to make it work toward the attainment of his goals.

(c) Support data for the above analysis and program shall be compiled and maintained as part of the contractor's affirmative action program. This data should include progression line charts, seniority rosters, applicant flow data, and applicant rejection ratios indicating minority and sex status.

(d) Based upon the Government's experience with compliance reviews under the Executive order programs and the contractor reporting system, minority groups are most likely to be underutilized in departments and jobs within departments that fall within the following Employer's Information Report (EEO–1) designations: Officials and managers, professionals, technicians, sales workers, office and clerical and craftsmen (skilled). As categorized by the EEO–1 designations, women are likely to be underutilized in departments and jobs within departments as follows: Officials and managers, professionals, technicians, sales workers (except over-the-counter sales in certain retail establishments), craftsmen (skilled and semi-skilled). Therefore, the contractor shall direct special attention to those categories in his analysis and goal setting for minorities and women.

§ 60–2.12 Additional required ingredients of affirmative action programs.

Effective affirmative action programs shall contain, but not necessarily be limited to, the following ingredients:

(a) Development or reaffirmation of the contractor's equal employment opportunity policy in all personnel actions.

(b) Formal internal and external dissemination of the contractor's policy.

(c) Establishment of responsibilities for implementation of the contractor's affirmative action program.

(d) Identification of problem areas (deficiencies) by organizational units and job categories.

(e) Establishment of goals and objectives by organizational units and job category, including timetables for completion.

(f) Development and execution of action oriented programs designed to eliminate problems and further designed to attain established goals and objectives.

(g) Design and implementation of internal audit and reporting systems to measure effectiveness of the total program.

(h) Compliance of personnel policies and practices with the Sex Discrimination Guidelines (Part 60–20 of this chapter).

(i) Active support of local and national community action programs and community service programs, designed to improve the employment opportunities of minorities and women.

(j) Consideration of minorities and women not currently in the workforce having requisite skills who can be recruited through affirmative action measures.

§ 60–2.13 Compliance status.

No contractor's compliance status shall be judged alone by whether or not he reaches his goals and meets his timetables. Rather, each contractor's compliance posture shall be reviewed and determined by reviewing the contents of his program, the extent of his adherence to this program, and his good faith efforts to make his program work toward the realization of the program's goals within the timetables set for completion. There follows an outline of suggestions and examples of procedures that contractors and Federal agencies may use as guidelines for establishing, implementing, and judging an acceptable affirmative action program.

Subpart C—Suggested Method of Implementing the Requirements of Subpart B

§ 60–2.20 Development or reaffirmation of the Equal Employment Opportunity Policy.

(a) The contractor's policy statement should indicate the chief executive officers' attitude on the subject matter, assign overall responsibility and provide for a reporting or monitoring procedure. Specific items to be mentioned should include, but not limited to:

(1) Recruit, hire, train, and promote persons in all job classifications, without regard to race, color, religion, sex or national origin, except where sex is a bona fide occupational qualification.

(2) Base decisions on employment so as to further the principle of equal employment opportunity.

(3) Insure that promotion decisions are in accord with principles of equal employment opportunity by imposing only valid requirements for promotional opportunities.

(4) Insure that all personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, company sponsored training, education, tuition assistance, social and recreation programs, will be administered without regard to race, color, religion, sex, or national origin.

§ 60–2.21 Dissemination of the policy.

(a) The contractor should disseminate his policy internally as follows:

(1) Include it in contractor's policy manual.

(2) Publicize it in company newspaper, magazine, annual report and other media.

(3) Conduct special meetings with executive, management, and supervisory personnel to explain intent of policy and individual responsibility for effective

implementation, making clear the chief executive officer's attitude.

(4) Schedule special meetings with all other employees to discuss policy and explain individual employee responsibilities.

(5) Discuss the policy thoroughly in both employee orientation and management training programs.

(6) Meet with union officials to inform them of policy, and request their cooperation.

(7) Include nondiscrimination clauses in all union agreements, and review all contractual provisions to ensure they are nondiscriminatory.

(8) Publish articles covering EEO programs, progress reports, promotions, etc., of minority and female employees, in company publications.

(9) Post the policy on company bulletin boards.

(10) When employees are featured in product or consumer advertising, both minority and nonminority, men and women should be pictured.

(11) Communicate to employees the existence of the contractors affirmative action program and explain such elements of his program as will enable such employees to know of and avail themselves of its benefits.

(b) The contractor should disseminate his policy externally as follows:

(1) Inform all recruiting sources verbally and in writing of company policy, stipulating that these sources actively recruit and refer minorities and women for all positions listed.

(2) Incorporate the equal opportunity clause in all purchase orders, leases, contracts, etc. covered by Executive Order 11246, as amended, and its implementing regulations.

(3) Notify minority and women's organizations, community agencies, community leaders, secondary schools and colleges, or company policy, preferably in writing.

(4) Communicate to prospective employees the existence of the contractor's affirmative action program and explain such elements of his program as will enable such prospective employees to know of and avail themselves of its benefits.

(5) When employees are pictured in consumer or help wanted advertising, both minorities and non-minority men and women should be shown.

(6) Send written notification of company policy to all subcontractors, vendors, and suppliers requesting appropriate action on their part.

§ 60–2.22 Responsibility for implementation.

(a) An executive of the contractor should be appointed as director or manager of company Equal Opportunity Programs. Depending upon the size and geographical alignment of the company, this may be his or her sole responsibility. He or she should be given the necessary top management support and staffing to execute the assignment. His or her identity should appear on all internal and external communications on the company's Equal Opportunity Programs. His or her responsibilities should include, but not necessarily be limited to:

(1) Developing policy statements, affirmative action programs, internal and external communication techniques.

(2) Assisting in the identification of problem areas.

(3) Assisting line management in arriving at solutions to problems.

(4) Designing and implementing audit and reporting systems that will:

(i) Measure effectiveness of the contractor's programs.

(ii) Indicate need for remedial action.

(iii) Determine the degree to which the contractor's goals and objectives have been attained.

(5) Serve as liaison between the contractor and enforcement agencies.

(6) Serve as liaison between the contractor and minority organizations, women's organizations, and community action groups concerned with employment opportunities of minorities and women.

(7) Keep management informed of latest developments in the entire equal opportunity area.

(b) Line responsibilities should include, but not be limited to, the following:

(1) Assistance in the identification of problem areas and establishment of local and unit goals and objectives.

(2) Active involvement with local minority organizations, women's organizations, community action groups, and community service programs.

(3) Periodic audit of training programs, hiring and promotion patterns to remove impediments to the attainment of goals and objectives.

(4) Regular discussions with local managers, supervisors and employees to be certain the contractor's policies are being followed.

(5) Review of the qualifications of all employees to insure that minorities and women are given full opportunities for transfers and promotions.

(6) Career counseling for all employees.

(7) Periodic audit to insure that each location is in compliance in areas such as:

(i) Posters are properly displayed.

(ii) All facilities, including company housing, which the contractor maintains for the use and benefit of his employees, are in fact desegregated, both in policy and use. If the contractor provides facilities such as dormitories, locker rooms, and rest rooms, they must be comparable for both sexes.

(iii) Minority and female employees are afforded a full opportunity and are encouraged to participate in all company sponsored educational, training, recreational, and social activities.

(8) Supervision should be made to understand that their work performance is being evaluated on the basis of their equal employment opportunity efforts and results, as well as other criteria.

(9) It shall be a responsibility of supervisors to take actions to prevent harassment of employees placed through affirmative action efforts.

§ 60–2.23 Identification of problem areas by organizational units and job categories.

(a) An in-depth analysis of the following should be made, paying particular attention to trainees and those categories listed in § 60–2.11(d).

(1) Composition of the work force by minority group status and sex.

(2) Composition of applicant flow by minority group status and sex.

(3) The total selection process including position descriptions, worker specifications, application forms, interview procedures, test administration, test validity, referral procedures, final selection process, and similar factors.

(4) Transfer and promotion practices.

(5) Facilities, company sponsored recreation and social events, and special programs such as educational assistance.

(6) Seniority practices and seniority provisions of union contracts.

(7) Apprenticeship programs.

(8) All company training programs, formal and informal.

(9) Work force attitude.

(10) Technical phases of compliance, such as poster and notification to labor unions, retention of applications, notification to subcontractors, etc.

(b) If any of the following items are found in the analysis, special corrective action should be appropriate.

(1) An "underutilization" of minorities or women in specific work classifications.

(2) Lateral and/or vertical movement of minority or female employees occurring at a lesser rate (compared to work force mix) than that of nonminority or male employees.

(3) The selection process eliminates a higher percentage of minorities or women than nonminorities or men.

(4) Application and related pre-employment forms not in compliance with Federal legislation.

(5) Position descriptions inaccurate in relation to actual functions and duties.

(6) Tests and other selection techniques not validated as required by the OFCC Order on Employee Testing and other Selection Procedures.

(7) Test forms not validated by location, work performance and inclusion of minorities and women in sample.

(8) Referral ratio of minorities or women to the hiring supervisor or manager indicates an abnormal percentage are being rejected as compared to nonminority and male applicants.

(9) Minorities or women are excluded from or are not participating in company sponsored activities or programs.

(10) De facto segregation still exists at some facilities.

(11) Seniority provisions contribute to overt or inadvertent discrimination, i.e., a disparity by minority group status or sex exists between length of service and types of jobs held.

(12) Nonsupport of company policy by managers, supervisors, or employees.

(13) Minorities or women underutilized or underrepresented in training or career improvement programs.

(14) No formal techniques established for evaluating effectiveness of EEO programs.

(15) Lack of access to suitable housing inhibits recruitment efforts and employment of qualified minorities.

(16) Lack of suitable transportation (public or private) to the work place inhibits minority employment.

(17) Labor unions and subcontractors not notified of their responsibilities.

(18) Purchase orders do not contain EEO clause.

(19) Posters not on display.

§ 60–2.24 Establishment of goals and timetables.

(a) The goals and timetables developed by the contractor should be attainable in terms of the contractor's analysis of his deficiencies and his entire affirmative action program. Thus, in establishing the size of his goals and the length of his timetables, the contractor should consider the results which could reasonsonably be expected from his putting forth every good faith effort to make his overall affirmative action program work. In determining levels of goals, the contractor should consider at least the factors listed in § 60–2.11(a).

(b) Involve personnel relations staff, department and division heads, and local and unit managers in the goal setting process.

(c) Goals should be significant, measurable and attainable.

(d) Goals should be specific for planned results, with timetables for completion.

(e) Goals may not be rigid and inflexible quotas which must be met, but must be targets reasonably attainable by means of applying every good faith effort to make all aspects of the entire affirmative action program work.

§ 60–2.25 Development and execution of programs.

(a) The contractor should conduct detailed analyses of position descriptions to insure that they accurately reflect position functions, and are consistent for the same position from one location to another.

(b) The contractor should validate worker specifications by division, department, location or other organizational unit and by job category using job performance criteria. Special attention should be given to academic, experience and skill requirements to insure that the requirements in themselves do not constitute inadvertent discrimination. Specifications should be consistent for the same job classification in all locations and should be free from bias as regards to race, color, religion, sex, or national origin, except where sex is a bona fide occupational qualification. Where requirements screen out a disproportionate number of minorities or women such requirements should be professionally validated to job performance.

(c) Approved position descriptions and worker specifications, when used by the contractor, should be made available to all members of management involved in the recruiting, screening, selection and promotion process. Copies should also be distributed to all recruiting sources.

(d) The contractor should evaluate the total selection process to insure freedom from bias and, thus, aid the attainment of goals and objectives.

(1) All personnel involved in the recruiting, screening, selection, promotion, disciplinary and related processes should be carefully selected and trained to insure elimination of bias in all personnel actions.

(2) The contractor shall observe the requirements of the OFCC Order pertaining to the validation of employee tests and other selection procedures.

(3) Selection techniques other than tests may also be improperly used so as to have the effect of discriminating against minority groups and women. Such techniques include but are not restricted to, unscored interviews, unscored application forms, arrest records, credit checks, considerations of marital status or dependency or minor children. Where there exist data suggesting that such unfair discrimination or exclusion of minorities or women exists, the contractor should analyze his unscored procedures and eliminate them if they are not objectively valid.

(e) Suggested techniques to improve recruitment and increase the flow of minority or female applicants follow:

(1) Certain organizations such as the Urban League, Job Corps, Equal Opportunity Programs, Inc., Concentrated Employment Programs, Neighborhood Youth Corps, Secondary Schools, Colleges, and City Colleges with high-minority enrollment, the State Employment Service, specialized employment agencies, Aspira, LULAC, SER, the G.I. Forum, the Commonwealth of Puerto Rico are normally prepared to refer minority applicants. Organizations prepared to refer women with specific skills are: National Organization for Women, Welfare Rights Organizations, Talent Bank from Business and Professional Women (including 26 women's organizations), Professional Women's Caucus, Negro Women's sororities and service groups such as Delta Sigma Theta, Alpha Kappa Alpha, and Zeta Phi Beta; National Council of Negro Women, American Association of University Women, YWCA, and other sectarian groups such as Jewish Women's Groups and Catholic Women's Groups, also women's colleges. In addition, community leaders as individuals shall be added to recruiting sources.

(2) Formal briefing sessions should be held, preferably on company premises, with representatives from these recruiting sources. Plant tours, presentations by minority and female employees, clear and concise explanations of current and future job openings, position descriptions, worker specifications, explanations of the company's selection process, and recruiting literature should be an integral part of the briefings. Formal arrangements should be made for referral of applicants, follow-up with sources, and feedback on disposition of applicants.

(3) Minority and female employees, using procedures similar to subparagraph (2) of this paragraph, should be actively encouraged to refer applicants.

(4) A special effort should be made to include minorities and women on the Personnel Relations staff.

(5) Minority and female employees should be made available for participation in Career Days, Youth Motivation Programs, and related activities in their communities.

(6) Active participation in "Job Fairs" is desirable. Company representatives so participating should be given authority to make on-the-spot commitments.

(7) Active recruiting programs should be carried out at secondary schools, junior colleges, and colleges with predominant minority or female enrollments.

(8) Recruiting efforts at all schools should incorporate special efforts to reach minorities and women.

(9) Special employment programs should be undertaken whenever possible. Some possible programs are:

(i) Technical and non-technical co-op programs with predominately Negro and Women's colleges.

(ii) "After school" and/or work-study jobs for minority youths, males and females.

(iii) Summer jobs for underprivileged youth, male, and female.

(iv) Summer work-study programs for male and female faculty members of the predominantly minority schools and colleges.

(v) Motivation, training, and employment programs for the hard-core unemployed, male and female.

(10) When recruiting brochures pictorially present work situations, the minority and female members of the work force should be included, especially when such brochures are used in school and career programs.

(11) Help wanted advertising should be expanded to include the minority news media and women's interest media on a regular basis.

(f) The contractor should insure that minority and female employees are given equal opportunity for promotion. Suggestions for achieving this result include:

(1) Post or otherwise announce promotional opportunities.

(2) Make an inventory of current minority and female employees to determine academic, skill and experience level of individual employees.

(3) Initiate necessary remedial, job training, and work-study programs.

(4) Develop and implement formal employee evaluation programs.

(5) Make certain "worker specifications" have been validated on job performance related criteria. (Neither minority nor female employees should be required to possess higher qualifications than those of the lowest qualified incumbent.)

(6) When apparently qualified minority or female employees are passed over for upgrading, require supervisory personnel to submit written justification.

(7) Establish formal career counseling programs to include attitude development, education aid, job rotation, buddy system and similar programs.

(8) Review seniority practices and seniority clauses in union contracts to insure such practices or clauses are nondiscriminatory and do not have a discriminatory effect.

(g) Make certain facilities and company-sponsored social and recreation activities are desegregated. Actively encourage all employees to participate.

(h) Encourage child care programs appropriately designed to improve the employment opportunities for minorities and women.

§ 60–2.26 Internal audit and reporting systems.

(a) The contractor should monitor records of referrals, placements, transfers, promotions and terminations at all levels to insure nondiscriminatory policy is carried out.

(b) The contractor should require formal reports from unit managers on a schedule basis as to degree to which corporate or unit goals are attained and timetables met.

(c) The contratcor should review report results with all levels of management.

(d) The contractor should advise top management of program effectiveness and submit recommendations to improve unsatisfactory performance.

§ 60–2.27 Support of action programs.

(a) The contractor should appoint key members of management to serve on Merit Employment Councils, Community Relations Boards, and similar organizations.

(b) The contractor should encourage minority and female employees to participate actively in National Alliance of Businessmen programs for youth motivation.

(c) The contractor should support Vocational Guidance Institutes, Vestibule Training Programs, and similar activities.

(d) The contractor should assist secondary schools and colleges in programs designed to enable minority and female graduates of these institutions to compete in the open employment market on a more equitable basis.

(e) The contractor should publicize achievements of minority and female employees in local and minority news media.

(f) The contractor should support programs developed by such organizations as National Alliance of Businessmen, the Urban Coalition and other organizations concerned with employment opportunities for minorities or women.

Subpart D—Miscellaneous

§ 60–2.30 Use of goals.

The purpose of a contractor's establishment and use of goals is to insure that he meet his affirmative action obligation. It is not intended and should not be used to discriminate against any applicant or employee because of race, color, religion, sex, or national origin.

§ 60–2.31 Preemption.

To the extent that any State or local laws, regulations or ordinances, including those which grant special benefits to persons on account of sex, are in conflict with Executive Order 11246, as amended, or with the requirements of this part, we will regard them as preempted under the Executive Order.

§ 60–2.32 Supersedure.

This part is an amplification of and supersedes a previous "Order No. 4" from this Office dated January 30, 1970.

Effective date. This part shall become effective on the date of its publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 25th day of August 1971.

J. D. HODGSON,
Secretary of Labor.

ARTHUR A. FLETCHER,
Assistant Secretary for Employment Standards.

JOHN L. WILKS,
Director, Office of Federal Contract Compliance.

[FR Doc.71–12684 Filed 8–30–71;8:45 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

[49 CFR Part 179]

[Docket No. HM–90; Notice No. 71–24]

TRANSPORTATION OF HAZARDOUS MATERIALS

Specifications for Tank Cars

Correction

In F.R. Doc. 71–12212 appearing at page 16680 in the issue of Wednesday, August 25, 1971, the following changes should be made:

1. In § 179.5(a), the phrase "From AAR 4–2" in the fifth line should read "Form AAR 4–2".

2. In § 179.102–9(a), the phrase "Tank cars used to transport nitro- tetroxide" in the first and second lines should read "Tank cars used to transport nitrogen tetroxide".

3. In § 179.201–3(b), the reference to specification "103W" in the sixth line should read "103BW".

4. In § 179.202–2, the phrase "must be equipped with bottom discharge outlet" in the sixth and seventh lines should read "must not be equipped with bottom discharge outlet".

5. In § 179.300–9(a), the word "fabrication" in the sixth line should read "fabricators".

FEDERAL MARITIME COMMISSION

[46 CFR Parts 530, 545]

[Docket No. 71–75]

AGREEMENTS BETWEEN COMMON CARRIERS BY WATER AND/OR "OTHER PERSONS"

Rules Governing Filing; Enlargement of Time To File Comments

Comments on the Commission's notice of proposed rule making in this proceeding (36 F.R. 15128) are currently due to be submitted by September 13, 1971. Upon the request of interested parties, and good cause appearing, time within which interested parties may participate in this rule making proceeding is enlarged to and including October 15, 1971.

Time within which the Federal Maritime Commission, Bureau of Hearing Counsel, shall file a reply to comments is enlarged to and including November 5, 1971. Answers to Hearing Counsel's replies shall be submitted on or before November 19, 1971.

All comments should be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, in an original with 15 copies. Suggestions for changes in the proposed rules should be accompanied by drafts of the language thought necessary to accomplish the desired changes and by statements in support thereof.

By the Commission.

[SEAL] JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc.71–12723 Filed 8–30–71;8:48 am]

[46 CFR Part 546]

[Docket No. 71–74]

QUARTERLY REPORT OF FREIGHT LOSS AND DAMAGE CLAIMS

Enlargement of Time To File Comments

Comments on the Commission's notice of proposed rule making in this proceeding (36 F.R. 14765) are currently due to be submitted by September 10, 1971. Upon the request of interested parties, and good cause appearing, time within which interested parties may participate in this rulemaking proceeding is enlarged to and including October 15, 1971.

Time within which the Federal Maritime Commission, Bureau of Hearing Counsel, shall file a reply to comments is enlarged to and including November 5, 1971. Answers to Hearing Counsel's replies shall be submitted on or before November 19, 1971.

All comments should be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, in an original with 15 copies. Suggestions for changes in the proposed rules should be accompanied by drafts of the language thought necessary to accomplish the desired changes and by statements in support thereof.

