

FEDERAL REGISTER

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Part I

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Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Consumer and Marketing Service
Education Office
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Fiscal Service
Fish and Wildlife Service
Food and Drug Administration
Foreign Assets Control Office
Health, Education, and Welfare
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Interior Department
Internal Revenue Service
Interstate Commerce Commission
Labor Department
Labor Standards Bureau
Land Management Bureau
Manpower Administration
National Park Service
Veterans Administration
Wage and Hour Division

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission PART 213—EXCEPTED SERVICE

Temporary Boards and Commissions

Section 213.3199 is amended to show that 55 positions in grades GS-15 and below in support of the 1970 White House Conference on Children and Youth are excepted under Schedule A until June 30, 1971. Effective on publication in the FEDERAL REGISTER, paragraph (e) is added to § 213.3199 as set out below.

§ 213.3199 Temporary boards and commissions.

(e) 1970 White House Conference on Children and Youth. (1) Until June 30, 1971, not to exceed 55 positions in grades GS-15 and below in support of the 1970 White House Conference on Children and Youth.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

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

[F.R. Doc. 70-297; Filed, Jan. 6, 1970; 9:51 a.m.]

Title 7—AGRICULTURE

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

PART 26—GRAIN STANDARDS

Subpart A—Regulations

INSPECTION AND WEIGHT CERTIFICATES

Statement of considerations. On October 18, 1969, there was published in the FEDERAL REGISTER (34 F.R. 17031) a notice of proposed rule making to amend certain provisions of § 26.59 of the regulations (7 CFR 26.59) under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 et seq.).

Interested parties were afforded 30 days in which to submit written data, views, or arguments with respect to the proposed amendments of the regulations.

No comments were received. Therefore, pursuant to the authority contained in section 16 of the U.S. Grain Standards Act as amended (7 U.S.C. 87e), § 26.59 (b) (15) (i) and (e) (1) are, respectively, amended to read as follows:

§ 26.59 Official certificates (general requirements).

(b) * * *

(15) (i) For lot inspection certificates: The approximate quantity of grain in the lot, stated in terms of carload, truckload, trailerload, part-carload, part-truckload, or part-trailerload, or in bushels, or by weight: *Provided*, That if the quantity is stated in terms of bushels or by weight, the statement "This Is Not A Weight Certificate" be shown on the certificate with the information showing the quantity.

(e) * * *

(1) Uniform kind, weight, and color specifications for the original certificates and for copies of the certificates.

(Sec. 16, 82 Stat. 768, 7 U.S.C. 87e; 29 F.R. 18210, as amended; 33 F.R. 10750)

Effective date. These amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 2d day of January 1970.

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

[F.R. Doc. 70-172; Filed, Jan. 6, 1970; 8:45 a.m.]

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

[Milk Order 5]

PART 1005—MILK IN THE TRI-STATE MARKETING AREA

Order Suspending Certain Provision

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 Tri-State marketing area.

It is hereby found and determined that the provision "plus 15 cents" appearing in § 1005.51(b) of the order no longer tends to effectuate the declared policy of the Act.

Suspension of this provision will result in the Class II price being the basic formula price for the month. The Class II price applies only to producer milk used in the production of cottage cheese.

A public hearing was held at Columbus, Ohio, on June 2-6 and 10-13, and July 8-10, 1969, on a proposal to merge the orders regulating the handling of milk in the Greater Cincinnati; Miami Valley, Ohio; Columbus, Ohio; North-

western Ohio; and Tri-State marketing areas. This hearing was reopened on December 18, 1969, at Columbus, Ohio, for the limited purpose of receiving evidence on certain proposed emergency amendments to the Tri-State order and any additional evidence on the provisions for pricing Class II and Class III milk under any or all of the individual orders or under the proposed merged order.

Testimony at the December 18 hearing session related primarily to the level of Class II and Class III prices under the Tri-State order during the interim period required to complete the proceeding on the proposed merger of orders and the issues relating thereto. Certain Tri-State handlers proposed that the Class III price be the lesser of the basic formula price (Minnesota-Wisconsin price series) or a butter-nonfat dry milk formula price. They asked that the Class II price be the proposed Class III price plus 15 cents.

Presently, the Tri-State Class III price is the basic formula price for the month. The Class II price is the basic formula price plus 15 cents.

Handlers claimed that the disparity between the Tri-State prices for manufacturing uses and corresponding class prices in nearby markets has placed them at a substantial competitive disadvantage with handlers located in those other areas. They described an overlapping of their sales areas for Class II and Class III milk products with those of handlers regulated under orders applicable in the Eastern Ohio-Western Pennsylvania, Columbus, Miami Valley, Cincinnati, and Appalachian markets and emphasized the immediate need for having manufacturing prices under the Tri-State order comparable to corresponding prices under these other orders.

In describing the need for price adjustments, handlers emphasized particularly the competition with handlers regulated under other Ohio orders for cottage cheese sales. The Eastern Ohio-Western Pennsylvania, Columbus, and Cincinnati orders price milk used in cottage cheese at the lower of the Minnesota-Wisconsin price or a butter-nonfat dry milk formula price. The price for cottage cheese milk under the Miami Valley order is 20 cents per hundredweight higher.