By the Commission.

[SEAL] JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc.71–12722 Filed 8–30–71;8:48 am]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular Public Debt Series—No. 9–71]

6 1/4 PERCENT TREASURY NOTES OF SERIES D–1976

Offering of Notes

AUGUST 27, 1971.

Pursuant to the provision in Section I of Department Circular—Public Debt Series—No. 9–71, dated August 26, 1971, the Secretary of the Treasury announced on August 27, 1971, that the interest rate on the notes described in the circular will be 6¼ percent per annum. Accordingly, the notes are hereby redesignated 6¼ percent Treasury Notes of Series D–1976. Interest on the notes will be payable at the rate of 6¼ percent per annum.

[SEAL] S. S. SOKOL,
Deputy Fiscal Assistant Secretary.

[FR Doc.71–12779 Filed 8–30–71;8:50 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 24, 1971.

The Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior, has filed an application, serial No. F–13951, for withdrawal of the lands described herein from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws nor disposals of materials under the act of July 13, 1947, as amended. The land involved was initially withdrawn for use of the Department of the Air Force for distant early warning station sites, and was later transferred to the jurisdiction of the Department of the Navy. The Navy has filed notice of intention to relinquish the sites. The land is located within the exterior boundaries of the Arctic National Wildlife Range, and the Bureau of Sport Fisheries and Wildlife desires to have the tracts included in the Wildlife Range for use as sites for facilities for Arctic research, range administration, and public shelter purposes.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, 555 Cordova Street, Anchorage, AK 99501.

The Department's regulation, 43 CFR 2351.4(c), provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are described as follows:

Beginning at a point on the mean high tide line of the Beaufort Sea which bears N. 12°00' E., approximately 3,200 feet from U.S.C. & G.S. Station "Maybell," thence by metes and bounds: South, approximately 2,000 feet; west approximately 7,800 feet to a point on the mean high tide line of Simpson Cove; northerly and westerly following said tide line approximately 7,300 feet to the intersection of the mean high tide line of the Beaufort Sea; southwesterly following said tide line approximately 9,750 feet to the point of beginning. The tract described contains approximately 456 acres.

BEAUFORT LAGOON AREA

Beginning at a point on the mean high tide line of the Beaufort Sea which bears S. 82°00' W., approximately 5,615 feet from U.S.C. & G.S. Station "Beaufort," thence by metes and bounds: South, approximately 2,650 feet; east approximately 4,500 feet to a point on the mean high tide line of Beaufort Sea; northeasterly, following said mean high tide line, approximately 8,150 feet to a point, northwesterly, following same said mean high tide line approximately 5,250 feet to a point; southwesterly, following same said mean high tide line, approximately 8,500 feet to the point of beginning. The tract described contains approximately 420 acres.

T. G. BINGHAM,
Acting State Director.

[FR Doc.71–12700 Filed 8–30–71;8:46 am]

Office of the Secretary

FORT BELKNAP INDIAN COMMUNITY OF FORT BELKNAP RESERVATION, MONT.

Order for Restoration of Lands to Tribal Ownership; Partial Revocation of Certain Departmental Order

Whereas, pursuant to authority contained in the Act of March 3, 1921 (41 Stat. 1355), the townsite of Hays, Mont., was established on the Fort Belknap Indian Reservation, and;

Whereas, the departmental order dated May 17, 1923, approved the townsite plat and authorized the disposal of the townsite lots, pursuant to section 2381 of the Revised Statutes as was provided for by the 1921 Act, and;

Whereas, the Fort Belknap Indian Community of the Fort Belknap Reservation requests that the departmental order dated May 17, 1923, be revoked so far as it affects the therein-described lands, and further requests that the said lands be restored to tribal ownership, which the Assistant Area Director at the Billings Area Office and the Commissioner of Indian Affairs have recommended be granted;

Now, therefore, by virtue of the authority contained in section 3 of the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 463), I hereby find that the restoration to tribal ownership of the lands hereinafter described in this paragraph will be in the public interest, and the said lands are hereby restored to tribal ownership of the Fort Belknap Indian Community of the Fort Belknap Reservation, Mont., subject to any valid existing rights and the Departmental Order of May 17, 1923, is hereby revoked insofar as it affects the following-described lands:

PRINCIPAL MERIDIAN, MONTANA

T. 26 N., R. 23 E., sec. 24:

HAYS TOWNSITE

Block No.	*Lots*
1	1, 2, 3, and 4.
2	1 and 2.
8	1, 2, 9, 10, 11, and 12.
22	8.

W. T. PECORA,
Acting Secretary of the Interior.

[FR Doc.71–12701 Filed 8–30–71;8:46 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; List of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the following table lists the establishments operated under Federal inspection pursuant to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) which were officially reported on July 1, 1971, as humanely slaughtering and handling on that date the species of livestock respectively designated for such establishments in the table. Additions to and deletions from this list will be made from time to time as the facts may warrant, by notices published in the FEDERAL REGISTER. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods.

ESTABLISHMENTS SLAUGHTERING HUMANELY Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Armour & Co.	2C	○					
Do.	2H	○					
Do.	2W					○	
Do.	2AT					○	
Do.	2HT	*					
Do.	2SA				*	*	
Do.	2SD					*	
Do.	2SI	○					
Do.	2WN	○		*			
Swift & Co.	3G	○					
Do.	3H	○					
Do.	3L					*	
Do.	3N					○	
Do.	3R	○					
Do.	3S					○	
Do.	3W	○					
Do.	3Y	○					
Do.	3Z	○					
Do.	3AE					*	
Do.	3BW				*		
Do.	3CC				*		
D. E. Nebergal Meat Co.	3DE	○					
Swift & Co.	3GI	○					
Do.	3GW					*	
Do.	3TA					○	
Lykes Brothers, Inc. of Georgia	8	○		*		*	
Lykes Brothers, Inc.	8B	○					
Pauly Packing Co., Inc.	10	○					
The Evans Packing Co.	11	○					
Hygrade Food Products Corp.	12A					○	
Do.	12P	○					
Do.	12T	○					
Do.	12FW	○					
Mickelberry's Food Products Co.	16	○					
John Morrell & Co.	17					○	
Do.	17A	○					
Do.	17D	○			*		
Do.	17E	○				○	
Do.	17U	○					
C. Finkbeiner, Inc.	18	○					
Cudahy Co.	19-W	○				*	
Wilson Certified Foods, Inc.	20A	○					
Wilson-Sinclair Co.	20H					○	
Wilson Certified Foods, Inc.	20I	*					
Wilson-Sinclair Co.	20L					○	

ESTABLISHMENTS SLAUGHTERING HUMANELY Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Wilson Certified Foods, Inc.	20N	○	○	*		○	
Do.	20Q	○	○				
Wilson Beef & Lamb Co.	20U			○			
Wilson-Sinclair Co.	20Y	○	*	○		*	
Wilson Beef & Lamb Co.	20AI				*		
Do.	20HF	○					
Swift & Co.	23	○		*			
Brander Meat Co.	25	○	*				
Patrick Cudahy, Inc.	28					*	
Kreinberg & Krasny, Inc.	30	○					
Superior's Brand Meats, Inc.	31	○	*				
Roegelein Provision Co.	32					○	
Do.	32A	○					
Valleydale Packers, Inc.	34	○	○	*		*	
Keaton Packing Co.	36	○					
Sunnyland Packing Co.	43	○				*	
Stark Wetzel & Co., Inc.	44	○					
Do.	44A	○				*	
Linden Packing Co., Inc.	45	○					
Idaho Meat Packers.	46	○					
Midwestern Beef, Inc.	53	○					
Insel and Insel.	54	○	*	*	*		
Sunnyland Packing Co. of Alabama	56	○					
Do.	56A	○				*	
Glover Packing Co. of Amarillo	60	○					
Glover Packing Co.	60A	○					
Gooch Packing Co., Inc.	61	○	*	*	*	*	
Sunflower Beef Packers of Nebraska	62	○				*	
Sandusky Dressed Beef Co.	63	○					
Selkirk Realty Co.	65	○					
The Quaker Oats Co.	65					*	
Meat Quality Laboratory	E67						*
Munch's Wholesale Meats, Inc.	68	○	○	*		*	
Brown Thompson & Sons	72	○					
Armour & Co.	73	○				*	
The Eckert Packing Co.	75	○		*			
Do	79A	○				*	
The Cudahy Co.	79B	○				○	
Riviana Foods, Inc.—Hill's Division	81	○					
Edgar Packing Co.	E83	○					*
Kansas Beef Industries, Inc.	84	○	*				
Utica Veal Co., Inc.	86	○					
The E. Kahn's Sons Co.	88	○					
Laredo Packing Co.	89	○					
Sugardale Foods, Inc.	91	○	○				
Shonyo Packing, Inc.	92	○				○	
The Val Decker Packing Co.	93	○	*	*	*		
Central Packing Co., Inc.	95	○				*	
A. Koch's Sons.	96	○					
Armour & Co.	98	○	*				
Liberty Packing Co.	100	○		*			
H. Graver Co.	101	○	*				
J. Lynn Cornwell, Inc.	103	○					
Contris Packing Co., Inc.	107	○					
Wilson-Sinclair Co.	110	○				○	
Morris Beef Co.	111	○		*			
The Morris Packing Co.	112	○					
Farmland Foods, Inc.	113	○					
Pine Burr Packing Co.	114	○					
West Coast Meat Co., Inc.	116	○					
Mathoefer Packing Co., Inc.	117	○	*	*		○	
City Dressed Beef.	121	○					
John Morrell & Co.	123	○					
Cash Brothers Packing Co., Inc.	126	○					
John Roth & Son, Inc.	127	○	*			*	
Tobin Packing Co., Inc.	130	○					
Ferrara Meat Co., Inc.	133	○				*	
Nebraska Beef Packers, Inc.	134	○	*				
Kluener Packing Co.	135	○					
R. B. Rice Sausage Co., Inc.	142	○					
Silver Falls Packing Co., Inc.	144	○				*	
Dallas City Packing, Inc.	153	○	○				
Cornland Dressed Beef, Inc.	156	○	*				
Beefland International, Inc.	157	○					
	158	○					

Establishments Slaughtering Humanely Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Missouri Farmers Association Packing Division	159	(*)				(*)	
Carr Packing Co., Inc.	160	(*)					
Kansas Beef Industries, Inc.	164	(*)					
New York State College of Agriculture	165	(*)	(*)	(*)		(*)	
E. W. Kneip, Inc.	169	(*)					
De Kalb Packing Co.	170A					(*)	
Bub Davis Packing Co.	171	(*)				(*)	
Lee's Sausage Co., Inc.	173					(*)	
American Meat Packing Corp.	180					(*)	
Montrose Beef Co.	181	(*)					
The Rath Packing Co.	186					(*)	
Do.	186F					(*)	
Kent Provision Co., Inc.	187	(*)					
Carl's Sausage Co.	188					(*)	
Cudahy Co.	191					(*)	
Krey Packing Co.	192					(*)	
Hynes Packing Co.	197	(*)	(*)				
United Fryer and Stillman, Inc.	198	(*)		(*)			
George A. Hormel & Co.	199	(*)				(*)	
Do.	199A	(*)					
Do.	199D					(*)	
Do.	199H	(*)					
Do.	199I					(*)	
Do.	199N	(*)				(*)	
Caviness Packing Co., Inc.	200	(*)					
Cudahy Co.	202					(*)	
Platte Valley Packing Co.	203	(*)					
Emge Packing Co., Inc.	206	(*)				(*)	
National Beef Packing Co.	208A	(*)					
Riverside Abattoir, Inc.	210	(*)					
Penn Packing Co.	212					(*)	
E. W. Kneip, Inc.	213	(*)					
Marshall Meat Products, Inc.	215	(*)					
Lincoln Meat Co.	217	(*)					
York Packing Co., Inc.	220					(*)	
ITT Gwaltney, Inc.	221A					(*)	
Armour & Co.	222	(*)				(*)	
De Jong Packing Co.	223	(*)	(*)				
Hygrade Food Products Corp.	224	(*)				(*)	
Do.	224B	(*)	(*)				
Loeb & Gottfried, Inc.	232	(*)					
John Morrell & Co.	234	(*)					
Waltl Schilling & Co., Inc.	235	(*)					
Animal Husbandry Department, Texas Technological College.	236	(*)		(*)	(*)	(*)	
Raskin Packing Co.	237	(*)					
P. D. & J. Meats	240	(*)	(*)				
Greenwood Packing Plant	242	(*)	(*)	(*)		(*)	
I. Klayman & Co.	243					(*)	
Iowa Beef Processors, Inc.	244	(*)					
Do.	245	(*)					
Do.	245A	(*)					
Do.	245B	(*)					
Do.	245C	(*)					
Do.	245D	(*)					
John Morrell & Co.	246					(*)	
Hargot Realty Corp.	247					(*)	
Federal Packing Co., Inc.	249	(*)					
Frosty Morn Meats, Inc.	250	(*)				(*)	
Metro Meat Packing, Inc.	255					(*)	
Magic Valley Packing Co.	258	(*)					
Hyplains Dressed Beef, Inc.	262	(*)					
The Jones Dairy Farm	263					(*)	
Farm Pac Kitchens, Inc.	266	(*)				(*)	
Pacific Meat Co., Inc.	267	(*)	(*)	(*)		(*)	
Prairieland Packing Corp.	269	(*)					
Golden Valley Packing Co.	271	(*)					
Tog Packing Co., Inc.	273	(*)					
Alpha Beta Acme Markets, Inc.	279	(*)					
Monsees Pork Packers Co.	282					(*)	
Parnett Packing Corp.	283	(*)					
Solano Meat Co.	285	(*)	(*)	(*)			
Western Packing Co.	288	(*)					

Establishments Slaughtering Humanely Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Arbogast and Bastain Co.	289					(*)	
The H. H. Meyer Packing Co.	290					(*)	
San Jose Meat Co., Inc.	291	(*)					
Armour & Co.	292					(*)	
Iowa Beef Processors, Inc.	292A	(*)					
S. Schweid	295	(*)	(*)	(*)			
Gus Juengling & Son, Inc.	298	(*)					
Waldock Packing Co.	299					(*)	
Great Falls Meat Co.	301	(*)				(*)	
Commercial Packing Co., Inc.	302	(*)					
Union Packing Co.	305	(*)					
Do.	305A	(*)					
Star Packing Co.	306	(*)					
Kaufman Meat Packers, Inc.	310	(*)	(*)				
Melton Provision Co.	311	(*)	(*)	(*)			
Rudy's Farm Co.	315					(*)	
Dutterer's of Manchester, Inc.	316A	(*)				(*)	
Estes Packing Co.	319	(*)					
Stadler Packing Co., Inc.	320	(*)				(*)	
Rudnick Packing Co., Inc.	325	(*)					
Frisco Packing Co.	327	(*)					
C&M Meat Packing Corp.	329	(*)	(*)				
Royal Packing Co.	331A	(*)					
Shapiro Packing Co., Inc.	332	(*)					
Great Western Packing Co., Inc.	334	(*)					
Noble's Meat Co.	335	(*)					
Chino Valley Meat Packing Co., Inc.	336	(*)					
Sam Kane Packing Co.	337	(*)	(*)				
Green & Oliver Sausage Co.	338					(*)	
Midland Empire Packing Co., Inc.	339	(*)					
Bookey Packing Co.	340	(*)					
Peters Meat Products, Inc., of Wisconsin	341	(*)				(*)	
Puckett Packing Co.	343	(*)					
Gold-Pac Meat Co., Inc.	344	(*)					
Anra Packing Co.	345	(*)					
Union Packing Co.	351	(*)					
Fresno Meat Packing Co.	354	(*)					
Hernando Packing Co., Inc.	355	(*)	(*)				
St. Paul Dressed Beef, Inc.	357	(*)					
Clougherty Packing Co.	360					(*)	
Meyer's Packing Co.	363	(*)					
James Allan & Sons	365	(*)	(*)			(*)	
Wilson Certified Foods, Inc.	374	(*)				(*)	
Cross Brothers Meat Packers, Inc.	376	(*)	(*)				
Beeville Packing Co.	377	(*)	(*)			(*)	
Salinas Meat Co.	378	(*)				(*)	
Emge Packing Co., Inc.	380	(*)				(*)	
Smithfield Packing Co., Inc.	382					(*)	
Acme Markets, Inc.	384	(*)					
City Custom Packing Co., Inc.	387	(*)	(*)	(*)		(*)	
Dugdale Packing Co.	390	(*)					
Oldham's Farm Sausage Co., Inc.	392					(*)	
Robert L. Runts, Inc.	395	(*)					
Boneless Meat Co., Inc.	395B	(*)					
Dubuque Packing Co.	396	(*)	(*)			(*)	
Logan Packing Co.	397	(*)					
Watsonville Dressed Beef, Inc.	398	(*)					
Los Banos Abattoir Co.	400	(*)	(*)				
Oakridge Smokehouse	401	(*)				(*)	
Owens Country Sausage, Inc.	403	(*)				(*)	
Williston Packing Co., Inc.	405	(*)					
Neuhoff Brothers	406	(*)	(*)			(*)	
Endlich Packing Co., Inc.	410	(*)					
Alpine Packing Co.	412	(*)	(*)				
The Lundy Packing Co.	413					(*)	
Do.	413A					(*)	
Frosty Morn Meats	414	(*)				(*)	
Minden Beef Co.	417	(*)					
S. Bonaccorso & Sons, Inc.	418	(*)					
Murray Packing Co., Inc.	421	(*)					
E. W. Kneip, Inc., of Iowa	422	(*)					
The Collins Packing Co.	423					(*)	
Kenosha Packing Co., Inc.	425	(*)					
Fineberg Packing Co.	428	(*)	(*)				

Establishments Slaughtering Humanely Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Schneider Packing Co.	439	(*)					
Omaha Dressed Beef Co., Inc.	441	(*)					
Del Curto Meat Co.	445	(*)	(*)	(*)	(*)	(*)	
A. Distillo & Sons, Inc.	448	(*)	(*)				
Dewitt Packing Corp.	456	(*)	(*)				
Morris Rifkin & Sons, Inc.	460	(*)					
Pioneer Boneless Beef, Inc.	461	(*)					
Lancaster Packing Co.	463	(*)					
Litvak Packing Co.	465	(*)					
Beerwar Packing Co.	467	(*)	(*)			(*)	
Cornhusker Packing Co.	468		(*)				
Oriskany Beef and Veal Corp.	472		(*)				
Missouri Beef Packers, Inc.	473		(*)				
Friona Packing Co	473A		(*)				
Missouri Beef Packers, Inc.	473B		(*)				
Mid-States Packers, Inc.	476		(*)				
Armour & Co.	477		(*)				
Gotham Provision Co., Inc.	481		(*)				
Virgin Islands Packing Plant	482		(*)	(*)	(*)	(*)	
Robel Beef Packers	485		(*)				
East Tennessee Packing Co.	487		(*)			(*)	
Memphis Butchers Association, Inc.	488		(*)			(*)	
E. W. Kneip, Inc.	489		(*)				
American Sheep Co.	490		(*)	(*)			
Fairbank Farms, Inc.	492		(*)				
Mid State Meat Packers, Inc.	494		(*)				
Roberts Packing Co.	495					(*)	
Bartel's Meat Co.	497	(*)	(*)	(*)		(*)	
Helm Brothers Packing Co., Inc.	499	(*)				(*)	
Spencer Foods, Inc.	501	(*)					
The Hull & Dillon Packing Co.	510	(*)				(*)	
Shen-Valley Meat Packers, Inc.	511	(*)				(*)	
Snider Brothers, Inc.	512	(*)	(*)				
Averich Packing Co., Inc.	513	(*)					
Charles Miller & Co.	517					(*)	
Illinois Packing Co.	521	(*)					
Pearl Packing Co., Inc.	524	(*)	(*)	(*)		(*)	
Oklahoma State University—Meat Laboratory.	526	(*)	(*)	(*)		(*)	
Sebastopol Meat Co., Inc.	527	(*)	(*)			(*)	
Armour & Co.	528	(*)					
Smallwood Packing Co., Inc.	529	(*)					
Marysville Meat Packing Co.	533	(*)	(*)				
Pepper Packing Co.	536	(*)					
Oscar Mayer & Co., Inc.	537A	(*)				(*)	
Do.	537B					(*)	
Do.	537C					(*)	
Do.	537E					(*)	
Midwest Packing Co.	538	(*)					
Greendell Packing Corp.	542	(*)	(*)				
Pride Packing Co., Inc.	549	(*)					
Salter Packing Co.	551	(*)					
Black Hills Packing Co.	554	(*)				(*)	
Mid-South Packers, Inc.	557	(*)				(*)	
The Cudahy Co.	559	(*)					
Dependable Meat Packing	561	(*)	(*)				
Packerland Packing Co., Inc.	562	(*)					
Texas Meat Packers, Inc.	575	(*)	(*)				
Do.	575C	(*)					
Elmer Bender & Son, Inc.	569		(*)	(*)			
Perrotta Packing Co., Inc.	571	(*)					
Coil, Inc.	575	(*)					
Frosty Morn Meats, Inc.	576	(*)				(*)	
Armour & Co.	579	(*)				(*)	
Coffeyville Packing Co., Inc.	583	(*)					
Frederick Packing Co.	586					(*)	
Dawson-Baker Packing Co., Inc.	588	(*)	(*)	(*)			
Elk Grove Meat Co.	601	(*)					
San Antonio Packing Co.	602	(*)		(*)	(*)		
Wright Packing Co.	603	(*)	(*)				
L. D. Packing Co., Inc.	606					(*)	
Eastern Oregon Meat Co., Inc.	611	(*)		(*)		(*)	
Midtown Veal & Mutton Co., Inc.	612			(*)			
Metro Meat Packing	613	(*)				(*)	
Donner Packing Co.	614	(*)					
Kummer Meat Co., Inc.	617	(*)		(*)		(*)	
Dookoil Sausage, Inc.	623					(*)	
Big Foot Packing Co., Inc.	627	(*)					

Establishments Slaughtering Humanely Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
E. A. Miller & Sons Packing Co.	628	(*)	(*)				
H. H. Kelm Co.	630			(*)		(*)	
Ebner Brothers Packers	633	(*)					
United Packing Co., Inc.	635	(*)					
Auburn Packing Co., Inc.	636	(*)					
Carleret Abattoir, Inc.	639	(*)	(*)	(*)	(*)		
Flanery Meat, Inc.	643	(*)					
Coast Packing Co.	645	(*)					
Trans-Continent Packing Co.	E646						(*)
Bird Provision Co.	647					(*)	
Schlunderberg-Kurdle Co., Inc.	649					(*)	
John Morrell & Co.	650					(*)	
Nagle Packing Co.	653		(*)				
Wilson Beef & Lamb Co.	655	(*)		(*)			
Baum's Bologna, Inc.	657	(*)					
McCook Packing Corp.	660	(*)					
Quality Meat Packing Co.	661	(*)					
Colorado West Packers, Inc.	662	(*)	(*)			(*)	
Globe Packing Co.	663	(*)					
Webber Farms, Inc.	665					(*)	
Crown Packing Co.	666					(*)	
Scottsbluff Packing Co.	667	(*)					
Central Coast Meats, Inc.	671	(*)					
Union Packing Co., Inc.	673	(*)					
S & S Packing Co., Inc.	674	(*)				(*)	
Do.	674A					(*)	
Caviness Packing Co., Inc.	675	(*)	(*)				
Jacob Bauer's Sons, Inc.	678	(*)	(*)				
Caldwell Packing Co., Inc.	683	(*)					
The William Focke's Sons Co.	685					(*)	
Callaway Packing Co., Inc.	688	(*)	(*)				
Pierre Packing Co.	691	(*)				(*)	
Wilhelm Foods, Inc.	692	(*)					
Bryan Meat Co.	693	(*)					
Animal Husbandry Department, Kansas State University.	694	(*)	(*)			(*)	
Kramer Beef Co.	695	(*)					
Gulf Packing Co.	696	(*)					
Central Nebraska Packing Co.	E713						(*)
Davenport Packing Co., Inc.	716	(*)					
Farmland Foods, Inc.	717					(*)	
Do.	717A					(*)	
A. Darlington Strode	718					(*)	
K-M Co.	719	(*)					
Swift & Co.	726	(*)	(*)	(*)		(*)	
Decker & Son	727					(*)	
Roode Packing Co., Inc.	729	(*)					
Eiler & Son, Inc.	732	(*)	(*)			(*)	
Western Packers	733	(*)					
The Quaker Oats Co.	E734						(*)
Ohio Packing Co.	736	(*)				(*)	
Parnell's Packing Co.	738	(*)	(*)			(*)	
The Jacob Schlaechter's Sons Co.	739	(*)					
Mid-State Meat Co.	741	(*)					
The OK Packing Co.	749	(*)					
Seitz Packing Co., Inc.	756A	(*)				(*)	
The American Meat Packing Corp.	760					(*)	
Schaake Packing Co., Inc.	761	(*)					
Karler Packing Co.	767	(*)					
Sheridan Meat Co., Inc.	768	(*)	(*)			(*)	
Earl C. Gibbs, Inc.	770	(*)					
Hanford Meat Packing Co.	773	(*)					
Atlas Packing Co.	775	(*)					
Central Packing Co.	777	(*)					
The Cudahy Co.	779	(*)					
Bryon Brothers Packing Co.	780	(*)	(*)			(*)	
Diamond Meat Co., Inc.	783	(*)					
Granite State Packing Co.	785	(*)					
Aurora Packing Co., Inc.	788	(*)					
Hatfield Packing Co.	791	(*)				(*)	
Baum's Meat Packing Co.	792	(*)	(*)				
Rod Barnes Packing Co.	798	(*)					
Western Iowa Pork	800					(*)	
American Beef Packers, Inc.	807	(*)					
Do.	807A	(*)					
Amco-Pac Corp.	809	(*)					
The G. Erhardt Sons, Inc.	810	(*)	(*)				

Establishments Slaughtering Humanely Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Great Western Packing Co. of Nebraska	811			(*)			
United Packing of Iowa, Inc.	812					(*)	
Castle Brands, Inc.	816					(*)	
Rochester Independent Packer, Inc.	817	(*)					
J. H. Routh Packing Co.	818					(*)	
Sterling Colorado Beef Co.	823	(*)					
Foremost Packing Co.	824					(*)	
Superior Packing Co., Inc.	825			(*)			
Bercheim's Meat Co.	830	(*)					
John Morrell & Co.	836	(*)					
Frederick Country Products, Inc.	838	(*)	(*)	(*)			
Reelfoot Packing Co.	840	(*)				(*)	
G. Bartusch Packing Co.	843	(*)					
The Allen Packing Co.	845	(*)	(*)				
Arena Dressed Beef Co.	853	(*)	(*)				
Sioux City Dressed Beef	857	(*)					
Siouxland Dressed Beef Co.	857F	(*)					
Sioux Beef Co.	857-O	(*)					
Jordan Meat and Livestock Co., Inc.	858	(*)	(*)	(*)	(*)		
Wells and Davies, Inc.	860	(*)				(*)	
Sierra Meat Co.	862	(*)					
Tennessee Dressed Beef Co.	865	(*)					
American Beef Packers, Inc.	866	(*)					
Hardy and Co., Inc.	869	(*)	(*)				
Santa Ana Packing Co.	874	(*)					
Pabler Packing Corp.	880	(*)					
Swanton Packing Co., Inc.	883	(*)					
Alco Packing Co.	885	(*)	(*)	(*)		(*)	
Walden Packing Co., Inc.	886	(*)					
Sambol Packing Co.	892	(*)					
Tobin Packing Co., Inc.	893					(*)	
Vernon Calhoun Packing Co.	897	(*)					
Meats, Inc.	899	(*)					
Sigman Meat Co., Inc.	901B					(*)	
Party Packing Corp.	902	(*)					
Kane's Dressed Beef	907	(*)					
B. Constantino & Sons Co.	918	(*)					
Alice Packing Co.	921	(*)					
Valleydale Packers, Inc.	922	(*)	(*)			(*)	
Wisconsin Packing Co.	924	(*)					
Peoples Packing Co.	925	(*)	(*)				
Parsons Beef Co., Inc.	932	(*)					
E. B. Manning & Son	934	(*)					
Iowa Beef Processors, Inc.	935	(*)					
Voltz Packing Co.	938	(*)					
Cappellino Abattoir, Inc.	939	(*)					
Gentner Packing Co., Inc.	941	(*)					
Diamond Meat Packers, Inc.	944					(*)	
M. Brizer & Co.	948	(*)					
Joe Doctorman & Son Packing Co., Inc.	949	(*)	(*)			(*)	
Kennedy's Sausage Co.	950					(*)	
Bob Evans Farms, Michigan, Inc.	952					(*)	
Armour & Co.	956					(*)	
Thompson Farm Co.	959					(*)	
Greater Omaha Packing Co., Inc.	960	(*)					
Potter Sausage Product, Inc.	961					(*)	
Virginia Packing Co., Inc.	963	(*)	(*)	(*)			
Interstate Meats, Inc.	965	(*)					
Lay Packing Co.	967	(*)				(*)	
Monfort Packing Co.	969	(*)		(*)			
Hawaii Meat Co., Ltd.	970	(*)					
Longhorn Meat Packers, Inc.	976	(*)					
National Food Stores, Inc.	981	(*)					
Banner Beef Co.	985	(*)					
Shamrock Beef Co.	987	(*)					
Everett C. Horlein & Son, Inc.	988	(*)					
Sunflower Packing Co., Inc.	992	(*)					
Kluter of Kentucky, Inc.	996					(*)	
The Home Pride Provisions, Inc.	1029	(*)					
Armour & Co.	1085	(*)	(*)				
Landy Packing Co.	1171	(*)					
Porkland Division of Consolidated Foods	1175					(*)	
A. F. Moyer & Sons, Inc.	1311	(*)					
McCabe Packing Plant	1312	(*)					
H & H Packing Co.	1315	(*)				(*)	
Nebraska Iowa Dressed Beef Co.	1318	(*)					

Establishments Slaughtering Humanely Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Associated Meat Packers, Inc.	1472	(*)		(*)		(*)	
Bonanza Packing Co.	1475A	(*)				(*)	
Stevetts Meat Co., Inc.	1485	(*)					
Aristo Foods, Inc.	1508A	(*)					
James Sausage Co.	1718					(*)	
Great Markwestern Packing Co.	1951A	(*)					
C & C Packing Co.	2033	(*)					
De Luca Packing Co.	2054	(*)	(*)				
Odom Sausage Co. of Kentucky, Inc.	2094					(*)	
Jesse Jones Division of Goodmark, Inc.	2108					(*)	
Ballard's Farm Sausage, Inc.	2108					(*)	
P & H Packing Co., Inc.	2211	(*)	(*)			(*)	
Do.	2211A		(*)				
Greeley Meat Co.	2212	(*)					
Hardy Packing Co., Inc.	2215	(*)		(*)	(*)	(*)	
Yoakum Packing Co., Ltd.	2216	(*)				(*)	
Burlison Packing Co.	2224	(*)					
Pace Packing Co.	2228	(*)					
Ridley Packing Co.	2229	(*)				(*)	
South Texas Packers, Inc.	2230	(*)					
L & H Packing—Braun Division	2239	(*)					
Bryan Sausage Co.	2249	(*)				(*)	
Department of Animal Science, Colorado State University.	2253	(*)	(*)	(*)		(*)	
Tiny Packing Co.	2254	(*)					
Loveland Packing Co., Inc.	2259	(*)				(*)	
G & C Packing Co.	2262	(*)	(*)				
Ridley Packing Co.	2266	(*)	(*)			(*)	
L. A. Frey & Sons, Inc.	2266A	(*)				(*)	
Western Beef Packers, Inc.	2267	(*)					
Wright Packing Co.	2269	(*)	(*)			(*)	
Lamess Meat Co.	2272	(*)		(*)		(*)	
Amarillo Packing Co.	2273	(*)					
Sunray Meats, Inc.	2274	(*)					
Husband Brothers Packing Co.	2284	(*)					
Bollins Packing Co.	2285	(*)	(*)	(*)		(*)	
Ben Grantham Meat Packers	2290	(*)					
Dankworth Packing Company	2296	(*)				(*)	
Amana Society Meat Department	2357	(*)					
Theis Packing Co., Inc.	2367	(*)				(*)	
Grote Meat Co.	2369	(*)	(*)				
Wuestling Packing Co.	2370	(*)					
Clayton Packing Co.	2373		(*)				
Smit & Son, Inc.	2376	(*)				(*)	
Spencer Foods, Inc.	2379	(*)					
Partin Sausage Co.	2385					(*)	
Marshall Packing Co., Inc.	2386	(*)					
Clinton Packing Co.	2387					(*)	
Gustav B. Nissen & Son Packing Co.	2388	(*)					
United Meat Co., Inc.	2396	(*)					
Pony Express Ranch	2398	(*)	(*)			(*)	
South Side Packing Co., Inc.	2424	(*)					
Quality Packinghouse, Inc.	2435					(*)	
John R. Daily, Inc.	2450	(*)				(*)	
Cimpl Packing Co.	2460	(*)					
Link Brothers Enterprises	2472	(*)				(*)	
Wenning Packing Co., Inc.	2533	(*)					
Bo Packing Co.	2586					(*)	
Springfield Dressed Beef, Inc.	2590	(*)	(*)				
Bartlow Brothers, Inc.	2595	(*)				(*)	
The Teeters Packing Co.	2598					(*)	
Du Quoin Packing Co.	2599	(*)					
J. W. Treuth & Sons, Inc.	2612	(*)					
Manassas Frozen Foods	2621A	(*)	(*)	(*)	(*)	(*)	
H. P. Beale & Sons, Inc.	2682					(*)	
Yoders Locker Plant	2699	(*)				(*)	
Wagner Provision Co., Inc.	2770	(*)	(*)				
Stoeven Brothers	2800	(*)		(*)			
Blue Mountain Meats	2805	(*)		(*)		(*)	
Lewis & McDermott	2847	(*)					
Granite Meat and Livestock Co.	2856	(*)	(*)	(*)	(*)		
Zwelgart Packing Corp.	2863	(*)	(*)	(*)		(*)	
Armbrust Meats	2912	(*)	(*)			(*)	
Fort Plain Packing Co., Inc.	5074	(*)	(*)				
Double A Meat Packing, Inc.	5162	(*)	(*)	(*)			
Anthony Parillo, Inc.	5193	(*)	(*)	(*)		(*)	

Establishments Slaughtering Humanely Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Ralph Packing Co., Inc.	5228	(*)	(*)				
Johnston Dressed Beef & Veal Co., Inc.	5300	(*)	(*)	(*)	(*)		
Hayes Packing Corp.	5301	(*)	(*)				
Morris Mendel & Co.	5309	(*)	(*)	(*)	(*)	(*)	
Klinch & Schaller, Inc.	5319	(*)					
Hershey Estates Abbattoir	5388	(*)	(*)			(*)	
Winchester Packing Co., Inc.	5500	(*)				(*)	
Amend Packing Co.	5509	(*)					
Gibbon Packing, Inc.	5511	(*)					
Elsbeimer Meat Products, Inc.	5516	(*)					
Hewlett Wholesale Meat	5534	(*)					
Mason Beef Packers, Inc.	5531	(*)					
Sioux-Preme Packing Co.	5537					(*)	
Jack Polen Beef Co., Inc.	5548	(*)					
Bonne Terre Sausage Co.	5564					(*)	
Isla Meat Processors, Inc.	5555	(*)				(*)	
O. K. Meat Packing Co., Inc.	6060	(*)	(*)	(*)			
William C. Parke & Sons Co.	6063	(*)					
Animal Science Division, University of Nevada.	6004	(*)					
Hohener Meat Co., Inc.	6011	(*)	(*)			(*)	
Department of Animal Science, University of California.	6012	(*)	(*)	(*)		(*)	
Johnson Meat Co.	6016	(*)	(*)	(*)	(*)	(*)	
Mount Vernon Meat Co., Inc.	6030	(*)	(*)	(*)		(*)	
Pasco Meat Packers, Inc.	6040	(*)	(*)	(*)		(*)	
Weber, Inc.	6041	(*)	(*)	(*)			
McRae Pack, Inc.	6042	(*)	(*)	(*)		(*)	
Florence Packing Co., Inc.	6063	(*)	(*)				
Davis Meat Co.	6044	(*)		(*)		(*)	
Avila Meat Co.	6046	(*)	(*)				
Schenk Packing Co.	6056	(*)	(*)	(*)		(*)	
Arizona Meat Packers	6062	(*)	(*)	(*)	(*)	(*)	
Tulare Meat Co.	6063	(*)	(*)				
Redwood Meat Co.	6066	(*)	(*)	(*)		(*)	
Klubnikin Packing Co.	6071	(*)	(*)				
Grandview Packing Co.	6083	(*)	(*)	(*)		(*)	
Arnopole Meat Co.	6084	(*)	(*)				
Krstzig Meat Co.	6110	(*)	(*)	(*)	(*)	(*)	
Atwater Meat Co.	6113	(*)	(*)	(*)	(*)	(*)	
Mid-Cave Meat Packing Co.	6114	(*)	(*)			(*)	
Cedar Packing Co.	6118	(*)					
Cuyamaca Meat Co.	6126	(*)				(*)	
Circle Bar Meat Co.	6151	(*)	(*)	(*)		(*)	
Lewis Meats	6175	(*)	(*)	(*)		(*)	
Green Hill, Inc.	6513	(*)				(*)	
George H. Myers Sons, Inc.	6521	(*)	(*)	(*)		(*)	
Guard Hill Meats, Inc.	6526	(*)		(*)	(*)	(*)	
Gunnoe Sausage Co., Inc.	6541					(*)	
Odom Sausage Co., Inc.	6544					(*)	
C. Rice Packing Co., Inc.	6545	(*)	(*)				
Suffolk Packing Co.	6546	(*)	(*)	(*)			
Martin's Abattoir & Wholesale Meats	6547	(*)	(*)	(*)	(*)	(*)	
Penn Haven Meats, Inc.	6559	(*)	(*)			(*)	
Whiteville Packing Co.	6563	(*)	(*)			(*)	
Edwards Sausage Co., Inc.	6579					(*)	
Ledford's Livestock Farm Slaughter Plant	6581A	(*)	(*)	(*)		(*)	
City Packing Co.	6594	(*)	(*)				
White Packing Co.	6595	(*)	(*)			(*)	
Primeat Packing Co.	6758	(*)					
Star Meat Co.	6760					(*)	
Calihan & Co.	6775	(*)	(*)				
Helms Slaughterhouse	6777	(*)				(*)	
The Ross Abattoir Co.	6780	(*)					
Bob Evans Farms, Inc.	6785					(*)	
Bergman Meat Packing Co., Inc.	6788	(*)				(*)	
Bob Evans Farms, Inc.	6807					(*)	
Utica Packing Co.	6832					(*)	
Marburger Packing Co.	6868	(*)					
Nemets Packing House	6888	(*)					
Miller Processing Co., Inc.	6889	(*)		(*)		(*)	
Schwartzman Packing Co.	7003	(*)					
Deming Packing Co., Inc.	7005	(*)				(*)	
Jimmy Dean Meat Co.	7012					(*)	
Muskogee Packing Co., Inc.	7015	(*)	(*)	(*)	(*)	(*)	
Sixty Six Packing Co.	7023	(*)	(*)	(*)	(*)	(*)	
Western Meat Packers, Inc.	7028					(*)	
Webb Packing Co.	7029					(*)	