For 1968, the Tri-State Class II price for milk in cottage cheese averaged \$4.32. This was 20 cents per hundredweight over the average price of \$4.12 for cottage cheese milk under the Eastern Ohio-Western Pennsylvania, Columbus, and Cincinnati orders. The monthly Tri-State prices ranged during the year from 15 cents to 26 cents over the prices under these other orders. The average 1968 prices for cottage cheese milk under the Miami Valley and Tri-State orders were the same.

RULES AND REGULATIONS

For the first 11 months of 1969, the Tri-State Class II prices averaged \$4.55, 10 cents per hundredweight over the average cottage cheese milk price of \$4.45 for the Miami Valley market and 30 cents over the average price of \$4.25 for milk used in cottage cheese in the other three nearby markets. The Tri-State Class II prices during the months of January through September 1969 relative to corresponding prices in the latter three markets ranged from 19 cents to 32 cents per hundredweight higher. The difference between these manufacturing prices increased to 46 cents in October 1969 and to 50 cents per hundredweight in November.

Testimony indicated that the price differences existing in 1968 and early 1969 were not a major problem in the marketing of manufactured milk products. Handlers stated, however, that the wider price differences in recent months were causing competitive problems in the sale of manufactured items.

In view of the increasing disparity in prices paid by Tri-State handlers relative to handlers in neighboring markets, a reduction in the Tri-State Class II price on a temporary basis is appropriate. A 15-cent reduction can be effected through a suspension order which provides the most expeditious means of responding to the marketing problems described at the December 18 hearing session. This action will tend to place the Tri-State Class II price in the former relationship with corresponding prices of other orders. The appropriate pricing for milk going into manufacturing uses under the Tri-State order or the proposed merged order will be considered further in a decision on the proposed merger.

The Tri-State Class II price should be changed beginning with milk delivered in January 1970. Such price is scheduled to be announced about February 5, 1970. This suspension action is not intended to affect the Class II price to be announced about January 5, 1970, for milk delivered in December 1969.

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

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

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

(c) Interested parties were afforded an opportunity to present their position on the level of class prices for milk in manufacturing uses at the aforesaid hearing.

Therefore, good cause exists for making this order effective January 1, 1970.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended beginning January 1, 1970.

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

Effective date: January 1, 1970.

Signed at Washington, D.C. on December 31, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 70-173; Filed, Jan. 6, 1970;
8:45 am.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, paragraph (e) (2) relating to Kentucky is deleted.

2. In § 76.2, paragraph (e) (6) relating to Missouri is amended to read:

(6) *Missouri.* (i) Lincoln County;

(ii) That portion of Clinton County bounded by a line beginning at the junction of the northern and eastern boundaries of Cliton County and following the northern boundary line in a westerly direction to U.S. Highway 69; thence, following U.S. Highway 69 in a southerly direction to County Road A; thence, following County Road A in a southwesterly direction to County Road H; thence, following County Road H in an easterly direction to U.S. Highway 69; thence, following U.S. Highway 69 in a southerly direction to Deer Creek Church Road; thence, following Deer Creek Church Road in an easterly direction to the eastern boundary of Clinton County; thence, following the eastern boundary line north to the northern boundary of Clinton County.

3. In § 76.2, paragraph (e) (8) relating to North Carolina is amended to read:

(8) *North Carolina.* (i) Duplin, Gates, and Pitt Counties;

(ii) That portion of Cumberland County bounded by a line beginning at the junction of U.S. Interstate Highway 95 and State Secondary Road 1835; thence, following State Secondary Road 1835 in a southerly direction to State Highway 24; thence, following State Highway 24 in a northwesterly direction to Cape Fear River; thence, following the eastern bank of Cape Fear River in a northerly direction to U.S. Interstate

Highway 95; thence, following U.S. Interstate Highway 95 in a northeasterly direction to its junction with State Secondary Road 1835;

(iii) The adjacent portions of Edgecombe and Halifax Counties bounded by a line beginning at the junction of State Secondary Road 1418 and Fishing Creek; thence, following State Secondary Road 1418 in a southerly direction to State Highway 44; thence, following State Highway 44 in a southerly direction to State Highway 97; thence, following State Highway 97 in a northeasterly direction to U.S. Highway 258; thence, following U.S. Highway 258 in a northeasterly direction to State Secondary Road 1103; thence, following State Secondary Road 1103 in a northwesterly direction to State Secondary Road 1003; thence, following State Secondary Road 1003 in a southwesterly direction to State Secondary Road 1109; thence, following State Secondary Road 1109 in a southerly direction to the junction of State Secondary Road 1418 and Fishing Creek;

(iv) The adjacent portions of Wayne and Lenoir Counties bounded by a line beginning at the junction of the Atlantic and East Carolina Railroad and the Lenoir County line; thence, following the Atlantic and East Carolina Railroad in a northwesterly direction to State Secondary Road 1713; thence, following State Secondary Road 1713 in a southwesterly direction to State Highway 111; thence, following State Highway 111 in a southerly direction to the Neuse River; thence, following the northern bank of the Neuse River in an easterly direction to State Secondary Road 1002; thence, following State Secondary Road 1002 in a northerly direction to the Atlantic and East Carolina Railroad; thence, following the Atlantic and East Carolina Railroad in a northwesterly direction to its junction with the Lenoir County line;

(v) That portion of Wilson County lying south of the Nash county line, east of State Highway 581, north of State Highway 42, and west of State Highway 50.

(vi) The adjacent parts of Johnston, Wake, and Harnett Counties bounded by a line beginning at the junction of State Highway 42 and 50; thence, following State Highway 50 in a southerly direction to State Secondary Road 1322; thence, following State Secondary Road 1322 in a westerly direction to State Secondary Road 1309; thence, following State Secondary Road 1309 in a southwesterly direction to State Secondary Road 1303; thence, following State Secondary Road 1303 in a southwesterly direction to State Secondary Road 1551; thence, following State Secondary Road 1551 in a northwesterly direction to State Secondary Road 1532; thence, following State Secondary Road 1532 in a westerly direction to State Secondary Road 1006; thence, following State Secondary Road 1006 in a northerly direction to State Highway 42; thence, following State Highway 42 in an easterly direction to its junction with State Highway 50.

4. In § 76.2, paragraph (e) (13) relating to Virginia is amended to read:

(13) *Virginia.* City of Virginia Beach County.

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

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine portions of Harnett and Wake Counties in the State of North Carolina because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas designated herein.

The amendments also exclude Worth County in Missouri; Simpson County in Kentucky; Campbell, Charlotte, and Rockbridge Counties in Virginia; and portions of Johnston County in North Carolina from the areas heretofore quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described above in § 76.2. Further, the restrictions pertaining to interstate movement from nonquarantined areas contained in said Part 76 will apply thereto.

Insofar as the amendments relieve certain restrictions presently imposed, they must be made effective immediately to be of maximum benefit to affected persons. Insofar as the amendments imposed restrictions, they should be made effective without delay in order to protect the livestock of the United States. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 31st day of December 1969.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 70-217; Filed, Jan. 6, 1970;
8:48 a.m.]

Title 29—LABOR

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1500—CHILD LABOR REGULATIONS, ORDERS, AND STATEMENTS OF INTERPRETATION

Hazardous Occupations in Agriculture

On October 9, 1969, there was published in the FEDERAL REGISTER a proposal

to revise Subpart E-1 of Part 1500 of Title 29 of the Code of Federal Regulations declaring certain occupations in agriculture to be particularly hazardous for the employment of children below the age of 16. After consideration of all oral and written matter presented in response to the proposal, Subpart E-1 of Part 1500 of Title 29 of the Code of Federal Regulations is revised in the manner set out below.

This revision will be effective January 1, 1970, or 30 days after publication in the FEDERAL REGISTER, whichever is later. In the event the effective date is subsequent to January 1, 1970, the present rules in Subpart E-1 shall be effective between January 1, 1970, and the effective date of this document.

Subpart E-1 is revised to read as follows:

Subpart E-1—Occupations in Agriculture Particularly Hazardous for the Employment of Children Below the Age of 16

- Sec.
1500.70 Purpose and scope.
1500.71 Occupations involved in agriculture.
1500.72 Exemptions.

AUTHORITY: The provisions of this Subpart E-1 issued under secs. 12, 12, 18, 52 Stat. 1067, 1069, as amended; 29 U.S.C. 212, 213, 218.

§ 1500.70 Purpose and scope.

(a) **Purpose.** Section 13(c)(2) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 213(c)(2)) states that the "provisions of section 12 [of the Act] relating to child labor shall apply to an employee below the age of 16 employed in agriculture in an occupation that the Secretary of Labor finds and declares to be particularly hazardous for the employment of children below the age of 16, except where such employee is employed by his parent on a farm owned or operated by such parent or person." The purpose of this subpart is to apply this statutory provision.

(b) **Exception.** This subpart shall not apply to the employment of a child below the age of 16 by his parent or by a person standing in the place of his parent on a farm owned or operated by such parent or person.

(c) **Statutory definitions.** As used in this subpart, the terms "agriculture," "employer," and "employ" have the same meanings as the identical terms contained in section 3 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 203), which are as follows:

(1) "Agriculture" includes farming in all its branches and among other things includes the cultivation and tillage of soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in section 15(g) of the Agricultural Marketing Act, as amended), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including prepara-

tion for market, delivery to storage or to market or to carriers for transportation to market.

(2) "Employer" includes any person acting directly or indirectly in the interest of an employer in relation to an employee but shall not include the United States or any State or political subdivision of a State (except with respect to employees of a State or a political subdivision thereof, employed (i) in a hospital, institution, or school referred to in the last sentence of section (r) of the Act, or (ii) in the operation of a railway or carrier referred to in such sentence), or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization. (iii) "Employ" includes to suffer or permit to work.

§ 1500.71 Occupations involved in Agriculture.

(a) **Findings and declarations of fact as to specific occupations.** The following occupations in agriculture are particularly hazardous for the employment of children below the age of 16:

(1) Operating a tractor of over 20 PTO horsepower, or connecting or disconnecting an implement or any of its parts to or from such a tractor.