Establishments Slaughtering Humanely Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Kachina Packing Co.	7040	(*)				(*)	
Crow's Meat Co.	7048	(*)		(*)		(*)	
Chef Boddy Meats Co.	7049		(*)				
Brown's Meat Locker	7053	(*)	(*)	(*)		(*)	
Interstate Packing Co.	7056	(*)	(*)			(*)	
Brown Packing Co., Inc.	7064	(*)				(*)	
Community Abattoir, Inc.	7075	(*)	(*)	(*)		(*)	
Cesmun Abattoir	7082		(*)	(*)		(*)	
Guillot Packing Co., Inc.	7086	(*)	(*)				
Heard's Sausage Co.	7088					(*)	
E-Tex Packing Co.	7122	(*)	(*)				
B & B Packing Co.	7146	(*)				(*)	
Panhandle Beef Packing, Inc.	7151	(*)					
Metzger Packing Co., Inc.	7306	(*)					
Coleman Sausage Co.	7401					(*)	
Henry W. Staph	7402		(*)	(*)			
Carolina Abbattoir, Inc.	7404	(*)				(*)	
Cribbs Sausage Co.	7424					(*)	
Contris Packing Co.	7438					(*)	
Blue Ridge Beef Plant, Inc.	7445	(*)					
William Sausage Co.	7455					(*)	
F. B. Purnell Sausage Co., Inc.	7464	(*)				(*)	
Diamond Meat Co., Inc.	7465					(*)	
Field Packing Co., Inc.	7467	(*)					
Brundige Sausage Co.	7473					(*)	
Fulton County Packing Co.	7485	(*)	(*)	(*)	(*)	(*)	
Danville Meat Products	7496	(*)	(*)			(*)	
T. M. Landis, Inc.	7517	(*)					
Deahaman Enterprises, Inc.	7562	(*)				(*)	
Gartner-Harf Co.	7578	(*)	(*)				
Merwin Packing, Inc.	7600	(*)	(*)			(*)	
Abercrombie Meat	7605	(*)	(*)			(*)	
Millner & Swanick	7602	(*)					
Missouri Valley Meat	7604	(*)				(*)	
Schmaltz Meats	7605	(*)				(*)	
Goldades Butcher Shop	7606	(*)				(*)	
Cedar Ridge Meat Service	7607	(*)	(*)			(*)	
Barnes County Lockers	7608	(*)	(*)			(*)	
Hope Locker Plant	7609	(*)				(*)	
Casselton Cold Storage	7611	(*)	(*)			(*)	
Great Bend Lockers	7612	(*)	(*)			(*)	
Fairmont Lockers	7615	(*)	(*)			(*)	
Skyberg's	7616	(*)	(*)			(*)	
Monteith Meats	7617	(*)	(*)			(*)	
Park River Locker Plant	7618	(*)	(*)			(*)	
Niagara Lockers	7619	(*)	(*)			(*)	
Bowdon Locker Plant	7620	(*)	(*)			(*)	
Langdon Lockers	7622	(*)				(*)	
Asledt's Locker Plant	7623	(*)				(*)	
Rocklake Locker Plant	7624	(*)	(*)			(*)	
Aneta Meats	7625	(*)				(*)	
Stanley Locker Service	7632	(*)				(*)	
Davidson's Processing Plant	7633	(*)	(*)			(*)	
Lundi Processing	7634	(*)				(*)	
Dakota Meats, Inc.	7636	(*)	(*)				
Bud's Food Market	7637	(*)				(*)	
Myers Meat Processing	7641	(*)	(*)			(*)	
Hillside Meat Co.	7642	(*)	(*)			(*)	
City Meat & Locker	7644	(*)	(*)			(*)	
Wetsch Jack & Jill	7646	(*)	(*)			(*)	
Bosch Meat Co.	7647	(*)				(*)	
Fred Born	7648	(*)				(*)	
Schafers Butcher Shop	7649	(*)					
Knute's Meat Processing & Sales	7655	(*)	(*)			(*)	
John Bonn	7656	(*)				(*)	
Valley Meat Packing Co., Inc.	7676	(*)					
City Meat Co.	7677	(*)				(*)	
Rahr Meat Service	7678	(*)					
Miles City Packing Co.	7679	(*)	(*)				
Hardin Meat Market	7684	(*)					
Seitz-Bowers Processing Plant	7685	(*)				(*)	
Timberland Packing Corp.	7687	(*)					
Havre Abattoir	7688	(*)	(*)	(*)		(*)	
Rocky Mountain Packing Co.	7690	(*)	(*)	(*)		(*)	
Triangle Packing Co.	7691	(*)	(*)	(*)		(*)	
Marias Packing Co.	7692	(*)	(*)	(*)		(*)	
Stanford Meat Market	7694	(*)	(*)				
Barsotti's Meat Plant	7695	(*)	(*)	(*)		(*)	
Roberts Packing Plant	7708	(*)		(*)		(*)	

ESTABLISHMENTS SLAUGHTERING HUMANELY

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Rick's Packing Co.	7710	(*)	(*)	(*)	.....	(*)	.....
Fan Mountain Meats	7712	(*)	(*)	(*)	.....	(*)	.....
Vollmer & Sons, Inc.	7713	(*)	(*)	(*)	.....	(*)	.....
Kalispell Meat Co.	7716	(*)	.....	(*)	.....	.....	.....
White's Wholesale Meats	7717	(*)	.....	.....	.....	.....	.....
Vandervanter Meats	7718	(*)	.....	.....	.....	.....	.....
Schramm Packing Co.	7719	(*)	.....	.....	.....	(*)	.....
Tolman Meat Processing	7724	(*)	(*)	(*)	(*)	(*)	.....
Fehr's Sausage & Processing	7788	(*)	.....	.....	.....	(*)	.....
Wilson's Meat Market	7790	(*)	.....	.....	.....	(*)	.....
Carlos Lockers	7796	(*)	.....	.....	.....	(*)	.....
Bruno's Packing Co.	7804	(*)	(*)	(*)	.....	.....	.....
Conti Packing Co., Inc.	7814	(*)	.....	.....	.....	.....	.....
Kenneth E. Baker	7845	(*)	(*)	(*)	.....	.....	.....
Maplevale Farms, Inc.	7883	(*)	(*)	.....	.....	.....	.....
Ferrante & Urso	7887	.....	.....	.....	.....	(*)	.....
Sam's Meat Packing Co.	7908	(*)	.....	.....	.....	(*)	.....
Partin's Country Sausage	7923	.....	.....	.....	.....	(*)	.....
Greggwood Farm	8901	.....	.....	.....	.....	(*)	.....
Erdman Supermarkets, Inc.	8905	(*)	.....	.....	.....	.....	.....
Read's Locker	8908	(*)	.....	.....	.....	(*)	.....
Froz-N-Foods Co.	8917	(*)	.....	.....	.....	(*)	.....
Ruck's Meat Processing Center, Inc.	8921	(*)	(*)	(*)	.....	(*)	.....
Thompson Processing Service	8922	(*)	(*)	(*)	.....	(*)	.....
Carson Custom Meat Processing	8948	(*)	(*)	(*)	.....	(*)	.....
Pelican Lockers	8950	(*)	.....	.....	.....	(*)	.....
Fergus Locker Plant	8952	(*)	.....	.....	.....	(*)	.....
Lakeland Meats, Inc.	8953	(*)	(*)	.....	.....	(*)	.....
Spikes Lockers	8954	(*)	.....	.....	.....	(*)	.....
City Meat Market	8960	(*)	(*)	.....	.....	.....	.....
Forster Packing Co., Inc.	8966	(*)	(*)	(*)	.....	(*)	.....
Drewes Frozen Food Center	8971	(*)	.....	(*)	.....	(*)	.....
Fosston Coop Association	8974	(*)	.....	(*)	.....	(*)	.....
City Meat Market	8975	(*)	(*)	(*)	.....	(*)	.....
Valley Meats	8976	.....	.....	.....	.....	(*)	.....
Geneva Meats & Processing Service	8979	(*)	.....	.....	.....	(*)	.....
Joppry's, Inc.	8988	(*)	.....	.....	.....	(*)	.....
Slayton Z-R$_h$O-Pac	8989	(*)	.....	(*)	.....	(*)	.....

Done at Washington, D.C., on August 23, 1971.

KENNETH M. MCENROE,
Deputy Administrator, Meat and Poultry Inspection Programs.

[FR Doc.71-12593 Filed 8-30-71;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

LICENSED BIOLOGICAL PRODUCTS

Notice is hereby given that pursuant to section 351 of the Public Health Service Act, as amended (42 U.S.C. 262), and regulations issued thereunder (42 CFR Part 73), the following establishment license and product license actions have been taken from January 1, 1971, to June 30, 1971, inclusive.

A complete listing of licensed establishments and products as of January 1, 1971, may be obtained by writing to the Division of Biologics Standards, National Institutes of Health, Bethesda, Md. 20014.

ESTABLISHMENT LICENSES ISSUED

Establishment	City and State	License No.
Biotechnics Research, Inc.	Sacramento, Calif.	434
Gamma Biologicals, Inc.	Houston, Tex.	435
Lee Laboratories, Inc.	Snellville, Ga.	436
Doctors' Blood Bank	Los Angeles, Calif.	437
Interstate Blood Bank, Inc., of Louisiana.	Shreveport, La.	438
Continental Blood Components, Inc.	Miami, Fla.	439

ESTABLISHMENT LICENSES REVOKED AT THE REQUEST OF THE MANUFACTURER

Establishment	City and State	License No.
American Blood Bank Service, Inc.	Miami, Fla.	422
Courtland Laboratories	Los Angeles, Calif.	171
Medix, Inc.	Chicago, Ill.	391
Porro Biological Laboratories, Inc.	Tacoma, Wash.	107
United Biologics Corp.	San Francisco, Calif.	371
Wiener Serum Laboratory	Brooklyn, N.Y.	155

ESTABLISHMENT LICENSES REVOKED WITHOUT PREJUDICE AND REISSUED

Establishment	City and State	License No.	Action
Abbott Laboratories	North Chicago Ill.	43	Location added: Los Angeles, Cal,
Blood Services	Scottsdale, Ariz.	183	Location added: Jackson, Miss.
Do.	do.	do.	Location deleted: Butte, Mont.
Central Florida Blood Bank, Inc.	Orlando, Fla.	227	Location deleted: Sanford, Fla.
Clearwater Community Hospital, Inc.	Clearwater, Fla.	423	Name change.
Garden State Blood Bank, Inc.	Newark, N.J.	302	Do.
Georgia Blood Bank and Serum Laboratories, Inc.	Augusta, Ga.	421	Location deleted: Columbus, Ga.
Hollister-Stier Laboratories	Spokane, Wash.	91	Locations deleted: Los Angeles, Cal., Dallas, Tex.
Terrell Clinic	Fort Worth, Tex.	84	Name change.
United Hospital Center, Inc.	Clarksburg, W. Va.	339	Do.
Washington Homeopathic Pharmacy, Inc.	Washington, D.C.	392	Do.

PRODUCT LICENSES ISSUED

Product	Establishment	License No.
Anti-A Blood Grouping Serum.	E. R. Squibb & Sons, Inc.	52
Do.	Gamma Biologicals, Inc.	435
Do.	Lee Laboratories, Inc.	436
Anti-B Blood Grouping Serum.	E. R. Squibb & Sons, Inc.	52
Do.	Gamma Biologicals, Inc.	435
Do.	Lee Laboratories, Inc.	436
Anti-A, B Blood Grouping Serum.	E. R. Squibb & Sons, Inc.	52
Do.	Gamma Biologicals, Inc.	435
Anti-Fy^a Serum (Anti-Duffy).	E. R. Squibb & Sons, Inc.	52
Antihemophilic Factor (Human).	Abbott Laboratories	43
Anti-Human Serum	E. R. Squibb & Sons, Inc.	52
Do.	Gamma Biologicals, Inc.	435
Anti-K Serum (Anti-Kell).	E. R. Squibb & Sons, Inc.	52
Anti-k Serum (Anti-Cellano).	do.	52
Anti-M Serum	do.	52
Anti-N Serum	do.	52
Anti-Rh Typing Serums:		
Anti-Rh$_o$ (Anti-D)	do.	52
Do.	Gamma Biologicals, Inc.	435
Anti-Rh$_o$' (Anti-CD)	E. R. Squibb & Sons, Inc.	52
Do.	Gamma Biologicals, Inc.	435
Anti-Rh$_o$" (Anti-DE).	E. R. Squibb & Sons, Inc.	52
Do.	Gamma Biologicals, Inc.	435
Anti-Rh$_o$rh'rh" (Anti-CDE).	E. R. Squibb & Sons, Inc.	52
Do.	Gamma Biologicals, Inc.	435
Anti-rh' (Anti-C)	E. R. Squibb & Sons, Inc.	52
Do.	Gamma Biologicals, Inc.	435
Anti-rh" (Anti-E)	E. R. Squibb & Sons, Inc.	52
Do.	Gamma Biologicals, Inc.	435
Anti-rh^w (Anti-C^w)	E. R. Squibb & Sons, Inc.	52
Anti-hr' (Anti-c)	do.	52
Do.	Gamma Biologicals, Inc.	435
Anti-hr" (Anti-e)	E. R. Squibb & Sons, Inc.	52
Cryoprecipitated Antihemophilic Factor (Human).	American National Red Cross (The).	100
Do.	Community Blood Council of Greater New York, Inc.	386
Do.	Knoxville Blood Center, Inc.	254
Do.	Peninsula Memorial Blood Bank.	196
Do.	Pfizer, Inc.	164
Hepatitis Associated Antibody (Anti-Australia Antigen).	Abbott Laboratories	43
Do.	Spectra Biologicals Division Becton, Dickinson & Co.	344
Immune Serum Globulin (Human).	Abbott Laboratories	43
Measles and Rubella Virus Vaccine, Live.	Merck Sharp & Dohme.	2
Measles, Mumps and Rubella Virus Vaccine, Live.	do.	2
Normal Serum Albumin (Human).	Abbott Laboratories	43
Plasma Protein Fraction (Human).	do.	43
Reagent Red Blood Cells (Human).	E. R. Squibb & Sons, Inc.	52
Red Blood Cells (Human).	Fairfax Hospital Blood Bank.	365
Rh$_o$(D) Immune Globulin (Human).	Cutter Laboratories, Inc.	8
Single Donor Plasma (Human).	Fairfax Hospital Blood Bank.	365
Tetanus Immune Globulin (Human).	Abbott Laboratories	43
Whole Blood (Human)	Biotechnics Research, Inc.	434
Do.	Continental Blood Components, Inc.	439
Do.	Doctors' Blood Bank	437
Do.	Interstate Blood Bank, Inc., of Louisiana.	438

PRODUCT LICENSES REVOKED AT THE REQUEST OF THE MANUFACTURER

Product	Establishment	License No.
Absorbed Anti-A Serum.	Wiener Serum Laboratory.	155
Adenovirus Vaccine	Dow Chemical Co. (The).	110
Allergenic Extracts	Porro Biological Laboratories, Inc.	107
Anti-A Blood Grouping Serum.	Milwaukee Blood Center, Inc.	187
Do	Wiener Serum Laboratory.	155
Anti-B Blood Grouping Serum.	Milwaukee Blood Center, Inc.	187
Do	Wiener Serum Laboratory.	155
Anti-Fy^a Serum (Anti-Duffy).	do	155
Antihemophilic Factor (Human).	Courtland Laboratories.	171
Antihemophilic Plasma (Human).	do	171
Anti-Human Serum	Milwaukee Blood Center, Inc.	187
Do	Wiener Serum Laboratory.	155
Anti-K Serum (Anti-Kell).	do	155
Anti-k Serum (Anti-Cellano).	do	155
Anti-M Serum	do	155
Anti-N Serum	do	155
Anti-Rh Typing Serums:		
Anti-Rh$_o$ (Anti-D)	Milwaukee Blood Center, Inc.	187
Do	Wiener Serum Laboratory.	155
Anti-Rh$_o$' (Anti-CD)	Philadelphia Blood Center.	139
Do	Milwaukee Blood Center, Inc.	187
Do	Wiener Serum Laboratory.	155
Anti-Rh$_o$" (Anti-DE)	Philadelphia Blood Center.	139
Do	Wiener Serum Laboratory.	155
Anti-Rh$_o$rh'rh" (Anti-CDE).	Milwaukee Blood Center, Inc.	187
Anti-rh' (Anti-C)	Wiener Serum Laboratory.	155
Anti-rh" (Anti-E)	do	155
Anti-hr' (Anti-e)	do	155
Anti-hr" (Anti-e)	do	155
Anti-rh^w and Anti-K Serum [Anti-(C^w+Kell)].	do	155
Immune Serum Globulin (Human).	Courtland Laboratories.	171
Normal Human Plasma.	Blood Grouping Laboratory.	215
Do	Courtland Laboratories.	171
Normal Serum Albumin (Human).	do	171
Oxophenarsine Hydrochloride.	Parke, Davis & Co.	1
Plasma Protein Fraction (Human).	Courtland Laboratories.	171
Poliomyelitis Immune Globulin (Human).	do	171
Do	Dow Chemical Co. (The).	110
Do	Philadelphia Blood Center.	139
Reagent Blood Group Specific Substances A and B.	Dade Division American Hospital Supply Corporation.	179
Red Blood Cells (Human).	Courtland Laboratories.	171
Do	United Biologics Corp.	371
Resuspended Red Blood Cells. (Human).	Blood Bank Foundation.	165
Do	Blood Grouping Laboratory.	215
Do	Michael Reese Research Foundation.	113
Do	Minneapolis War Memorial Blood Bank.	185
Do	University of Cincinnati Blood Transfusion Service.	235
Tetanus Immune Globulin (Human).	Courtland Laboratories.	171
Typhus Vaccine	Dow Chemical Co. (The).	110
Vibrion Septique Antitoxin.	do	11
Whole Blood (Human)	American Blood Bank Service, Inc.	422
Do	Courtland Laboratories.	171
Do	Medix, Inc.	391
Do	Terrell Clinic	84
Do	United Biologics Corp.	371

Approved:

RODERICK MURRAY,
Director, Division of Biologics, Standards, National Institutes of Health, Public Health Service, Department of Health, Education, and Welfare.

IRVIN J. GOLDBERG,
Director of Information, for the Director, National Institutes of Health, Public Health Service, Department of Health, Education, and Welfare.

[FR Doc.71-12616 Filed 8-30-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23693]

BETRIEBS - KOMMANDITGESELLSCHAFT AIR COMMERZ FLUGGESELLSCHAFT m.b.H. & CO.

Notice of Prehearing Conference and Hearing Regarding Foreign Air Carrier Permit and Charter Foreign Air Transportation

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 30, 1971, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Hyman Goldberg.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before September 23, 1971.

Dated at Washington, D.C., August 25, 1971.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.71-12719 Filed 8-30-71;8:47 am]

[Docket No. 23428, etc.; Order 71-8-94]

EASTERN AIR LINES, INC.

Order Denying Petition for Reconsideration

Correction

In F.R. Doc. 71-12417 appearing at page 16703 in the issue of Wednesday, August 25, 1971, the bracket heading should read as set forth above.

[Docket No. 22118]

HAWAIIAN SERVICE INVESTIGATION

Notice of Further Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled investigation is further postponed until December 8, 1971, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

The date for filing requests for information and evidence, proposed statements of issues, and procedural dates by Aloha and Hawaiian Airlines and by the intervenors is postponed until December 1, 1971.

Dated at Washington, D.C., August 25, 1971.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[FR Doc.71-12718 Filed 8-30-71;8:47 am]

[Docket No. 23407]

"K" LINE NEW YORK, INC.

Notice of Prehearing Conference and Hearing Regarding Foreign Air Carrier Permit as Air Freight Forwarder

"K" Line Air Service, Ltd. doing business as "K" Line New York, Inc.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 30, 1971, at 2 p.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner John E. Faulk.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before September 23, 1971.

Dated at Washington, D.C., August 25, 1971.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.71-12720 Filed 8-30-71;8:48 am]

[Docket No. 23694]

SERVICIO AEREO DE HONDURAS, S.A. (SAHSA)

Notice of Prehearing Conference and Hearing Regarding Amendment of Foreign Air Carrier Permit

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 28, 1971, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Aveune NW., Washington DC, before Examiner William H. Dapper.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for

postponement on or before September 21, 1971.

Dated at Washington, D.C., August 25, 1971.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.71-12721 Filed 8-30-71;8:48 am]

ENVIRONMENTAL PROTECTION AGENCY

MOTOR VEHICLE POLLUTION CONTROL

Waiver of Application of Clean Air Act to California State Standards

On April 30, 1971, I rendered a decision (36 F.R. 8172) on a request by the State of California for waiver of application of section 209(a) of the Clean Air Act, as amended (42 U.S.C. 1857f-6a(a), 81 Stat. 501, Public Law 91-604), to a number of proposed California laws and regulations related to the control of emissions from new motor vehicles. The decision granted California's request in a case of most of the laws and regulations for which waiver was sought but denied the request with respect to the following laws and regulations:

(1) Section 2110, title 13, California Administrative Code, as amended February 17, 1971 (assembly-line test procedures), insofar as applicable to 1973 and subsequent model year motor vehicles.

(2) Part I, Division 26, Health and Safety Code, West Annotated California Codes, as enacted by Chapter 1585, California Laws 1970, Assembly Bill No. 1174 approved September 20, 1970, to the extent that Bill No. 1174 prohibits sale and registration of motor vehicles manufactured during the 1972 model year and requires the use of 91 research octane number fuel in testing such vehicles.

By a letter dated May 25, 1971, California requested that the decision be reconsidered insofar as waiver was denied with respect to the above provisions. On the basis of California's request, and to insure that no pertinent data was overlooked in the initial decision, the public hearing held to receive information pertinent to this matter was reconvened in Los Angeles, Calif., on July 13, 1971 (36 F.R. 11824, June 19, 1971). Additional information was received from California and from other interested persons.

Having given due consideration to the record of the public hearing, to all materials submitted for that record, and to other relevant information, I have concluded that my initial decision in this matter must be revised to grant California's request for waiver with respect to section 2110 of title 13 of the California Administrative Code. The initial decision is confirmed with respect to Part I, Division 26 of the California Health and Safety Code.