(2) Operating or assisting to operate (including starting, stopping, adjusting, feeding, or any other activity involving physical contact associated with the operation) any of the following machines:

(i) Corn picker, cotton picker, grain combine, hay mower, forage harvester, hay baler, potato digger, or mobile pea viner;

(ii) Feed grinder, crop dryer, forage blower, auger conveyor, or the unloading mechanism of a nongravity-type self-unloading wagon or trailer; or

(iii) Power post-hole digger, power post driver, or nonwalking type rotary tiller.

(3) Operating or assisting to operate (including starting, stopping, adjusting, feeding, or any other activity involving physical contact associated with the operation) any of the following machines:

(i) Trencher or earthmoving equipment;

(ii) Fork lift;

(iii) Potato combine; or

(iv) Power-driven circular, band, or chain saw.

(4) Working on a farm in a yard, pen, or stall occupied by a:

(i) Bull, boar, or stud horse maintained for breeding purposes; or

(ii) Sow with suckling pigs, or cow with newborn calf (with umbilical cord present).

(5) Felling, bucking, skidding, loading, or unloading timber with butt diameter of more than 6 inches.

(6) Working from a ladder or scaffold (painting, repairing, or building structures, pruning trees, picking fruit, etc.) at a height of over 20 feet.

(7) Driving a bus, truck, or automobile when transporting passengers, or riding on a tractor as a passenger or helper.

(8) Working inside:

(i) A fruit, forage, or grain storage designed to retain an oxygen deficient or toxic atmosphere;

(ii) An upright silo within 2 weeks after silage has been added or when a top unloading device is in operating position;

(iii) A manure pit; or

(iv) A horizontal silo while operating a tractor for packing purposes.

(9) Handling or applying (including cleaning or decontaminating equipment, disposal or return of empty containers, or serving as a flagman for aircraft applying) agricultural chemicals classified under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq.) as Category I of toxicity, identified by the word "poison" and the "skull and crossbones" on the label; or Category II of toxicity, identified by the word "warning" on the label;

(10) Handling or using a blasting agent, including but not limited to, dynamite, black powder, sensitized ammonium nitrate, blasting caps, and primer cord; or

(11) Transporting, transferring, or applying anhydrous ammonia.

(b) *Occupational definitions.* In applying machinery, equipment, or facility terms used in paragraph (a) of this section, the Bureau of Labor Standards will be guided by the definitions contained in the current edition of "Agricultural Engineering", a dictionary and handbook, Interstate Printers and Publishers, Danville, Ill. Copies of this dictionary and handbook are available for examination in Regional Offices of the Bureau of Labor Standards, U.S. Department of Labor.

§ 1500.72 Exemptions.

(a) *Student-learners.* The findings and declarations of fact in § 1500.71(a) shall not apply to the employment of any child as vocational agriculture student-learner in any of the occupations described in subparagraph (1), (2), (3), (4), (5), or (6) of § 1500.71(a) when each of the following requirements are met: (1) The student-learner is enrolled in a vocational education training program in agriculture under a recognized State or local educational authority, or in a substantially similar program conducted by a private school; (2) such student-learner is employed under a written agreement which provides: (i) that the work of the student-learner is incidental to his training; (ii) that such work shall be intermittent, for short periods of time, and under the direct and close supervision of a qualified and experienced person; (iii) that safety instruction shall be given by the school and correlated by the employer with on-the-job training; and (iv) that a schedule of organized and progressive work processes to be performed on the job have been prepared; (3) such written agreement contains the name of the student-learner, and is signed by the employer and by a person authorized to represent the educational authority or school; and (4) copies of each such

agreement are kept on file by both the educational authority or school and by the employer.

(b) *Federal Extension Service.* The findings and declarations of fact in § 1500.71(a) shall not apply to the employment of a child under 16 years of age in those occupations in which he has successfully completed one or more training programs described in subparagraph (1), (2), or (3) of this paragraph provided he has been instructed by his employer on safe and proper operation of the specific equipment he is to use; is continuously and closely supervised by the employer where feasible; or, where not feasible, in work such as cultivating, his safety is checked by the employer at least at midmorning, noon, and midafternoon.

(1) *4-H tractor operation program.* The child is qualified to be employed in an occupation described in subparagraph (1) of § 1500.71(a) provided:

(i) He is a 4-H member;

(ii) He is 14 years of age, or older;

(iii) He is familiar with the normal working hazards in agriculture;

(iv) He has completed a 10-hour training program which includes the following units from the manuals of the 4-H tractor program conducted by, or in accordance with the requirements of, the Cooperative Extension Service of a land grant university:

(a) *First-Year Manual:*

Unit 1—Learning How to Be Safe;
Unit 4—The Instrument Panel;
Unit 5—Controls for Your Tractor;
Unit 6—Daily Maintenance and Safety Check; and
Unit 7—Starting and Stopping Your Tractor;

(b) *Second-year Manual:*

Unit 1—Tractor Safety on the Farm;

(c) *Third-Year Manual:*

Unit 1—Tractor Safety on the Highway;
Unit 3—Hitches, Power-take-off, and Hydraulic Controls;

(v) He has passed a written examination on tractor safety and has demonstrated his ability to operate a tractor safely with a two-wheeled trailed implement on a course similar to one of the 4-H Tractor Operator's Contest Courses; and

(vi) His employer has on file with the child's records kept pursuant to Part 516 of this title (basically, name, address, and date of birth) a copy of a certificate acceptable by the Bureau of Labor Standards, signed by the leader who conducted the training program and by an Extension Agent of the Cooperative Extension Service of a land grant university to the effect that the child has completed all the requirements specified in subdivisions (i) through (v) of this subparagraph.

(2) *4-H machine operation program.* The child is qualified to be employed in an occupation described in subparagraph (2) of § 1500.71(a) providing:

(i) He satisfies all the requirements specified in subdivisions (i) through (v) of subparagraph (1) of this paragraph;

(ii) He has completed an additional 10-hour training program on farm machinery safety, including 4-H Fourth-Year Manual, Unit 1, Safe Use of Farm Machinery;

(iii) He has passed a written and practical examination on safe machinery operation; and

(iv) His employer has on file with the child's records kept pursuant to Part 516 of this title (basically, name, address, and date of birth) a copy of a certificate acceptable by the Bureau of Labor Standards, signed by the leader who conducted the training program and by an Extension Agent of the Cooperative Extension Service of a land grant university, to the effect that the child has completed all of the requirements specified in subdivisions (i) through (iii) of this subparagraph.

(3) *Tractor and machine operation program.* The child is qualified to be employed in an occupation described in subparagraphs (1) and (2) of § 1500.71(a) providing:

(i) He is 14 years of age, or older;

(ii) He has completed a 4-hour orientation course familiarizing him with the normal working hazards in agriculture;

(iii) He has completed a 20-hour training program on safe operation of tractors and farm machinery, which covers all material specified in subparagraphs (1)(iv) and (2)(ii) of this paragraph.

(iv) He has passed a written examination on tractor and farm machinery safety, and has demonstrated his ability to operate a tractor with a two-wheeled trailed implement on a course similar to a 4-H Tractor Operator's Contest Course, and to operate farm machinery safely.

(v) His employer has on file with the child's records kept pursuant to Part 516 of this title (basically, name, address and date of birth) a copy of a certificate acceptable by the Bureau of Labor Standards, signed by the volunteer leader who conducted the training program and by an Extension Agent of the Cooperative Extension Service of a land grant university, to the effect that all of the requirements of subdivisions (i) through (iv) of this subparagraph have been met.

(c) *Vocational agriculture training.* The findings and declarations of fact in § 1500.71(a) shall not apply to the employment of a vocational agriculture student under 16 years of age in those occupations in which he has successfully completed one or more training programs described in subparagraph (1) or (2) of this paragraph and who has been instructed by his employer in the safe and proper operation of the specific equipment he is to use, who is continuously and closely supervised by his employer where feasible or, where not feasible, in work such as cultivating, whose safety is checked by the employer at least at midmorning, noon, and midafternoon, and who also satisfies whichever of the following program requirements are pertinent:

(1) *Tractor operation program.* The student is qualified to be employed in an

occupation described in subparagraph (1) of § 1500.71(a) provided:

- (i) He is 14 years of age, or older;
- (ii) He is familiar with the normal working hazards in agriculture;
- (iii) He has completed a 15-hour training program which includes the required units specified in the Vocational Agriculture Training Program in Safe Tractor Operation, outlined by the Office of Education, U.S. Department of Health, Education, and Welfare and acceptable by the U.S. Department of Labor. The training program is outlined in Special Paper No. 8, April 1969, prepared at Michigan State University, East Lansing, Mich., for the Office of Education. Copies of this training program outline are available for examination in the Regional Offices of the Bureau of Labor Standards, U.S. Department of Labor, and a copy may be obtained from the Office of Education, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20202.

(iv) He has passed both a written test and a practical test on tractor safety including a demonstration of his ability to operate safety a tractor with a two-wheeled trailed implement on a test course similar to that described in the Vocational Agriculture Training Program in Safe Tractor Operation, outlined by the Office of Education, U.S. Department of Health, Education, and Welfare; and

(v) His employer has on file with the child's records kept pursuant to Part 516 of this title (basically, name, address, and date of birth) a copy of a certificate acceptable by the Bureau of Labor Standards, signed by the Vocational Agriculture teacher who conducted the program to the effect that the student has completed all the requirements specified in subdivisions (1) through (iv) of this subparagraph.

(2) *Machinery operation program.* The student is qualified to be employed in an occupation described in subparagraph (2) of § 1500.71(a) provided he has completed the Tractor Operation Program described in subparagraph (1) of this paragraph and:

(i) He has completed an additional 10-hour training program which includes the required units specified in the Vocational Agriculture Training Program in Safe Farm Machinery Operation, outlined by the Office of Education, U.S. Department of Health, Education, and Welfare and approved by the U.S. Department of Labor;

(ii) He has passed both a written test and a practical test on safe machinery operation similar to that described in the Vocational Agriculture Training Program in Safe Farm Machinery Operation, outlined by the Office of Education, U.S. Department of Health, Education, and Welfare; and

(iii) His employer has on file with the child's records kept pursuant to Part 516 of this title (basically, name, address and date of birth) a copy of a certificate acceptable by the Bureau of Labor Standards, signed by the Vocational Agriculture teacher who conducted the program to the effect that student has completed

all the requirements specified in subdivisions (i) and (ii) of this subparagraph.