In reaching these conclusions I make the following additional findings and determinations:

1. Section 2110 of title 13 of the California Administrative Code requires manufacturers to perform a quality audit of at least 2 percent of each engine displacement size beginning with the 1972 model year. For purposes of the quality audit, manufacturers are required to perform emission tests on the production sample identical to tests under which prototype vehicles are certified by California prior to production. The provisions requiring the quality audit by their terms remain applicable during subsequent model years and are designed to provide a statistical basis for determining whether production vehicles are generally in compliance with applicable California standards.

2. In addition to the quality audit, section 2110 includes provisions which require manufacturers to test production vehicles by performing an emission test different from and shorter than applicable certification tests. Separate numerical standards associated with the short assembly-line test were designed and promulgated by the California Air Resources Board to provide an alternative basis for determining compliance with the State's basic certification standards. During the 1972 model year, one-quarter of each manufacturer's California vehicles are required to be tested under the short assembly-line test. Beginning with the 1973 model year, every production vehicle sold in California must be tested. In my initial decision, waiver was granted to permit California to require 25 percent assembly-line testing in 1972 but was denied to the extent that section 2110 requires manufacturers to test 100 percent of their production vehicles beginning with the 1973 model year. California's request for reconsideration is principally concerned with the denial of waiver for 100 percent assembly-line testing of 1973 and later model vehicles.

3. By act of the 1970 California legislature the sale or attempted sale of a new motor vehicle in California during or after the 1973 model year subjects the manufacturer to a civil penalty of $5,000 if the vehicle does not meet applicable emission standards. Although California takes the position that the civil penalty applies whether or not manufacturers are required to perform an emission test on each production vehicle, the 100 percent assembly-line test requirement is, in part, an attempt to provide a basis for enforcing the statutory penalty.

4. Section 209 of the Clean Air Act requires that I waive Federal preemption of California emission standards for new motor vehicles that are more stringent than applicable Federal standards, unless I find that California does not require more stringent standards to meet compelling and extraordinary conditions of air pollution in California or unless I find that the California standard and accompanying enforcement procedures are not consistent with section 202(a) of the Clean Air Act. Denial of waiver on the ground of inconsistency with section 202 (a) requires a finding that the California standard and accompanying enforcement procedures do not "take effect after such period as the Administrator finds necessary to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period." It is California's position that the statute does not permit me to take into account the extent of the burden placed on residents of California or on regulated interests, unless the California requirement fails to provide an adequate period of time for compliance. On careful consideration, I agree. The law makes it clear that the waiver request cannot be denied unless the specific findings designated in the statute can properly be made. The issue of whether a proposed California requirement is likely to result in only marginal improvement in California air quality not commensurate with its cost or is otherwise an arguably unwise exercise of regulatory power is not legally pertinent to my decision under section 209, so long as the California requirement is consistent with section 202(a) and is more stringent than applicable Federal requirements in the sense that it may result in some further reduction in air pollution in California.

5. Certain manufacturers who tested 1971 production vehicles on the proposed short assembly-line test experienced failure rates as high as 40 percent. California contends that these high rates of failure, and the fact that in a majority of instances minor adjustments were effective to bring failing vehicles into compliance, establishes the value as an air pollution control measure of the requirement for 100 percent assembly-line testing. This argument, however, assumes that adjustments made to undriven production vehicles in order to pass the short assembly-line test will in fact improve their emission performance in actual use after break-in. Existing data raises serious questions concerning the validity of the assembly-line test as an indicator of true vehicle emission performance.

6. The fact that substantial numbers of vehicles pass California's present certification test but fail the proposed assembly-line test is consistent with California's contention that implementation of the assembly-line test requirement will require more stringent control of emissions than is required to meet certification standards. Although manufacturers argue that the proposed short test may not selectively fail vehicles that are in fact relatively high emitters, a definitive judgment cannot be made on the basis of information presently available as to the validity of the California assembly-line test. In the face of this uncertainty, I cannot properly make an affirmative determination that the assembly-line test requirement is not more stringent than applicable Federal requirements.

7. California suggests that favorable action by its legislature on various pro-

posals for mandatory inspection of in-use vehicles requires that some form of assurance be given California motorists that automobile emission standards were met at the time of manufacture. The California Air Resources Board, in a July 1, 1971, report to the California Legislature, recommends that legislation at present be limited to a pilot program. In addition, the various possible inspection tests discussed in the report do not appear to be designed to correlate with the California assembly-line test. Nevertheless, we agree that inspection of in-use vehicles will reduce vehicle emissions, and we must respect the judgment of California officials that public and political support in California for a program of mandatory vehicle inspection will be greater if manufacturers are required to perform an emission test on each production vehicle prior to sale.

8. For the reasons set forth in paragraphs 5, 6, and 7 above, California's contention that the proposed assembly-line test will result in control of automobile emissions more stringent than applicable Federal requirements has not been effectively refuted. The most that can be said on the basis of information and data submitted by opponents of the requirement is that the proposed assembly-line tests appear to correlate poorly with present certification tests, that implementation of the assembly-line test requirement will be costly to California consumers, and that the requirement will be of questionable value in reducing air pollution in California. This, in my judgment, does not constitute adequate support for the findings required to deny California's request for waiver under controlling provisions of the Clean Air Act.

9. It is pointed out by California regulatory officials that an emission test of each production vehicle is necessary to implement provisions of California law requiring that each automobile have a label or sticker which compares its actual emissions with applicable California emission standards. Again, however, this measure will result in lower emissions only if the California assembly-line test in fact accurately predicts the emission performance of vehicles in actual use. If the test does not measure true emission performance, attempts by concerned Californians to reduce air pollution through selective purchasing of automobiles would be ineffective.

10. The cost to the consumer of the proposed 100 percent assembly-line test requirement is substantial. Initial estimates, accepted by the California Air Resources Board, ranged from $15 to more than $50 for each automobile sold in California. Additional information submitted by manufacturers indicates that these estimates are limited to variable costs incurred in performing the tests, once test facilities have been constructed, and do not include the cost of constructing the test facilities themselves or of purchasing and installing the necessary equipment. Capital expenditures by the industry as a whole are likely to be between $40 million and $50 million. Economies of scale are probably applicable, with the result that unit costs can be expected to be significantly greater for smaller manufacturers. Most manufacturers indicate that the price of automobiles sold in California will, and should properly, reflect additional costs directly attributable to California regulatory requirements.

11. Estimates by manufacturers as to the time required to construct necessary test facilities and install necessary equipment vary widely. It appears that manufacturers should be able to begin testing 50 percent of current production by the beginning of the 1973 model year and 100 percent of current production by January 30, 1973. Manufacturers do not contend that the cost of compliance will be significantly reduced by extending lead time beyond the minimal period required for compliance.

On the basis of the findings and determinations heretofore made in this matter, and on the basis of the additional findings and determinations set forth in this decision, I hereby waive application of section 209(a) of the Clean Air Act, as amended, to section 2110, title 13, California Administrative Code, as amended February 17, 1971: *Provided*, That, after giving consideration to the period of time necessary for development and application of the requisite technology (as required by section 202 of the Clean Air Act), this waiver shall not permit application of said section 2110 to require assembly-line testing of more than 50 percent of production vehicles prior to January 30, 1973. This waiver shall not prohibit California from adopting modifications of the presently proposed assembly-line test and associated numerical standards where such modifications are designed to improve correlation with certification standards and test procedures or where California determines that the objectives of the assembly-line test requirement can be satisfied at reduced cost to the consumer.

No additional information has been presented which questions the validity of the determination previously made in this matter that the required use of 91 research octane fuel in testing 1972 light-duty motor vehicles does not afford manufacturers of vehicles presently designed to use higher octane fuels the period of time necessary to apply the requisite technology and does not give appropriate consideration to the cost of compliance within such period. Accordingly, waiver of application of section 209(a) of the Clean Air Act, as amended, to Part I, Division 26, Health and Safety Code, West Annotated California Codes, as enacted by Chapter 1585, California Laws 1970, Assembly Bill No. 1174 approved September 20, 1970, is denied to the extent that Bill No. 1174 prohibits sale and registration of motor vehicles manufactured during the 1972 model year and requires the use of 91 research octane fuel in testing such vehicles.

Dated: August 27, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-12782 Filed 8-30-71;8:50 am]

FEDERAL MARITIME COMMISSION

BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 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 10 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. Cyrus C. Guidry, Port Counsel, Board of Commissioners of the Port of New Orleans, Post Office Box 60046 New Orleans, LA 70160.

Agreement No. T-2550, between the Board of Commissioners of the Port of New Orleans (Port) and Sea-Land Service, Inc. (Sea-Land), provides for the 20-year lease to Sea-Land of Berth 1, 17.2 acres of land, and certain improvements at the France Road Container Terminal at New Orleans for use in conjunction with its container and break-bulk operations. As compensation, the Port is to receive a flat annual rental starting at $404,512 and escalating to $678,300 within 3 years, in lieu of charges otherwise applicable under the Port's tariff for dockage, wharfage, sheddage, and first call on berth privileges. Sea-Land is to provide all equipment required to handle containers at the facility. This agreement terminates Agreement No. T-1753 between the Port and Waterman of Puerto Rico-U.S.A., Inc.

Dated: August 26, 1971.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc.71-12724 Filed 8-30-71;8:48 am]

FEDERAL POWER COMMISSION

[Docket No. G-4904, etc.]

AMOCO PRODUCTION CO., ET AL.

Findings and Order

AUGUST 16, 1971.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, making successors co-respondents, redesignating proceedings, and accepting rate schedules for filing.

Each Applicant herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions to amend.

Applicants have filed FPC gas rate schedules or supplements to rate schedules on file with the Commission and propose to initiate, abandon, add, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein.

J. Gregory Merrion et al., Applicants in Dockets Nos. CI71-630 and CI71-632, propose to continue in part sales of natural gas heretofore authorized in Docket No. G-11984 to be made pursuant to Mobil Oil Corp. (Operator), et al., FPC Gas Rate Schedule No. 38 and to continue in part the sale of natural gas heretofore authorized in Docket No. G-10995 and in toto the sale of natural gas heretofore authorized in Docket No. G-14149 to be made pursuant to Skelly Oil Co., FPC Gas Rate Schedule No. 107. The effective rates under Mobil's and Skelly's rate schedules at the time of the transfer of the producing properties were in effect subject to refund in Dockets Nos. RI69-430 and RI69-389, respectively. Therefore, Applicants will be made co-respondents in said proceedings and the proceedings will be redesignated accordingly.

The Commission's staff has reviewed the applications and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention, or protest to the granting of the applications has been filed.

At a hearing held on August 11, 1971, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity; and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered.

(6) The sales of natural gas proposed to be abandoned, as hereinbefore described and as more fully described in the applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(7) The abandonments proposed by Applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(9) Increased rates have not been collected subject to refund in Dockets Nos. RI63-321 and RI68-437 by the predecessor in interest to Applicant in Docket No. G-9517.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that J. Gregory Merrion, et al., should be made co-respondents in the proceedings pending in Dockets Nos. RI69-389 and RI69-430 and that said proceedings should be redesignated accordingly.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by Applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved does not imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The orders issuing certificates of public convenience and necessity in Dockets Nos. G-4904, G-10033, CI64-670, CI64-1422, CI67-286, CI68-962, CI69-49, CI69-328, and CI70-986 are amended by adding thereto or deleting therefrom authorization to sell natural gas as more fully described in the applications and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(E) The orders issuing certificates of public convenience and necessity in Dockets Nos. G-9517, G-18963, CI62-1004, and CI70-751 are amended by substituting successors in interest as certificate holders as more fully described in the applications and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(F) The orders issuing certificates of public convenience and necessity in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein or outstanding certificates are amended herein by authorizing the continuation of service from the subject acreage, and in all other respects said orders shall remain in full force and effect:

Amend to delete acreage	*New certificate and/or amendment to add acreage*
G-4825	CI70-1125
G-7648	CI71-797
G-10995	CI71-632
G-11948	CI71-630
G-13633	CI71-755
CI70-745	CI71-620

(G) The certificate issued in Docket No. G-14149 is terminated since the service authorized therein will be continued by Applicant in Docket No. CI71-632.

(H) The certificate authorization granted in Docket No. CI70-986 and the certificate granted in Docket No. CI71-582 are subject to any determination which may be made by the Commission in Docket No. R-338 with respect to the transportation of liquids and liquefiable hydrocarbons.

(I) Applicant in Docket No. G-18963 shall charge and collect 20.625 cents per Mcf at 15.025 p.s.i.a. for sales from November 1, 1970, through January 9, 1971, and 22.625 cents per Mcf at 15.025 p.s.i.a., subject to refund in Docket No. RI71-413, for sales from January 10, 1971, from acreage acquired from Gulf Oil Corp. and 20 cents per Mcf at 15.025 p.s.i.a. from sales from acreage acquired from Hassie Hunt Trust.

(J) Applicant in Docket No. CI71-64 shall charge and collect 20 cents per Mcf at 14.65 p.s.i.a. for sales from Oklahoma production and 15.0 cents per Mcf at 15.025 p.s.i.a. for sales from Colorado production.

(K) The certificate authorizations and certificates granted in Dockets Nos. G-4904, G-10033, CI64-1422, CI68-962, CI69-328, CI70-986, CI71-64, CI71-514, CI71-582, and CI71-829 are subject to the Commission's findings and order accompanying Opinion No. 586. If the quality of the gas deviates at any time from the quality standards set forth in § 154.106 (d) of the regulations under the Natural Gas Act so as to require a downward adjustment of the existing rates, notices of changes in rate shall be filed pursuant to section 4 of the Natural Gas Act; provided, however, that changes reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(L) Within 90 days from the date of this order, Applicant in Docket No. CI71-64 shall file three copies of a rate schedule-quality statement with respect to sales from Oklahoma production in the form prescribed in Opinion No. 586.

(M) Within 90 days from the date of this order, Applicant in Docket No. G-18963 shall file three copies of a rate schedule-quality statement in the form prescribed in Opinion No. 598.

(N) Within 90 days from the date of initial delivery, Applicants in Dockets Nos. G-4904 and CI64-1422 shall each file three copies of a rate schedule-quality statement in the form prescribed in Opinion No. 586.

(O) The certificate authorizations and certificates granted in Dockets Nos. G-9517, CI62-1004, CI71-755, and CI71-797 are subject to the Commission's findings and order accompanying Opinion No. 595 and any further orders which may be issued in Docket No. AR64-2, et al.

(P) The certificate issued in Docket No. CI17-828 determines the rate which legally may be paid by the buyer to the seller but is without prejudice to any action which the Commission may take in any rate proceeding involving either company.

(Q) J. Gregory Merrion et al., are made co-respondents in the proceedings pending in Dockets Nos. RI69-389 and RI69-430 and said proceedings are redesignated accordingly. They shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(R) The proceedings pending in Dockets Nos. RI63-321 and RI68-437 are terminated.

(S) Permission for and approval of the abandonment of service by Applicants, as hereinbefore described and as more fully described in the applications and in the tabulation herein, are granted.

(T) The certificates issued in Dockets Nos. G-9166, CI63-1163, and CI68-466 are terminated.

(U) Applicant in Docket No. CI71-793 is not relieved of any refund obligations in Dockets Nos. RI68-2 and RI68-648 as a result of the abandonment permitted and approved in Docket No. CI71-793.

(V) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as set forth in the tabulation herein.

By the Commission.

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

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule [1] Description and date of document	No.	Supp.
G-4904 C 1-27-71	Amoco Production Co. (Operator) et al.	Cities Service Gas Co., Panoma-Council Grove Field, Hamilton, Kearny, Finney, Stanton, Grant, Haskell, Morton, Stevens, and Seward Counties, Kans.	Amendment 1-14-71 (Effective date: Date of initial delivery).	84	92
G-9517 E 4-21-71	Edwin J. Peet, Trustee (successor to Peet Oil Co.).	Texas Eastern Transmission Corp., West George West Field, Live Oak County, Tex.	Peet Oil Co., FPC Gas Rate Schedule No. 4.	4	.....
			Supplements Nos. 1-10 thereto.	4	1-10
			Assignment 4-15-70	4	11
			Assignment 10-8-70	4	12
			Amendment 12-16-70	4	15
			Letter agreement 5-5-71	4	16
G-10033 C 2-18-71	Petroleum, Inc. (Operator) et al.	Cities Service Gas Co., Driftwood Field, Barber County, Kans.			
G-18963 [2] E 4-2-71	Kenmore Oil Co., Inc. (successor to Gulf Oil Corp. and Hassie Hunt Trust).	Transcontinental Gas Pipe Line Corp., Wildcat Bayou Field, Terrebonne Parish, La.	Gulf Oil Corp., FPC Gas Rate Schedule No. 347.	2	.....
			Supplements Nos. 1-8 thereto.	2	1-8
			Notice of succession 4-2-71		
			Ratified agreement 3-5-71	2	9
			Assignment 12-16-70	2	10
			Assignment 1-27-71	2	11
CI62-1004 E 4-23-71	Petroleum Evaluation and Management Co., Inc. (successor to Coastal States Gas Producing Co. (Operator) et al.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Chess and La Sara Fields, Willacy County, Tex.	Coastal States Gas Producing Co., FPC Gas Rate Schedule No. 46.	1	.....
			Supplements Nos. 1 and 2 thereto.	1	1-2
			Notice of succession 3-1-71		
			Assignment 9-19-69	1	3
CI64-670 C 4-19-71	Marathon Oil Co.	Arkansas Louisiana Gas Co., Arkoma Basin Area, Pittsburg County, Okla.	Letter agreement 3-24-71	88	21
			Assignment 7-1-70	88	22
			Letter agreement 3-24-71	88	23
			Assignment 7-8-70	88	24
CI64-1422 C 2-4-71	Ashland Oil, Inc.	Oklahoma Natural Gas Gathering Corp., South Ringwood Field, Major County, Okla.	Amendatory agreement 1-21-71. (Effective date: Date of initial delivery).	163	9
CI67-286 C 3-4-71	Monsanto Co. (Operator) et al.	Arkansas Louisiana Gas Co., Arkoma Basin Area, Pittsburg County, Okla.	Amendment 2-8-71	85	14
CI68-962 C 2-23-71	Chevron Oil Co., Western Division (Operator) et al.	Lone Star Gas Co., Rush Springs Field, Grady County, Okla.	Amendatory agreement 12-1-70.	43	3
CI69-49 C 3-29-71	John C. Oxley (Operator) et al.	Arkansas Louisiana Gas Co., Kinta Field, Pittsburg County, Okla.	Assignment 7-23-69	3	11
CI69-328 C 5-17-71	Sun Oil Co.	Lone Star Gas Co., Rush Springs Field, Grady County, Okla.	Amendment 12-1-70	468	4