(d) *Agency review.* The provisions of paragraphs (a), (b), and (c) of this section will be reviewed and reevaluated before January 1, 1972. In addition, determinations will be made as to whether the use of protective frames, crush resistant cabs, and other personal protective devices should be made a condition of these exemptions.

Signed at Washington, D.C., this 31st day of December 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 70-189; Filed, Jan. 6, 1970; 8:46 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Manpower Administration, Department of Labor

PART 609—UNEMPLOYMENT COMPENSATION FOR FEDERAL CIVILIAN EMPLOYEES

Definitions of "First Claim" and "Base Period"

Pursuant to 5 U.S.C. 8508, Secretary's Order No. 14-69 and the notice of delegation of authority published concurrently therewith in the FEDERAL REGISTER on April 15, 1969 (34 F.R. 6502), paragraph (g) of § 609.1 and paragraph (a) of § 609.16 of Title 20, Code of Federal Regulations, are hereby amended in the manner set forth below.

The purpose of the amendments is (1) to change the definition of "first claim" in § 609.1(g) so that any claim for compensation that establishes a benefit year is a first claim even though it establishes, after the expiration of a first benefit year, a second benefit year and permits Federal civilian service and wages in the period between the end of the base period on the basis of which the claimant's first benefit year was established and the beginning of such benefit year to be assigned and used; (2) to make technical improvements in the definition of first claim; and (3) to substitute a definition of "tentative base period" for the definition of "base period" in § 609.16(a) which upon establishment of a benefit year will become the applicable base period to allow a State paying benefits under a wage-combining plan to use Federal civilian service and wages in the base period established pursuant to its law as the basis for paying benefits although such service and wages are not in the base period established pursuant to the law of the transferring State.

The provisions of 5 U.S.C. 553 which require notice of proposed rule making, public participation in their adoption, and delay in effective date are not applicable because the rules relate solely to public benefits, and in any event are procedural.

The amendments shall become effective on the date of their publication in the FEDERAL REGISTER.

1. Paragraph (g) of 20 CFR 609.1 is amended to read as follows:

§ 609.1 Definitions.

(g) "First claim" means a claim for compensation under the UCFE program, the UCX program, a State unemployment compensation law, or some combination thereof, whereby a benefit year is established as prescribed by the applicable State unemployment compensation law or in the Virgin Islands by the District of Columbia Unemployment Compensation Act.

2. Paragraph (a) of 20 CFR 609.16 is amended to read as follows:

§ 609.16 Assignment of Federal civilian service and wages.

(a) *Service and wages to be reported.* As soon as a Federal civilian employee files a claim to establish a benefit year, the State agency shall request information on Form ES-931 from each Federal agency for which such employee worked in his tentative base period. The State agency shall specify on the Form ES-931 the Federal civilian employee's tentative base period and whether his Federal civilian wages are to be reported by quarters or weeks. Only Federal civilian service and Federal civilian wages in the specified tentative base period shall be reported. "Tentative base period" as used in this paragraph means the base period prescribed by the unemployment compensation law of the State to which such service and wages appear to be assignable, reassignable, or transferable or, if such service and wages appear to be assignable or reassignable to the Virgin Islands, "tentative base period" means the base period prescribed by the District of Columbia Unemployment Compensation Act. If the claim establishes a benefit year it becomes a first claim and his tentative base period becomes his base period. Wages in such base period shall be assigned as provided in paragraph (b) of this section.

(5 U.S.C. 8508)

Signed at Washington, D.C., this 31st day of December 1969.

MALCOLM R. LOVELL, Jr.,
Manpower Administrator.

[F.R. Doc. 70-195; Filed, Jan. 6, 1970; 8:46 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 341—REGULATIONS GOVERNING U.S. RETIREMENT PLAN BONDS

Investment Yield (Interest)

Section 341.1(a) of Department Circular, Public Debt Series No. 1-63, dated January 10, 1963, as amended (31 CFR

Part 341), is hereby further amended to read as follows:

§ 341.1 Description of bonds.

(a) *Investment yield (interest)*. U.S. Retirement Plan Bonds, hereinafter sometimes referred to as Retirement Plan Bonds, will be issued at par. The investment yields (interest) are as follows:

(1) Bonds with issue dates of January 1, 1963, through May 1, 1966—3¼ percent per annum, compounded semiannually, as set forth in the table of redemption values appended to the circular;

(2) Bonds with issue dates of June 1, 1966, through December 1, 1969—4.15 percent per annum, compounded semiannually, as set forth in the table, identified as Table A, appended to the First Amendment of the circular; and

(3) Bonds with the issue date of January 1, 1970, or thereafter—5 percent per

annum, compounded semiannually, as set forth in the table, identified as Table B, appended to this amendment.

The interest will be paid only upon redemption of the bonds. The accrual of interest will continue until the bonds have been redeemed or have reached maturity, whichever is earlier, in accordance with the regulations in this part.

The foregoing amendment was effected under authority of the Second Liberty Bond Act, as amended (40 Stat. 288, as amended; 31 U.S.C. 752, et seq.), and 5 U.S.C. 301. Notice and public procedures thereon are unnecessary as public property and contracts are involved.

Dated: December 31, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

TABLE B

TABLE OF REDEMPTION VALUES PROVIDING AN INVESTMENT YIELD OF 5.00 PERCENT PER ANNUM FOR BONDS BEARING ISSUE DATES BEGINNING JANUARY 1, 1970

Table shows the increase in redemption value for each successive half-year term of holding following the date of issue on Retirement Plan Bonds bearing issue dates beginning January 1, 1970. The redemption values have been determined to provide an investment yield of approximately 5.00 percent¹ per annum, compounded semiannually, on the purchase price from issue date to the beginning of each half-year period. The period to maturity is indeterminate in accordance with the provisions of section 341.1(b) of this circular.²

Issue price.....	\$50.00	\$100.00	\$500.00	\$1,000.00
Period after issue date	Redemption values during each half-year period (values increase on first day of period shown)			
First ½ year.....	50.00	100.00	500.00	1,000.00
½ to 1 year.....	51.25	102.50	512.50	1,025.00
1 to 1½ years.....	52.53	105.06	525.31	1,050.62
1½ to 2 years.....	53.84	107.69	538.45	1,076.89
2 to 2½ years.....	55.19	110.38	551.91	1,103.81
2½ to 3 years.....	56.57	113.14	565.70	1,131.41
3 to 3½ years.....	57.98	115.97	579.85	1,159.69
3½ to 4 years.....	59.43	118.87	594.34	1,188.69
4 to 4½ years.....	60.92	121.84	609.20	1,218.40
4½ to 5 years.....	62.44	124.89	624.43	1,248.86
5 to 5½ years.....	64.00	128.01	640.04	1,280.08
5½ to 6 years.....	65.60	131.21	656.04	1,312.09
6 to 6½ years.....	67.24	134.49	672.44	1,344.80
6½ to 7 years.....	68.93	137.85	689.26	1,378.51
7 to 7½ years.....	70.65	141.30	706.49	1,412.97
7½ to 8 years.....	72.42	144.83	724.15	1,448.30
8 to 8½ years.....	74.22	148.45	742.25	1,484.51
8½ to 9 years.....	76.08	152.16	760.81	1,521.62
9 to 9½ years.....	77.99	155.97	779.83	1,559.66
9½ to 10 years.....	79.93	159.86	799.33	1,598.65
10 to 10½ years.....	81.93	163.86	819.31	1,638.62
10½ to 11 years.....	83.98	167.96	839.79	1,679.58
11 to 11½ years.....	86.08	172.16	860.79	1,721.57
11½ to 12 years.....	88.23	176.46	882.31	1,764.61
12 to 12½ years.....	90.44	180.87	904.36	1,808.79
12½ to 13 years.....	92.70	185.39	926.97	1,853.94
13 to 13½ years.....	95.02	190.03	950.15	1,900.25
13½ to 14 years.....	97.39	194.78	973.90	1,947.80
14 to 14½ years.....	99.82	199.65	998.25	1,996.50
14½ to 15 years.....	102.32	204.64	1,023.20	2,046.41
15 to 15½ years.....	104.88	209.76	1,048.78	2,097.57
15½ to 16 years.....	107.50	215.00	1,075.00	2,150.01
16 to 16½ years.....	110.19	220.38	1,101.88	2,203.76
16½ to 17 years.....	112.94	225.88	1,129.43	2,258.85
17 to 17½ years.....	115.77	231.53	1,157.66	2,315.32
17½ to 18 years.....	118.66	237.32	1,186.60	2,373.21
18 to 18½ years.....	121.63	243.25	1,216.27	2,432.54
18½ to 19 years.....	124.67	249.34	1,246.67	2,493.35
19 to 19½ years.....	127.78	255.57	1,277.84	2,555.68
19½ to 20 years.....	130.98	261.96	1,309.79	2,619.57
20 to 20½ years ²	134.25	268.51	1,342.53	2,685.06

¹ Based on redemption values of \$1,000 bond.

² At a future date prior to Jan. 1, 1990 (20 years after issue date of the first bonds) this table will be extended to show redemption values for periods of holding of 20½ years and beyond.

[F.R. Doc. 70-187; Filed, Jan. 2, 1970; 1:04 p.m.]

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

Miscellaneous Amendments

Correction

In F.R. Doc. 69-15295 appearing at page 20189 in the issue of Wednesday, December 24, 1969, the introductory text of § 500.544(a)(2) should read as follows:

(2) The merchandise is being acquired, for its own use and not for resale, by an organization which has received a certificate of exemption from taxation under section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) as a religious, charitable, scientific, literary or educational organization: *Provided*, That there is filed with the entry documents a certificate which shall:

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

Chief Medical Director

In § 2.6(a), subparagraphs (3) and (5) are amended to read as follows:

§ 2.6 Administrator's delegations of authority to certain officials (38 U.S.C. 212(a)).

Employees occupying or acting in the positions designated in this section are delegated authority as indicated:

(a) *Department of Medicine and Surgery*. The Chief Medical Director is delegated authority:

(3) To designate the Deputy Chief Medical Director, or other physician of the Department of Medicine and Surgery, and authority is hereby delegated such designee to perform the functions prescribed in subparagraph (2) of this paragraph.

(5) To designate each Regional Medical Director, and authority is hereby delegated such designee, to perform the functions for his region prescribed in subparagraph (4) of this paragraph.

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

This VA regulation is effective the date of approval.

Approved: December 31, 1969.