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule [1] Description and date of document	No.	Supp.
CI70-751..... E 1-22-71	Imperial-American Management Co. (successor to King Resources Co.).	Natural Gas Pipeline Co. of America, North Custer Field, Custer County, Okla.	King Resources Co., FPC Gas Rate Schedule No. 31	19	.....
			Supplements Nos. 1-2 thereto.	19	1-2
			Notice of succession		
			Assignment 8-13-70	19	3
			Assignment 5-11-71	19	4
CI70-986..... C 8-28-70	Cleary Funds, Inc., et al.	Panhandle Eastern Pipe Line Co., Salon Field, Ellis County, Okla.	Amendment 7-21-70 [2]	2	2
			Compliance 1-27-71 [4]	2	5
			(Effective date: Date of initial delivery).		
CI70-1125 [3]..... F 6-22-70	Frank Scott Moran, d.b.a. Moran Oil Co. (successor to A. J. Hodges Industries, Inc.).	United Gas Pipe Line Co., Sligo Field, Bossier Parish, La.	Contract 7-25-47	1	.....
			Supplement 7-25-47	1	1
			Amendment 9-1-50	1	2
			Amendment 8-6-51	1	3
			Amendment 7-10-52	1	4
			Amendment 8-16-55	1	5
			Letter agreement 7-1-60	1	6
			Letter agreement 7-1-64	1	7
			Assignment 6-18-70	1	8
CI71-64..... A 7-27-70	Macdonald Oil Corp. (Operator) et al.	Panhandle Eastern Pipe Line Co., Northwest Keyes Field, Cimarron County, Okla., and Baca County, Colo.	Contract 6-9-70 [5]	8	.....
			Compliance 9-21-70 [4]	8	.....
			(Effective date: Date of initial delivery).		
CI71-504..... A 1-4-71	Harry Spooner, Jr.	Mid Louisiana Gas Co., Monroe Gas Field, Union Parish, La.	Contract 12-28-70 [5]	2	.....
			Compliance 2-5-71 [4]	2	1
			(Effective date: Date of initial delivery).		
CI71-514..... A 1-11-71	Clark Canadian Exploration Co. et al.	Michigan Wisconsin Pipe Line Co., Woodward Area, Major County, Okla.	Contract 10-30-70 [5]	1	.....
			Compliance 2-10-71 [4]	1	1
			(Effective date: date of initial delivery).		
CI71-570..... A 2-8-71	Stephens Production Co.	Arkansas Louisiana Gas Co., Tiawell Field, Sequoyah County, Okla.	Contract 12-16-70	6	.....
CI71-582..... A 2-16-71	PetroDynamics, Inc. (Operator), et al.	Panhandle Eastern Pipe Line Co., Northwest Avard Field, Woods County, Okla.	Contract 2-1-71 [5]	29	.....
			Compliance 3-15-71 [4]	29	1
			(Effective date: date of initial delivery).		
CI71-620 [6]..... F 2-26-71	Imperial-American Management Co. (successor to King Resources Co.).	Arkansas Louisiana Gas Co., Wilburton Field, Latimer and Le Flore Counties, Okla.	Contract 7-25-69	20	.....
			Contract 3-15-62	20	1
			Amendatory agreement 3-6-63.	20	2
			Assignment 8-13-70	20	3
			Assignment 8-13-70	20	4
CI71-630 [7]..... F 3-3-71	J. Gregory Merrion et al. (successor to Mobile Oil Corp. (Operator) et al.).	El Paso Natural Gas Co., Gavilan Field, Rio Arriba County, N. Mex.	Contract 6-15-56 [8]	15	.....
			Letter agreement 12-28-56	15	1
			Letter agreement 4-10-63 [9]	15	2
			Assignment 3-20-70 [10]	15	3
			(Effective date: 2-1-70)		
CI71-632 [11]..... F 3-3-71	J. Gregory Merrion et al. (successor to Skelly Oil Co.).	do	Contract 3-21-56 [12]	16	.....
			Letter agreement 6-28-57	16	1
			Letter agreement 3-18-63 [9]	16	2
			Assignment 4-6-70 [10]	16	3
			(Effective date: 4-1-70)		
CI71-706 [13]..... B 3-25-71	Pennzoil United, Inc.	Cabot Corp., Acreage in Roane County, W. Va.	Notice of cancellation 3-22-71 [14]	17	2
			(Effective date: Date of this order).		
CI71-709 [15].....	Texaco, Inc.	Kansas-Nebraska Natural Gas Co., Inc., Luft, Graylin, and Northwest Graylin Fields, Logan County, Colo.	Notice of cancellation 3-16-71 [14]	135	5
			(Effective date: Date of this order).		
CI71-755..... E 4-6-71	Texas Oil & Gas Corp. (successor to Pennzoil Producing Co.).	United Gas Pipe Line Co., North McFaddin Field, Victoria County, Tex.	Pennzoil Producing Co., FPC Gas Rate Schedule No. 86.	80	.....
			Supplements Nos. 1-11 thereto.	80	1-11
			Notice of succession 4-6-71		
			Assignment 12-16-70	80	12
			Assignment 12-16-70	80	13

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule [1] Description and date of document	No.	Supp.
CI71-793 [17]..... 4-30-71	Humble Oil & Refining Co.	Lone Star Gas Co., Sho-Vel-Tum Field, Stephens County, Okla.	Notice of cancellation 4-26-71 [14]	328	5
			(Effective date: Date of this order).		
CI71-797 [18]..... F 4-27-71 5-14-71	Texas Oil & Gas Corp. (successor to Mobil Oil Corp).	United Gas Pipe Line Co., East White Point Field, San Patricio County, Tex.	Contract 3-1-67	81	.....
			Amendment 11-18-70	81	1
			Assignment 4-6-71	81	2
(G-7648) [19].....	Mobil Oil Corp.	.....	Notice of partial cancellation 4-29-71 [20]	286	26
			(Effective date: 3-1-71)		
CI71-804..... A 5-6-71	Petroleum, Inc.	Michigan Wisconsin Pipe Line Co., Northwest Cedardale Field, Woodward County, Okla.	Contract 4-5-71	68	.....
CI71-807..... A 5-7-71 5-21-71	White Shield Oil and Gas Corp.	Arkansas Louisiana Gas Co., Colquitt Field, Claiborne Parish, La.	Contract 4-22-71	38	.....
CI71-825..... A 5-14-71	Sun Oil Co.	Arkansas Louisiana Gas Co., Witcherville Field, Sebastian County, Ark.	Contract 4-15-71	498	.....
CI71-828..... A 5-17-71	Pennzoil Producing Co.	United Gas Pipe Line Co., Monroe Field, Ouachita Parish, La.	Contract 4-21-71	278	.....
CI71-829..... A 5-17-71	An-Son Corp. (Operator) et al.	Northern Natural Gas Co., Acreage in Beaver County, Okla.	Contract 3-30-71	44	.....
CI71-831..... A 5-17-71	do	Arkansas Louisiana Gas Co., Arkoma Basin Area Le Flore County, Okla.	Contract 2-15-71	45	.....

[1] Where no effective date is shown, the rate schedule filing has heretofore been accepted.
[2] Applicant proposes to continue the sales authorized in Docket No. G-18963 to be made pursuant to Gulf Oil Corp. FPC Gas Rate Schedule No. 347 and in Docket No. G-18897 to be made pursuant to Hassie Hunt Trust, FPC Gas Rate Schedule No. 22.
[3] Heretofore accepted for filing.
[4] Accepts temporary certificate and expresses willingness to accept permanent certificate similarly conditioned.
[5] Applicant proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-4825 to be made pursuant to A. J. Hodges Industries, Inc., FPC Gas Rate Schedule No. 6.
[6] Applicant proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI70-745 to be made pursuant to King Resources Co. FPC Gas Rate Schedule No. 30.
[7] Applicant proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-11984 to be made pursuant to Mobil Oil Corp. (Operator) et al., FPC Gas Rate Schedule No. 38.
[8] Also on file as Mobil Oil Corp. (Operator) et al., FPC Gas Rate Schedule No. 38.
[9] Provides for reduction in line pressure to 250 p.s.i.g. with corresponding reduction in price of 2 cents per Mcf.
[10] From Mobil Oil Corp. to applicant.
[11] Applicant proposes to continue in part and in toto the sale of natural gas heretofore authorized in Dockets Nos. G-10995 and G-14149, respectively, to be made pursuant to Skelly Oil Co. FPC Gas Rate Schedule No. 107.
[12] Also on file as Skelly Oil Co. FPC Gas Rate Schedule No. 107.
[13] From Skelly Oil Co. to applicant.
[14] Applicant proposes to abandon the sale authorized in Docket No. CI68-456.
[15] Includes letter of concurrence from buyer.
[16] Applicant proposes to abandon the sale authorized in Docket No. G-9166.
[17] Applicant proposes to abandon the uneconomical sale authorized in Docket No. CI63-1163 so that it may initiate a low pressure sale under a percentage-type contract to Skelly Oil Co. for resale to Lone Star Gas Co.
[18] Applicant proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-7648 to be made pursuant to Mobil Oil Corp. FPC Gas Rate Schedule No. 286.
[19] No abandonment application filed or necessary. 18 CFR 2.64.
[20] Includes assignment dated Apr. 6, 1971, from Mobil Oil Corp. to Texas Oil & Gas Corp., applicant in Docket No. CI71-797.

[FR Doc.71-12521 Filed 8-30-71;8:45 am]

[Docket No. CS66-11, etc.]

W. E. BAKKE ET AL.

Order Terminating Certificates, Cancelling FPC Gas Rate Schedules, and Terminating Rate Proceedings

AUGUST 24, 1971.

Each certificate holder herein has been granted a small producer certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder authorizing sales of natural gas in interstate commerce. The small producer certificate holders were theretofore authorized to sell natural gas pursuant to FPC gas rate schedules on file with the Commission. The certificates authorizing the former sales, which are now made under the small producer certificates, will be terminated and the related FPC gas rate schedules will be canceled. Some sales made pursuant to the certificates terminated herein and the related FPC gas rates schedules were made at rates in effect subject to refund. There are other rate increases which are suspended and have not been collected subject to refund. The proceedings in which increased rates are suspended or collected subject to refund by any of these certificate holders and which were equal to or below area ceiling rates will be terminated.

The Commission orders:

Certificates of public convenience and necessity heretofore issued to small producer certificate holders for sales continued under their small producer certificate are terminated and the related FPC gas rate schedules are canceled. The proceedings in which any related increased rates which have not been made effective or have been made effective subject to refund are equal to or below the applicable area rate base are terminated. The details of the cancellations and terminations are indicated in the Appendix hereto.

This order is subject to our statement of policy implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38) and Executive Order No. 11615, including such amendments as the Commission may require.

By the Commission.

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

Docket No.	Small producer certificate holder	Canceled FPC gas rate schedule	Terminated certificate docket No.	Terminated rate increase Docket No.
CS66-11	W. E. Bakke (Operator) et al	11	CI61-238	
CS66-81	Forse Co. (Operator) et al	1	G-16004	RI68-15.
	do	2	CI61-661	
	do	3	CI61-1726	
CS66-122	Bert Fields, Jr	1	G-4572	
	do	2	G-4571	RI70-1014.
	do	3	G-4567	
	do	4	G-4567	
	do	5	G-4568	
	do	6	G-4569	
	do	8	G-11614	RI64-290, RI69-174.
	do	9	G-11473	RI64-290, RI69-174, RI69-717.
	do	12	CI61-422	
	do	13	CI69-1068	
CS71-26	Lear Petroleum Corp	5	CI71-359	
CS71-27	Cecil L. Lanier et al	1	CI66-555	
CS71-41	Kingwood Oil Co. (Operator) et al	7	G-19708	
	do	9	CI60-536	
	do	24	CI70-844	RI70-1703.
CS71-42	Kirkpatrick Oil & Gas Co. (Operator) et al	1	G-17108	
CS71-49	Frank F. DuBose	5	G-6535	
CS71-51	Calvert Exploration Co. (Operator) et al	[1] 2	CI67-664 [1]	
	do	4	CI64-1284	RI69-814.
CS71-70	Bright & Schiff	1	G-7439	RI63-314, RI68-404.
	do	4	G-18622	RI69-756.
	do	5	G-18608	RI65-155, RI70-98.
	do	7	CI61-1541	RI71-8, RI71-93.
	do	9	CI69-660	RI70-1634.
CS71-80	Sharples & Co. Properties	1	G-6078	

[1] Certificate and rate schedule on file as Calvert Mid-America, Inc.

[FR Doc.71-12708 Filed 8-30-71;8:47 am]

[Docket No. E-7275]

COMMONWEALTH EDISON CO. AND CENTRAL ILLINOIS ELECTRIC AND GAS CO.

Notice of Final Report Regarding Intended Disposition of Reserved Issue

AUGUST 24, 1971.

Take notice that on July 15, 1971, Commonwealth Edison Co. (Commonwealth), pursuant to the order issued in this proceeding on December 2, 1966, 36 FPC 927, as modified November 5, 1970, 46 FPC —, and pursuant to Commission orders extending the time for filing, the most recent of which was issued June 18, 1971, filed a final report with respect to the issue reserved in this proceeding concerning Commonwealth's retention of certain noncontiguous electric properties formerly owned and operated by Central Illinois Electric and Gas Co. (Central). The Commission's December 2, 1966, order states in part: "Jurisdiction is retained over the question of Commonwealth's continued operation of Central's downstate divisions; namely, Lincoln and associated Homer and Bement areas, and the Albion division * * * for final determination by subsequent order. * * *" Commonwealth requests that the Commission formally "relinquish jurisdiction" over this reserved issue.

The order issued in this proceeding, as modified, provides that not later than July 15, 1971, Commonwealth shall show, inter alia, why it should continue to own and operate the noncontiguous electric properties described therein. The order also provides for interim reports showing what progress has been made in this regard. Five such reports have been filed. The most recent report was filed on March 30, 1971.

Commonwealth states that an agreement for the disposition of the noncontiguous electric properties has been reached with Central Illinois Light Co. (CILCO), and that it entered into a "Memorandum of Agreement" with CILCO July 13, 1971, which states the principal terms and conditions under which Commonwealth agrees to sell its noncontiguous electric properties to CILCO. A copy of the memorandum of agreement is attached to the subject report.

As more specifically set forth in the memorandum of agreement, Commonwealth and CILCO propose, subject to the necessary regulatory approval, that the noncontiguous electric properties of Commonwealth located in the Lincoln Bement, Homer, and Albion areas be purchased by CILCO for $24 million, plus the amount of the capital additions made to the properties from June 30, 1971 to June 30, 1972 (Closing Date) less depreciation accrued on such additions. Upon receipt of regulatory approval, CILCO would take over the operation of Commonwealth's noncontiguous electric properties for the account of Commonwealth with the Commonwealth employees then at the properties and subject to Commonwealth's overall control until the Closing Date. At the Closing Date Commonwealth would transfer from its payroll to that of CILCO the employees then on Commonwealth's Lincoln, Homer, Bement, and Albion area payrolls.

Commonwealth further states that upon completion of the sale of electric properties to CILCO, Commonwealth will have no interest, direct or indirect, in the noncontiguous electric properties formerly owned by Central.

Any person desiring to be heard or to make any protest with reference to the subject request should on or before September 20, 1971, file with the Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to

intervene in accordance with the Commission's rules. The final report and the interim reports to which it refers are on file with the Commission and open to public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12712 Filed 8-30-71;8:49 am]

[Docket No. CP72-39]

EL PASO NATURAL GAS CO.

Notice of Application

AUGUST 23, 1971.

Take notice that on August 16, 1971, El Paso Natural Gas Co. (applicant), Post Office Box 1492, El Paso, TX 79978, filed an application in Docket No. CP72-39 pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon certain facilities and for a certificate of public convenience and necessity authorizing the acquisition, construction and operation of certain facilities, all as set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to abandon, by transfer to Arizona Public Service Co. (APS), facilities which consist of: (1) approximately 7.906 miles of 4½" O.D. pipe located in Cochise County, Ariz.; (2) approximately 7.231 miles of 2⅜" O.D. pipe located in Yuma County, Ariz.; and (3) four taps located on said 2⅜" O.D. pipeline. Applicant also proposes to abandon by removal and salvage facilities consisting of four meter stations located in Yuma and Cochise Counties, Ariz., which are utilized for natural gas service to APS.

Applicant seeks authorization to acquire from APS approximately 6 miles of the 6⅝" O.D. pipeline known as the Palomas Plains Pipeline located in Maricopa County, Ariz. Applicant was previously authorized, at Docket No. CP65-252, 33 FPC 949 (1965), to acquire approximately 7.2 miles of said line. In place of the four meter stations to be abandoned, applicant proposes to construct two master meter stations, one located in Cochise County, Ariz., and the other in Yuma County, Ariz.

The application further states that the pipelines proposed to be abandoned now essentially serve the function of distribution rather than transmission for which they were initially installed. The proposed abandonment will eliminate applicant's need to own, maintain and operate transmission facilities, a part of which are located in congested areas. The abandonment of four meter stations and construction of two will permit consolidation of delivery points and more efficient control of sales volumes.

The total estimated cost of the proposed abandonment is $3,100 and the total estimated cost of the facilities to be constructed is $23,295, which costs, applicant states, will be financed from working funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 13, 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 and permission and approval for the proposed abandonment are 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.71-12711 Filed 8-30-71;8:49 am]

[Projects Nos. 574, 590]

FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Finding and Order Regarding Lands Withdrawn in Montana

AUGUST 24, 1971.

Application has been filed by the U.S. Department of Agriculture, Forest Service, for vacation of land withdrawals for Projects Nos. 574 and 590 in their entirety, affecting the following described lands, thereby requiring Commission consideration under section 24 of the Federal Power Act.

PRINCIPAL MERIDIAN, MONTANA

(1) Portions (totaling about 37 acres) of the following described tracts were withdrawn pursuant to the filing on January 12, 1925, of an application for license for Project No. 574 for which the Commission gave notice of land withdrawal to the General Land Office (now Bureau of Land Management) by letter dated January 27, 1925.

T. 31 N., R. 34 W.,
Sec. 20, S½NE¼, N½S½;
Sec. 21, SW¼NW¼, SE¼NE¼, N½S½;
Sec. 22, SW¼NE¼;
Sec. 23, NE¼NE¼NE¼, S½NE¼NE¼, SW¼NE¼, S½SE¼NW¼;
Sec. 24, NW¼NW¼NW¼.

(2) The following described lands (totaling about 360 acres) were withdrawn pursuant to the filing on March 9, 1925, of an application for license for Project No. 590 for which the Commission gave notice of land withdrawal to the General Land Office by letter dated April 10, 1925.

T. 31 N., R. 34 W.,
Sec. 21, SE¼NE¼, NE¼SE¼;
Sec. 22, SW¼NE¼, NE¼SW¼, N½SE¼;
Sec. 23, NE¼NE¼NE¼, SW¼NE¼NE¼, S½SE¼NW¼, NW¼SW¼, SW¼NE¼.

The subject lands lie within the Kootenai National Forest and are located along Callahan Creek, a tributary of the Kootenai River which is tributary to the Columbia River, near the town of Troy, Lincoln County, Mont.

Project No. 574 consisted of a 6.6 kv. wood pole transmission line which served the mining properties of the Snow Storm Silver Lead Co. Project No. 590 consisted of a 274 horsepower diversion-conduit development on Callahan Creek which also served the said mining properties.

Both projects were constructed in 1917, under authority of Forest Service special use permits, by Snow Storm Consolidated (predecessor of the Snow Storm Silver Lead Co.) and were subsequently conveyed to the Montana Light & Power Co.

A 25-year license for Project No. 574 was issued to the Montana Light & Power Co. on August 4, 1925, and a 25-year license for Project No. 590, issued to the Snow Storm Silver Lead Co. on April 30, 1926, was transferred to the Montana Light & Power Co. effective August 29, 1929.

The projects were dismantled after the mine closed. The Commission accepted the surrender of the license for Project No. 574 by order dated July 9, 1940, and the license for Project No. 590 was canceled February 16, 1938, by court decree.

The Commission finds: The subject lands have no significant power value.

The Commission orders: The land withdrawals for Projects Nos. 574 and 590 are hereby vacated in their entirety.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12707 Filed 8-30-71;8:48 am]

[Docket No. CP72-40]

LAKE SHORE PIPE LINE CO. AND CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

AUGUST 24, 1971.

Take notice that on August 16, 1971, Lake Shore Pipe Line Co. (Lake Shore), 1717 East Ninth Street, Cleveland, OH 44114, and Consolidated Gas Supply Corp. (Consolidated Supply), 445 West Main Street, Clarksburg, WV 26301, filed in Docket No. CP72-40 a joint application pursuant to section 7(b) and section 7(c) of the Natural Gas Act for permission and approval for Lake Shore to abandon all its facilities and service and for a certificate of public conven-

ience and necessity authorizing Consolidated Supply to acquire and operate certain of these facilities and to render the service now provided by Lake Shore, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The applicants, and The East Ohio Gas Co. (East Ohio) are wholly owned subsidiaries of the Consolidated Natural Gas Co., a public utility holding company. Except for a small volume of local production in Pennsylvania, all of Lake Shore's gas supply is purchased from Consolidated Supply; and East Ohio is Lake Shore's only customer. The applicants propose herein to eliminate Lake Shore as an intermediate pipeline between Consolidated Supply and East Ohio, thereby reducing intercompany transactions between affiliates and simplifying the corporate structure of the holding company system.

No new facilities are required to accomplish the simplification proposed herein, and no reduction in service to ultimate consumers will result. Specifically, the applicants propose that the portions of Lake Shore's pipeline and gathering facilities and any other property which are located in Pennsylvania, and two measuring stations located in Ohio at the Pennsylvania border, will be transferred to and acquired by Consolidated Supply; the remainder of Lake Shore's pipeline and property located in Ohio, will be transferred to and acquired by East Ohio.

East Ohio and Consolidated Supply will acquire a portion of Lake Shore's debt equal to the net book value of the Lake Shore properties acquired by each. When the transfers proposed herein are consummated, Lake Shore will cease to be an operating company, and it will be dissolved.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 17, 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 and permission and approval for the proposed abandonment are 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.71-12713 Filed 8-30-71;8:49 am]

[Docket No. E-7659]

MINNESOTA POWER & LIGHT CO.
Notice of Application

AUGUST 24, 1971.

Take notice that on August 20, 1971, Minnesota Power & Light Co. (applicant) filed an application with the Federal Power Commission seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance and sale from time to time prior to July 1, 1973, of promissory notes to evidence bank borrowings and commercial paper up to $30 million in aggregate principal amount.

Applicant is incorporated under the laws of the State of Minnesota, with its principal place of business office at Duluth, Minnesota, and is engaged in the electric utility business within the State of Minnesota.

Bank notes issued will bear interest at a rate not to exceed the prime commercial bank rate in effect at the time of issue. The commercial paper will mature not later than 270 days from date of issue and will carry an interest rate which will be dependent on the terms of the notes and the money market conditions at the time of issuance.

According to the application, proceeds from the notes to be issued will provide funds to refund $7.9 million principal amount of notes presently outstanding and to meet expenditures in connection with the Company's construction program which will require an estimated $34.6 million in 1971, and approximately $44 million in 1972 and $13 million in 1973, the bulk of which will be spent on generation, transmission and distribution facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 14, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12709 Filed 8-30-71;8:49 am]

[Docket No. CP72-41]

NORTHERN NATURAL GAS CO.
Notice of Application

AUGUST 24, 1971.

Take notice that on August 19, 1971, Northern Natural Gas Co. (applicant), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP72-41 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval for the abandonment of certain natural gas compression facilities, 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 abandon one 350 horsepower compressor unit on its North Gomez System in Pecos County, Tex., and one 80 horsepower compressor unit on its Martin County System, Martin County, Tex. Applicant states that it has installed additional natural gas purchase facilities in or adjacent to the aforementioned systems which resulted in a revised design operation of said systems. The 350 and 80 horsepower units have been rendered unnecessary thereby, and applicant proposes to abandon and salvage these units at an estimated cost of $14,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 17, 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 permission and approval for the proposed abandonment are 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.71-12710 Filed 8-30-71;8:49 am]

FEDERAL RESERVE SYSTEM

DAI-ICHI BANK, LTD.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by the Dai-Ichi Bank, Ltd., Tokyo, Japan, or its proposed successor through amalgamation with the Nippon Kangyo Bank, Ltd., Tokyo, Japan, the Dai-Ichi Kangyo Bank, Ltd., Tokyo, Japan, for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of 100 per cent of the voting shares (less directors' qualifying shares) of the First Pacific Bank of Chicago, Chicago, Ill., a proposed new bank.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Chicago.

Board of Governors of the Federal Reserve System, August 25, 1971.

[SEAL] TYNAN SMITH,
Secretary.

[FR Doc.71-12694 Filed 8-30-71;8:47 am]

NILES CAPITAL CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Niles Capital Corp., Chicago, Ill., for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of 51.5 percent of the voting shares of The Bank of Niles, Niles, Ill.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Chicago.

Board of Governors of the Federal Reserve System, August 25, 1971.

[SEAL] TYNAN SMITH,
Secretary.

[FR Doc.71-12695 Filed 8-30-71;8:47 am]

TERREBONNE CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Terrebonne Corp., Houma, La., for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of 100 percent of the voting shares of the successor by merger to the Bank of Terrebonne and Trust Co., Houma, La., to be known as Terrebonne Bank & Trust Co., Houma, La.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Board of Governors of the Federal Reserve System, August 25, 1971.

[SEAL] TYNAN SMITH,
Secretary.

[FR Doc.71-12696 Filed 8-30-71;8:47 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5066]

CONSOLIDATED NATURAL GAS CO.

Notice of Proposed Issue and Sale of Debentures

AUGUST 24, 1971.

Notice is hereby given that Consolidated Natural Gas Co. (Consolidated), 30 Rockefeller Plaza, New York, N.Y. 10020, 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 transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Consolidated proposes to issue and sell, subject to the competitive bidding requirements of rule 50, $25 million principal amount of — percent debentures due October 1, 1996. The interest rate (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest (which will be not less than 99 percent nor more than 102 percent of the principal amount thereof) will be determined by the competitive bidding. The debentures will be issued under an indenture dated May 1, 1971, between Consolidated and Manufacturers Hanover Trust Co., New York, N.Y., as trustee, as supplemented by a First Supplemental Indenture to be dated October 1, 1971, and which includes, subject to certain exceptions, a prohibition until October 1, 1976, against refunding the issue with the proceeds of funds borrowed at a lower annual cost of money. The proceeds of the sale of the debentures will be used to finance, in part, the 1971 plant construction expenditures of Consolidated's subsidiary companies, presently estimated at $97,845,000.

It is stated that the fees and expenses to be incurred in connection with the proposed transaction are estimated at $85,000, including service charges of Consolidated Natural Gas Service Co., Inc., an associate company, at cost, of $26,000, accountants' fees and expenses of $12,000, and fees of counsel for the trustee of $2,000. The fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 17, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the 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.71-12704 Filed 8-30-71;8:46 am]

[File No. 1-4692]

FAS INTERNATIONAL, INC.

Order Suspending Trading

AUGUST 24, 1971.

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

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

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 25, 1971 through September 3, 1971.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-12705 Filed 8-30-71;8:46 am]

[70-5063]

PENNSYLVANIA POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds and Preferred Stock

AUGUST 24, 1971.

Notice is hereby given that Pennsylvania Power Co. (Pennsylvania), 1 East Washington Street, New Castle, PA 16103, an electric utility subsidiary company of Ohio Edison Co., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Pennsylvania proposes to issue and sell, subject to the competitive bidding requirements of rule 50 under the Act, $10 million principal amount of First Mortgage Bonds, —— percent Series due October 1, 2001 (Bonds). The interest rate (which will be a multiple of one-eighth percent) and the price, exclusive of accrued interest, to be paid to Pennsylvania (which will be not less than 100 percent nor more than 102.75 percent of the principal amount thereof) will be determined by the competitive bidding. The Bonds will be issued under the indenture dated November 1, 1945, between Pennsylvania and First National City Bank, as trustee, as heretofore amended and supplemented and to be further amended and supplemented by a Tenth Supplemental Indenture to be dated October 1, 1971, and which includes a prohibition until October 1, 1976, against refunding the issue with the proceeds of funds borrowed at a lower interest cost.

The net proceeds from the sale of the Bonds will be used by Pennsylvania to construct and acquire new facilities, for the betterment of existing facilities, to pay bank loans, and to reimburse its Treasury in part for moneys expended for such purposes. Pennsylvania's 1971 and 1972 construction program is estimated to aggregate approximately $60,790,000.

Pennsylvania also proposes to issue $858,000 principal amount of First Mortgage Bonds, 3¼ percent Series due 1982 (Sinking Fund Bonds) to the First National City Bank, as trustee, under its indenture dated November 1, 1945, as amended and supplemented and to surrender such Sinking Fund Bonds to the trustee in accordance with the sinking fund requirements. The Sinking Fund Bonds are to be identical with those authorized by the Commission on April 20, 1970 (Holding Company Act Release No. 16644), and due to be issued on the basis of property additions. Pensylvania proposes to use the Sinking Fund Bonds solely to obtain the inclusion in its general funds of the sinking fund payments on deposit and required to be made on or before December 1, 1971, with the Trustee under the sinking fund provisions of the Indenture. The cash so acquired by Pennsylvania will be applied toward its cash requirements in 1971.

Pennsylvania also proposes to issue and sell, subject to the competitive bidding requirements of rule 50 under the Act, 58,000 of its —— percent Series Preferred Stock, $100 par value per share. The dividend rate of the preferred stock (which will be a multiple of 0.04 percent) and the price, exclusive of accrued interest, to be paid to Pennsylvania (which will not be less than $100 nor more than $102.75 per share) will be determined by the competitive bidding. The terms will include a prohibition until October 1, 1976, against refunding the issue, directly or indirectly, with the proceeds of funds derived from the issuance of debt securities at a lower effective interest cost or

of other preferred stock at a lower effective dividend cost.

The net proceeds from the sale of the preferred stock will be used by Pennsylvania to construct and acquire new facilities and for the betterment of existing facilities, and to reimburse its Treasury in part for moneys expended for such purposes.

Pennsylvania has consented and agreed to the imposition by the Commission of terms and conditions in any order issued authorizing the proposed preferred stock similar to those conditions imposed in previous orders authorizing preferred stock (Holding Company Act Release Nos. 10426 and 13765).

It is stated that the Pennsylvania Public Utility Commission has jurisdiction over the proposed issue and sale of the Bonds, the Sinking Fund Bonds, and the preferred stock and that such Commission's orders will be supplied by amendment. It is represented that 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 issue and sale of the preferred stock and the Bonds will be supplied by amendment. The fees and expenses to be incurred in connection with the Sinking Fund Bonds are estimated at $1,700, including counsel fee of $500.

Notice is further given that any interested person may, not later than September 17, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc. 71-12706 Filed 8-30-71;8:46 am]

[Rel. Nos. 33-5178, 34-9285, IC-6670, IA-291]

OFFSHORE FUNDS

Formation of Inter-Agency Task Force To Explore Possible Regulation and Foreign Portfolio Sales Corporations

In accordance with the recommendation made to the Congress in its transmittal letter of the Institutional Investor Study Report, the Securities and Exchange Commission announced today formation of an interagency task force to explore the possibility of the establishment and regulation under Federal securities laws of Foreign Portfolio Sales Corporations and offshore investment companies which invest in U.S. securities. (See Institutional Investor Study Report, House Doc. 92-64, 92d Cong. first sess., Vol. 3, Ch. VII and Letter of Transmittal of Mar. 10, 1971, pp. XVI and XVII.) The task force will consider appropriate tax treatment for such funds and for nonresident foreign investors in such funds, the regulatory issues under the Federal securities laws, various methods of gathering data with respect to foreign institutional investors in order to facilitate further study of developments in this area and related matters. The task force consists of representatives of this Commission, the Department of State, the Department of the Treasury, and the Board of Governors of the Federal Reserve System.

By the Commission, August 11, 1971.

[SEAL] RONALD F. HUNT,
Acting Associate Secretary,

[FR Doc.71-12703 Filed 8-30-71;8:46 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

AUGUST 26, 1971.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 52657 Sub 677, Arco Auto Carriers, Inc., assigned September 14, 1971, at Washington, D.C., postponed indefinitely.

MC 134024 Sub 1, James L. Womick, DBA Old Orchard Homes Transit, assigned September 13, 1971, at St. Louis, Mo., hearing canceled and application dismissed.

FD 26241 Sub 7, Penn Central Transportation Co. Reorganization, assigned October 6, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 56679 Sub 41, Brown Transport Corp., assigned September 13, 1971, at Atlanta, Ga., postponed indefinitely.

MC 3647 Sub 426, Public Service Coordinated Transport, MC 109312 Sub 41, DeCamp Bus Lines, MC 109802 Sub 29, Lakeland Bus Lines, Inc., and MC 135331, Independent Bus Lines, now assigned September 27, 1971, at Newark, N.J., the hearing is canceled and the applications are dismissed.

No. 35363, Handling of Empty Tank and Freight Cars, U.S.A., No. 35419 Handling of Empty Rail Cars of Private Ownership, U.S.A., No. 35419 Sub 1, Handling of Empty Rail Cars of Private Ownership, U.S.A., assigned September 27, 1971, postponed to October 4, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-12730 Filed 8-30-71;8:50 am]

[Notice 356]

MOTOR CARRIER TEMPORARY ANTHORITY APPLICATIONS

AUGUST 26, 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 29120 (Sub-No. 127 TA), filed August 18, 1971. Applicant: ALL-AMERICAN TRANSPORT, INC., Post Office Box 769, 1500 Industrial Avenue (57104), Sioux Falls, SD 57101. Applicant's representative: Mead Bailey (same adress as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods and hides as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading; from Omaha, Nebr., to Kansas City, Mo., and its commercial zone, serving the intermediate point of St. Joseph, Mo., and its commercial zone; from Omaha, Nebr., over city streets to Council Bluffs, Iowa, to Iowa Highway 92; thence over Iowa Highway 92 to its junction with U.S. Highway 59; thence

over U.S. Highway 59 to its junction with Interstate Highway 29; thence over Interstate Highway 29 to Kansas City, Mo., Restriction: (1) *Restricted* to the transportation of shipments moving through Omaha, Nebr., which shipments have had a point of origin (or a point of interline from another carrier) other than Omaha, Nebr., or its commercial zone, and which shipments are destined for delivery (or interline to another carrier) to points in St. Joseph or Kansas City, Mo., or their respective commercial zone. (2) *Restricted against* local service from St. Joseph, Mo., to Kansas City, Mo., and their respective commercial zones for 180 days. NOTE: Applicant is authorized to tack the foregoing authority at Omaha, Nebr., with its existing authority under Docket No. MC 29120. Applicant is authorized to interline with other carriers at St. Joseph, and Kansas City, Mo., and their respective commercial zones shipments moving through Omaha as hereinabove indicated. Supported by: There are approximately 17 statements of support attached to the application which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 30884 (Sub-No. 18 TA), filed August 18, 1971. Applicant: JACK COOPER TRANSPORT CO., INC., 3501 Manchester Trafficway, Kansas City, MO 64130. Applicant's representative: A. Doyle Cloud, Jr., 2111 Sterick Building, Memphis, TN 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks and buses* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 766 in initial movements, in truckaway service, from the plantsites of General Motors Corp. located in Janesville, Wis., to Kansas City, Mo., with no transportation for compensation on return except as otherwise authorized. The initial authority here sought may be used in combination with applicant's existing secondary authority for the transportation of vehicles moving from Janesville, Wis., to Kansas City, Mo., and subsequently reshipped by General Motors Corp. to destinations beyond Kansas City, Mo., Applicant holds secondary authority as here pertinent from Kansas City, Mo., to points in New Mexico, Utah, Wyoming, South Dakota, Idaho, Montana, Missouri, Kansas, Nebraska, Iowa, Arkansas, Colorado, Oklahoma, and Texas, for 180 days. Supporting shipper: General Motors Corp., General Motors Building, 3044 West Grand Boulevard, Detroit, MI 48202. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 95876 (Sub-No. 115 TA), filed August 18, 1971. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, Post Office Box 844, St. Cloud, MN 56301. Applicant's representative: Eugene L. Cannon (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Snowmobiles* (2) *parts, attachments and accessories* for snowmobiles and (3) *snowmobile clothing and accessories*, from Twin Valley, Minn., to points in Washington, Oregon, California, Idaho, Nevada, Montana, Wyoming, Utah, Colorado, North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Michigan, Wisconsin, Illinois, Indiana, Ohio, New York, Pennsylvania, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, and New Jersey, for 180 days. Supporting shipper: Virking Snowmobiles, Inc., Twin Valley, Minn. 56584. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis MN 55401.

No. MC 114533 (Sub-No. 236 TA), filed August 18, 1971. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Small parts, components, and supplies used in the repair, maintenance, and operations of electronic and mechanical office machines*, between Madison, Wis., on the one hand, and, on the other, points in Illinois, and Iowa, limited to shipments not weighing more than 600 pounds, for 180 days. Supporting shipper: Xerox Corp., Midwest Region Office, 3000 Des Plaines Avenue, Des Plaines, IL 60018. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 114533 (Sub-No. 237 TA), filed August 18, 1971. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Restorative dentistry products*, (A) between Kansas City, Mo., on the one hand, and, on the other, points in Kansas (B) between Kansas City, Mo., on the one hand, and, on the other, points in Missouri (C) between Mission, Kans., on the one hand, and, on the other, points in Missouri (D) between Kansas City, Mo., on the one hand, and, on the other, points in Kansas and Missouri. Supporting shippers: Dysart Dental Laboratory, 600 West 39th Street, Kansas City, MO 64111.; Daniel L. Root Dental Laboratory, Inc., 810 East 63d Street, Kansas City, MO 64111.; T.R.U. Dental Studio, 4733 Belleview, Kansas City, MO 64141.; Myron & Dicks Dental Laboratory, 1106 North 13th Street, Kansas City, MO 66102.; Hansen Dental Laboratory, 5755 Foxridge Drive, Mission, KS 66202.; Bill Hatfield & Associates, 7933 State Line Road, Kansas City, MO 64114. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 121060 (Sub-No. 11 TA), filed August 18, 1971. Applicant: ARROW TRUCK LINES, INC., Post Office Box 5568, 1220 West Third Street, Birmingham, AL 35207. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed handling systems, grain bins, storage tanks, automatic feeder units and iron and steel articles*, from Birmingham, Ala., to points in Missouri, Kansas, Arkansas, Texas, and Kentucky, for 180 days. Supporting shipper: Read Steel Products, Inc., 906 40th Street North, Birmingham, AL 35223. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 125543 (Sub-No. 5 TA), filed August 20, 1971. Applicant: PERISHABLE SERVICES, INC., 770 Springdale Road, Waukesha, WI 53186. Applicant's representative: Glen L. Gissing, Eight South Madison Street, Evansville, WI 53536. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail food business houses, between Waukesha and Madison, Wis., on the one hand, and, on the other, points in Boone, De Kalb, Lee, Ogle, Stephenson, and Winnebago Counties, Ill., for 180 days. Supporting shipper: Milwaukee Cheese Co., 1327 Broadway, Rockford, IL 61104, Glenn P. Holzhausen, Warehouse Manager. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 128441 (Sub-No. 2 TA), filed August 18, 1971. Applicant: RICHARD J. FRANKS, 6 Maple Street, Alliston, ON Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between points in the Province of Ontario on the one hand, and, on the other, points in Michigan and New York, for 150 days. Supported by: There are approximately 11 statements of support attached to the application which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, NY 14203.

No. MC 128616 (Sub-No. 4 TA), filed August 18, 1971. Applicant: BANKERS

DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments* (except coins, currency and negotiable securities) as are used in the conduct and operations of banks and banking institutions, between St. Joseph, Mo., on the one hand, and, on the other, points in Kansas, for 180 days. Supporting shipper: The American National Bank, Six Francis Street, St. Joseph, MO 64502. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 135065 (Sub-No. 4 TA), filed August 18, 1971. Applicant: EARL G. DUBOSE, doing business as, DUBOSE TRUCKING CO., Route 1, Box 257, Denham Springs, LA 70726. Applicant's representative: Cordell H. Haymon, Suite 301, Baton Rouge Savings and Loan Building, 101 St. Ferdinand, Baton Rouge, LA 70801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refined sugar*, in packages, from Colonial Sugars Co., Gramercy, La., and Godchaux-Henderson Sugar Co., Reserve, La., to points in Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Missouri, North Carolina, Ohio, South Carolina, and Tennessee, except the commercial zones of Chicago, Ill., St. Louis, Mo., and Kansas City, Mo., and Louisville, Ky., return shipments limited to *sugar shipments rejected* in whole or part by consignees, and *materials and supplies* necessary for the processing and packaging of refined sugar, for 180 days. Supporting shippers: Godchaux-Henderson Sugar Co., Post Office Drawer 1667, Mobile, AL 36601; Colonial Sugars Co., Gramercy Refinery, Gramercy, LA 70052. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room T-4009 Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 135425 (Sub-No. 2 TA), filed August 19, 1971. Applicant: CYCLES LIMITED, Post Office Box 5715, Jackson, MS 39208. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motorcycles, parts and accessories*, from Lutherville, Timonium, Md., to points in Nevada, Oregon, Washington, Idaho, Montana, Wyoming, Utah, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Wisconsin, Illinois, Indiana, Michigan, Ohio, Pennsylvania, New York, Delaware, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, and Maine, returned shipments in the opposite direction, for 180 days. Supporting shipper: The Birmingham Small Arms Co. Inc., 80 Pompton Avenue, Verona, NJ 07044. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, MS 39201.

No. MC 135660 (Sub-No. 2 TA), filed August 19, 1971. Applicant: BROWNSBERGER ENTERPRISES, INC., R.F.D. 1, Post Office Box 111, Butler, MO 64730. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic tubing, plastic conduit, plastic molfing, valves, fittings, compounds, joint sealers, bonding cement, thinner vinyl, and accessories* used in the installation of such products from Linn Creek, Mo., to points in Alabama, Georgia, South Carolina, and North Carolina, for 150 days. Supporting shipper: Central Missouri Pipe Co., Post Office Box 75, Linn Creek, MO 65052. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 135901 TA, filed August 20, 1971. Applicant: BERTSCH MOVING AND STORAGE CO., INC., Post Office Box 975, Eugene, OR 97401. Applicant's representative: David C. White, 2400 Southwest Fourth Avenue, Portland, OR. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the territory authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, between points in Polk, Marion, Lincoln, Yamhill, Linn, Benton, Lane, and Douglas Counties, Oreg., for 180 days. Supporting shippers: Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, WA 98133; Sunpak Movers, Inc., 342 Madison Avenue, New York, NY 10017. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg.

No. MC 135900 TA, filed August 18, 1971. Applicant: ROBERT B. JONES, Post Office Box 141, Lake Stevens, WA 92298. Applicant's representative: Patrick D. Sutherland, Suite 900, Capitol Center Building, Olympia, Wash. 98501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by discount and surplus stores, between Seattle warehouse and the affiliated World Wide stores in the distributors counties of Multnomah, Marion, Jackson, Wasco, and Umatilla, Oreg., and the Idaho County of Latah, for 180 days. Supporting shippers: World Wide Distributors, Attn: Bill Jones, president, c/o Parr, Alexander, Cordes & Sutherland, attorneys at law, at Suite 900, Capitol Center Building, Olympia, Wash. 98501; G.I. Joe's Inc., Post Office Box 11037, Portland, OR 97211; Black Bird, 1810 West Main Street, Medford, OR 97501. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, WA 98101.

No. MC 135902 TA, filed August 19, 1971. Applicant: KENNETH M. MOODY, doing business as K. M. MOODY, 3100 Dogwood Street NW., Washington, DC 20015. Applicant's representative: David C. Venable, 711 Washington Building, Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tires, tubes, and accessories for tires and tubes*, from Akron and Dayton, Ohio; to Bladensburg, Md., and from Bladensburg, Md., to Akron and Dayton, Ohio, for 180 days. Supporting shipper: Friend's Tire & Fleet Service, Inc., 4700 Lawrence Street, Bladensburg, MD. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

By the Commission.

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

[FR Doc.71-12726 Filed 8-30-71;8:49 am]

[Notice 740]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 26, 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-72987. By order of August 25, 1971, the Motor Carrier Board approved the transfer of Moniowczak Transit Co., a corporation, Bark River, Mich., of Certificates Nos. MC-81835 and MC-81835 (Sub-No. 5), issued to John Swanson, doing business as Swanson Trucking Co., Manistique, Mich., authorizing the transportation of: Household goods, as defined by the Commission, between Manistique, Mich., and 50 miles, on the one hand, and, on the other, points in Michigan and Wisconsin, and malt beverages and wines, from Milwaukee, Wis., and Chicago, Ill., to specified points in Michigan. William B. Elmer, attorney, 23801 Gratiot Avenue, East Detroit, MI 48921.

No. MC–FC–73012. By order of August 24, 1971, the Motor Carrier Board approved the transfer to Delphi Overseas Moving & Shipping Co., Inc., Brooklyn, N.Y., of the operating rights in Certificate No. MC–22562 (Sub-No. 5), issued April 18, 1967, to Acme Van Co., Inc., New York, N.Y. (now Louis Destefanis, Inc.), authorizing the transportation of household goods between points in New York, on the one hand, and, on the other, points in Rhode Island, Maryland, Massachusetts, New Jersey, Connecticut, Delaware, Pennsylvania, Virginia, New York, and the District of Columbia; and theatrical production equipment and materials used therefor, musical instruments, trunks, and wardrobes between points in New York, New Jersey, and Connecticut within 75 miles of New York, N.Y., including New York, N.Y. Robert J. Gallagher and Alvin Altman, 1776 Broadway, New York, NY 10019, attorneys for applicants.

No. MC–FC–73074. By order of August 25, 1971, the Motor Carrier Board approved the transfer to Harold D. Smith, doing business as Harold D. Smith Trucking Service, Camargo, Ill., of the operating rights in Certificate No. MC–82449 issued May 25, 1971 to Mayde Cornwell, Arthur, Ill., authorizing the transportation of named commodities from specified points and areas in Illinois and Indiana to specified points and areas in Illinois and Indiana. Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701, attorney for applicants.

No. MC–FC–73078. By order of August 25, 1971, the Motor Carrier Board approved the transfer to Bond Transport, Inc., Pittsburgh, Pa., of the operating rights in Certificate No. MC–83745 issued November 27, 1957, to Steel City Transport, Inc., McKees Rocks, Pa., authorizing the transportation of specified commodities between Pittsburgh, Pa., on the one hand, and, on the other, points in Ohio, West Virginia, and Maryland, and general commodities, with exceptions, between Pittsburgh, Pa., on the one hand, and, on the other, points in Pennsylvania within 25 miles of Pittsburgh. Arthur J. Diskin, 806 Frick Building, Pittsburgh, PA 15219, attorney for applicants.

No. MC–FC–73079. By order of August 25, 1971, the Motor Carrier Board approved the transfer to Ogden Transfer and Storage Co., a corporation, 2105 Wall Avenue, Ogden, UT, Certificate No. MC–75138, issued to Damon Rufus Ford and Edgar Allen Ford, a partnership, doing business as Ogden Transfer and Storage Co., 2105 Wall Avenue, Ogden, UT, authorizing the transportation of: Various commodities of a general commodity nature, between points in Utah, California, Colorado, Idaho, Montana, Oregon, and Wyoming.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–12727 Filed 8–30–71;8:50 am]

[Notice 740–A]

MOTOR CARRIER TRANSFER PROCEEDINGS

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 general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. 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–72111. By report and order of August 5, 1971, Division 3, Acting as an Appellate Division approved, subject to the conditions set forth in its report, the transfer to CF Tank Lines, Inc., Menlo Park, Calif., of a portion of the operating rights of Consolidated Freightways Corporation of Delaware (transferor), Menlo Park, Calif., under certificate No. MC–42487 and subnumbered proceedings thereunder, as hereinafter described in the multiple-lettered appendixes. CF Tank Lines, Inc., shall acquire those portions of certificate No. MC–42487 and subnumbered proceedings thereunder to the extent described in Appendix A and as described in Appendix B, subject to the applicable modifications set forth in Appendix B. The portions of certificate No. MC–42487 and subnumbered proceedings to the extent shown as retained by Consolidated Freightways Corporation of Delaware in Appendix A, in Appendixes AA and BBB, without modification, and subject to modifications as indicated in each, in Appendixes AAA, AAAA, and BB, shall be retained by Consolidated Freightways Corporation of Delaware. Prior to, or concurrently with notice of consummation of the transaction authorized, applicants named above shall submit in writing, their request for cancellation of those portions of transferor's operating rights set forth in Appendix C and to the extent affected by the modification shown therein, in Appendix AAAA. The multiple-lettered appendixes herein referred to and omitted from the above-described report of August 5, 1971, and served on August 23, 1971, are filed as part of the original document.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–12728 Filed 8–30–71;8:50 am]

[Notice 740–B]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 26, 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 general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. 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–72968 (Corrected).[1] Dual operations are involved. By order of August 6, 1971, Division 3, approved the transfer, subject to conditions, to Herman Schomer, doing business as Schomer Trucking, Iron Mountain, Mich., of Certificates Nos. MC–126154, MC–126154 (Sub-No. 2), MC–126154 (Sub-No. 5), and MC–126154 (Sub-No. 6), issued to Domenic Marchi, Iron Mountain, Mich., authorizing the transportation of: Malt beverages, between specified points in Wisconsin, Minnesota, Michigan, Indiana, Illinois, and Wisconsin. Robert W. Hansley, attorney, 120 North Sixth Street, Escanaba, MI 49829.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–12729 Filed 8–30–71;8:50 am]

[1] Corrected to indicate that the order entered Aug. 6, 1971 was by Division 3 in lieu of The Motor Carrier Board.

CUMULATIVE LIST OF PARTS AFFECTED—AUGUST

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during August.

3 CFR

Page

PROCLAMATIONS:

2761A (see Proc. 4076) 16561
2929 (see Proc. 4076) 16561
3140 (see Proc. 4076) 16561
3513 (see Proc. 4076) 16561
3548 (see Proc. 4076) 16561
3822 (see Proc. 4076) 16561
4070 14251
4071 14297
4072 15421
4073 15513
4074 15724
4075 16039
4076 16561

EXECUTIVE ORDERS:

July 2, 1910 (revoked in part by PLO 5094) 14313
5327 (see PLO 5096) 14639
6143 (revoked in part by PLO 5102) 14695
6276 (revoked in part by PLO 5102) 14695
6583 (revoked in part by PLO 5102) 14695
11007 (see EO 11614) 14621
11331 (amended by EO 11613) 14299
11345 (amended by EO 11613) 14299
11359 (amended by EO 11613) 14299
11371 (amended by EO 11613) 14299
11491 (amended by EO 11616) 17319
11528 (see EO 11613) 14299
11613 14299
11614 14621
11615 15727
11616 17319

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:

Memorandum of August 23, 1971 16887

5 CFR

213 ..... 14301, 14463, 14623, 14723, 15446, 15737
300 15446
733 14463
772 15446
900 15515
1602 15107

7 CFR

5 15515
51 16893
52 ..... 14377, 16567
55 16894
68 ..... 14378, 15423
210 14301
271 14463

7 CFR—Continued

Page

718 ..... 14302, 15423, 17023
722 ..... 14691, 15516
725 ..... 14379, 16503
728 16041
795 16569
811 ..... 14624, 15519, 17023
814 17024
833 17407
906 14253
908 ..... 14310, 14380, 14691, 15036, 15521, 16046, 16894
909 14254
910 ..... 14625, 15423, 16503, 16645, 17323
911 16570
917 14381
919 ..... 15423, 15737
924 15424
925 ..... 15424, 17323
926 ..... 16570, 17323
927 16503
928 16504
931 14311
932 16185
948 15425
958 14723
967 16046
980 14724
987 ..... 15036, 16645
991 16185
993 ..... 14724, 15039
1030 17324
1068 17407
1121 14312
1421 ..... 15521, 17408
1427 ..... 14626, 15737, 16047, 17325
1430 15425
1446 16571
1483 ..... 14382, 14630, 17028
1801 15737
1822 14725
1823 17029
1890r 16572

PROPOSED RULES:

51 15760
52 ..... 14389, 14473, 14474
53 14650
68 ..... 16590, 16928
81 15760
210 15125
220 15125
245 15125
725 15758
729 16517
Ch. IX 14316, 16517, 16928
910 14745
911 17444
925 ..... 14269, 14334
926 ..... 14700, 15125
927 14655
928 14334
931 ..... 16676, 16933
934 14389
945 15760
948 17359
958 15054

7 CFR—Continued

Page

PROPOSED RULES—Continued

966 16677
981 ..... 16677, 16933
991 16933
1004 16517
1030 ..... 14270, 14745
1032 14270
1046 14270
1049 14270
1050 ..... 14270, 15449
1061 ..... 14476, 15054
1062 14270
1063 14752
1064 ..... 14334, 14656
1068 ..... 14476, 15054
1070 14752
1078 14752
1079 ..... 14752, 15449
1094 14390
1099 14270
1104 15450
1106 15450
1124 17040

8 CFR

100 14725
103 14630
214 ..... 14254, 14630, 16646
234 14630
238 ..... 14630, 16646
245 14630
264 16646
299 ..... 14631, 16646

PROPOSED RULES:

245 16670
249 16670

9 CFR

56 15426
75 14631
76 ..... 14631, 14632, 15426, 16047
113 16047
311 15109
316 15109
317 ..... 15109, 15740
331 17408

PROPOSED RULES:

310 16194
318 16194
320 14335
325 14335
331 17444

10 CFR

2 16896
20 ..... 16897, 16898
30 ..... 16897, 16898
31 16898
40 16897
50 16897
55 16897
70 16897
71 16897

10 CFR—Continued

Page

73 16897
150 16898

PROPOSED RULES:

30 16593
50 ..... 14660, 17053
150 16593

12 CFR

1 16043
7 17000
10 14997
11 14997
13 14997
16 14997
18 14997
211 16899
222 ..... 15525, 17329
224 14382
226 ..... 16050, 16646
262 17329
265 ..... 14623, 17329
522 15036
523 17031
526 17330
531 17330
543 15427
545 ..... 15427, 16186
562 15428

PROPOSED RULES:

207 14405
222 16695
226 15130
269 14479
291 14480

13 CFR

PROPOSED RULES:

121 16946

14 CFR

25 16899
39 ..... 14691, 14692, 14743, 15109, 15110, 15428, 15740, 15741, 16186, 16505, 16572, 16573, 17031, 17032, 17330
47 16187
71 ..... 14254, 14312, 14382, 14383, 14463, 14632–14636, 14692, 14743, 15111–15114, 15429, 15526, 15527, 15741–15743, 16050, 16187, 16188, 16505, 16573, 16574, 16646, 16900
73 ..... 14255, 14743, 14744, 15743, 16574
75 ..... 15743, 15744, 16505, 16506
93 16574
95 ..... 15429, 16050
97 ..... 14464, 15429, 16575, 16900
121 16899
207 17032
208 17033
212 17033
214 17034
221 17034
302 14744
1204 16901

PROPOSED RULES:

1 14656
21 14656
23 14656
25 14656
27 14656
29 14656

14 CFR—Continued

Page

PROPOSED RULES—Continued

33 14656
39 ..... 14391, 14392, 14760, 15127
47 14271
71 ..... 14272, 14657–14659, 14761–14764, 15127, 15451–15454, 15669, 15761, 16195, 16591, 16592, 16680, 16938–16940
75 ..... 14764, 16592
91 ..... 14659, 17052
241 17056
249 16694
373 16694

15 CFR

50 15040
373 15744
386 15744
390 15744
1200 17036

PROPOSED RULES:

400 14768

16 CFR

13 ..... 15651–15668, 16052, 16062, 17038
422 16063
502 14315

PROPOSED RULES:

422 ..... 16120, 17362
434 16595

17 CFR

140 17331
211 15527
231 ..... 15527, 16506
240 ..... 14465, 14725, 15527
241 15527
249 ..... 14465, 14725, 15430
270 14727
274 15430

PROPOSED RULES:

210 16196
230 16594
240 ..... 16119, 16695
270 ..... 15455, 15670, 16594

18 CFR

2 16902
4 15528
101 15528
141 15528
154 15528
156 15528
157 15528
201 15528
260 15528

PROPOSED RULES:

4 15669
101 16069
104 16063
105 16069
131 15669
141 ..... 14337, 16069
201 16069
204 16069
205 16069
260 ..... 14337, 16069
301 15455
304 15455
608 14337
615 14764

19 CFR

Page

1 15114
4 14637
10 ..... 15431, 15527
18 16576
153 ..... 14637, 16508

PROPOSED RULES:

1 16194
8 16661
10 16590
19 14388
24 16661

20 CFR

25 14623
404 14693
405 ..... 16188, 16647

PROPOSED RULES:

404 16678
405 ..... 16678, 16679

21 CFR

2 ..... 14255, 14312
8 16902
17 ..... 14468, 17332
25 17333
121 ..... 14312, 14727–14729, 16065, 17408
135c 16508
135e 17333, 17409
135g 17408
141a 14469
141c 14469, 14470
141e 14469
146a 14469
146c 14469, 14470
146e 14469
148i 14469
148n 14469
148p 14469
148r 14469
148v 16189
191 14729
301 15744
308 15744
420 ..... 14471, 14730, 15114

PROPOSED RULES:

121 ..... 14335, 14336, 17360
135g 14335, 14336
141 16195
144 14335
146a 14336, 14477
146c 14270
146e 14477
170 16934
172 16934
308 16119

22 CFR

11 ..... 14693, 15530
41 15745

24 CFR

200 14637
Ch. III 16655, 16903, 16904
1600 17334
1914 ..... 14637, 15531, 16189, 17334
1915 ..... 14638, 15532, 16190, 17335

PROPOSED RULES:

32 16680
72 ..... 14336, 16521
201 15455
1710 14391
1720 14391
1910 15054

25 CFR

Page

217 ... 16904

26 CFR

1 ... 14731, 14732, 16656
13 ... 14732
179 ... 14255
301 ... 15040

PROPOSED RULES:

1 ... 15050, 15053, 15123, 15758, 16112, 16119, 16590, 16661, 16922, 17348
13 ... 16922
301 ... 17349, 17355

28 CFR

0 ... 15431, 15432
21 ... 15432
45 ... 14466

29 CFR

55 ... 15433
102 ... 15101
505 ... 16191
608 ... 14735
609 ... 14735
611 ... 14735
612 ... 14736
779 ... 14466
1516 ... 16191
1518 ... 15437, 15533
1910 ... 15101, 15438
2200 ... 17409

PROPOSED RULES:

10 ... 14270

30 CFR

75 ... 17336
301 ... 17336

PROPOSED RULES:

28 ... 14448
29 ... 14450

31 CFR

257 ... 16576
408 ... 15746

PROPOSED RULES:

103 ... 15449

32 CFR

46 ... 15114
92 ... 14736
93 ... 14466
96 ... 16191
169a ... 15747
179 ... 17417
213 ... 16063
214 ... 15750
241 ... 15114
719 ... 14739, 16577
720 ... 14739
755 ... 14740
830 ... 14266
831 ... 14266
839 ... 15755
871 ... 15755
930a ... 14266
1453 ... 15534
1802 ... 16656

32A CFR

Page

OEP (Ch. I):
ES Reg. 1 ... 16515, 16585
Circ. 1 ... 16586
Circ. 2 ... 16920
Circ. 3 ... 17345
Circ. 4 ... 17434
Circ. 5 ... 17435
OIA (Ch. X):
OI Reg. 1 ... 16659, 17346

PROPOSED RULES:

Ch. X ... 14388, 17443

33 CFR

3 ... 16577
110 ... 14467, 14693
117 ... 14313, 16904
204 ... 15528
207 ... 16579

PROPOSED RULES:

110 ... 17360
117 ... 16521, 16937

35 CFR

67 ... 14694
101 ... 17419

36 CFR

6 ... 14740
7 ... 14267, 14694, 16065
11 ... 16508

PROPOSED RULES:

4 ... 14700
7 ... 14700, 16119
14 ... 16671

37 CFR

PROPOSED RULES:

2 ... 16194

38 CFR

3 ... 14313, 14467
21 ... 15755

39 CFR

171 ... 14694

40 CFR

4 ... 16626

PROPOSED RULES:

2 ... 17360

41 CFR

1-1 ... 16656, 17419
1-2 ... 17421
1-3 ... 17421
1-18 ... 17422
1-30 ... 17422
5A-2 ... 17422
5A-3 ... 16193
5A-6 ... 15755
5A-16 ... 15041, 17422
5A-73 ... 15041
5A-74 ... 17422
5A-76 ... 15043
Ch. 14 ... 15116
14H-1 ... 14267
18-15 ... 15536
18-16 ... 15572
18-17 ... 15588
18-23 ... 15591
18-24 ... 15596
18-26 ... 15610
18-50 ... 15615
18-51 ... 15618
18-52 ... 15625

41 CFR—Continued

Page

50-204 ... 16193
101-20 ... 14468, 15756
101-25 ... 17423
101-26 ... 17423, 17424
101-32 ... 14383
101-39 ... 16508
101-43 ... 16066
Ch. 114 ... 17038
114-32 ... 15438
114-35 ... 14740
114-40 ... 14740
114-47 ... 14740

PROPOSED RULES:

3-4 ... 14270
60-2 ... 17444

42 CFR

420 ... 15486

PROPOSED RULES:

466 ... 15704, 16594

43 CFR

4 ... 15116, 17337
1810 ... 15534
1840 ... 15119
1850 ... 15119
2720 ... 17424
4110 ... 15119
9230 ... 15120

PUBLIC LAND ORDERS:

1726 (see PLO 5105) ... 15439
1899 (revoked in part by PLO 5097) ... 14639
2434 (see PLO 5106) ... 15439
2550 (modified by PLO 5100) ... 14640
4108 (modified by PLO 5108) ... 16509
4547 (revoked by PLO 5096) ... 14639
4582 (modified by PLO 5108) ... 16509
4936 (amended by PLO 5101) ... 14640
4962 (see PLO 5108) ... 16509
5081 (see PLO 5108) ... 16509
5084 ... 16905
5093 ... 14313
5094 ... 14313
5095 ... 14639
5096 ... 14639
5097 ... 14639
5098 ... 14640
5099 ... 14640
5100 ... 14640
5101 ... 14640
5102 ... 14695
5103 ... 14696
5104 ... 15439
5105 ... 15439
5106 ... 15439
5107 ... 15439
5108 ... 16509
5109 ... 16905

PROPOSED RULES:

4 ... 17439
2090 ... 15669
2200 ... 15669
2800 ... 16670

45 CFR

132 ... 15440
181 ... 16546
801 ... 16585, 17345
1201 ... 16905

46 CFR

47 CFR

47 CFR—Continued

49 CFR

49 CFR—Continued

50 CFR

LIST OF FEDERAL REGISTER PAGES AND DATES—AUGUST

Pages	*Date*	*Pages*	*Date*
14245–14290	Aug. 3	15731–16031	Aug. 18
14291–14370	4	16033–16178	19
14371–14456	5	16179–16495	20
14457–14614	6	16497–16554	21
14615–14686	7	16555–16638	24
14687–14716	10	16639–16879	25
14717–14991	11	16881–17018	26
14993–15093	12	17019–17311	27
15095–15413	13	17313–17401	28
15415–15506	14	17403–17475	31
15507–15729	17		