[SEAL] DONALD E. JOHNSON,
Administrator of
Veterans Affairs.

[F.R. Doc. 70-198; Filed, Jan. 6, 1970;
8:46 a.m.]

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 F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTIOXIDANTS AND/OR STABILIZER FOR POLYMERS Correction

In F.R. Doc. 69-15042 appearing at page 19972 in the issue for Saturday, December 20, 1969, in the table of § 121.2566(b), the entry on page 19973 now reading "2,2'-Methylenebis [6-(1-methylcyclohexyl)-phenol]." should be changed to read "2,2'-Methylenebis(4-methyl-6-tert-butylphenol)."

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 14—Department of the Interior

PART 14-1—GENERAL

Subpart 14-1.6—Debarred, Suspended and Ineligible Bidders

Pursuant to the authority of the Secretary of the Interior, contained in 5 U.S.C. 301, the following Subpart 14-1.6 of Chapter 14, Title 41 of the Code of Federal Regulations, published at 33 F.R. 853 is hereby revised as hereinafter set forth.

It is the general policy of the Department of the Interior to allow time for interested parties to take part in the public rulemaking process. However, because this subpart is largely a general statement of Departmental policy and internal procedure the rulemaking process will be waived and this subpart will become effective upon publication in the FEDERAL REGISTER.

GEORGE E. ROBINSON,
Deputy Assistant
Secretary of the Interior.

DECEMBER 30, 1969.

Subpart 14-1.6—Debarred, Suspended and Ineligible Bidders

Sec.	
14-1.600	Scope of subpart.
14-1.602	Establishment and maintenance of a list of firms or individuals barred, suspended, or declared ineligible.
14-1.603	Treatment to be accorded firms of individuals in debarred, suspended, or ineligible status.
14-1.604	Causes and conditions applicable to determination of debarment by an executive agency.
14-1.604-1	Procedural requirements relating to the imposition of debarment.
14-1.605	Suspension of bidders.
14-1.605-1	Causes and conditions under which executive agencies may suspend contractors.
14-1.605-4	Notice of suspension.
14-1.606	Agency procedure.

AUTHORITY: The provisions of this Subpart 14-1.6 issued under 5 U.S.C. 301.

§ 14-1.600 Scope of subpart.

This subpart prescribes Interior procedures for debarring or suspending bidders and the establishment, use, and maintenance of a debarred, suspended, or ineligible bidders list.

§ 14-1.602 Establishment and maintenance of a list of firms or individuals debarred, suspended, or declared ineligible.

The Office of Survey and Review shall maintain a consolidated list of firms and individuals debarred or suspended as required by § 1-1.602 of this title. The list and all correspondence relating thereto are not to be disclosed to the public. The list will show the authority for and terms of the debarment or suspension.

§ 14-1.603 Treatment to be accorded firms or individuals in debarred, suspended, or ineligible status.

(a) Administration of current contracts in all phases may be continued, and payment of funds due may be made, notwithstanding the listing of a contractor, unless otherwise directed by the Assistant Secretary for Administration. The Assistant Secretary for Administration, when he considers it in the public interest, may approve the award of a contract to a firm or individual debarred or suspended when such approval is requested by the head of a bureau or office.

(b) Contracting officers may, in their discretion, solicit bids or proposals from and award contracts to firms or individuals found to be ineligible under the Walsh-Healey Act, as provided in § 1-1.603(d) of this title.

§ 14-1.604 Causes and conditions applicable to determination of debarment by an executive agency.

(a) Debarment for any of the causes set forth in § 1-1.604(a) of this title shall be made only by the Assistant Secretary for Administration. Whenever cause for debarment becomes known to the head of a bureau or office or a contracting

officer thereof, the matter shall be submitted with the recommendations of the head of the bureau or office to the Assistant Secretary for Administration for appropriate action.

(b) The removal or extension of a debarment as set forth in § 1-1.604(c) of this title shall be made only by the Assistant Secretary for Administration.

§ 14-1.604-1 Procedural requirements relating to the imposition of debarment.

(a) The Assistant Secretary for Administration, in seeking to debar a firm or individual (or any affiliate thereof) for cause, shall furnish that party with a written notice of intent to debar, sent by registered mail, return receipt requested: (1) Setting forth the reasons for the proposed debarment, (2) giving the party an opportunity to submit evidence, within thirty (30) calendar days after receipt of the notice of intent to debar, and (3) advising that the party will be accorded a hearing if requested. Whatever response is received to the notice of intent to debar will be considered in determining whether debarment is justified. If no response is received to the notice of intent to debar within the time specified, a determination on the debarment action will be made on the information available. Where a reply is received to the notice of intent to debar and evidence to refute debarment action is furnished but no hearing is requested, the information furnished will be considered in determining the action to be taken.

(b) If a hearing is requested it shall be conducted by the Assistant Secretary for Administration or his designee. The hearing will be held at a location convenient to the parties concerned as determined by the Assistant Secretary for Administration and on a date and at a time stated. Subject to the provisions of 43 CFR Part 1, the firm or individual against whom the debarment action is taken may be represented by a duly authorized representative. Witnesses may be called to testify by either party. The hearing shall be conducted expeditiously and in such a manner that each party will have a full opportunity to present all information considered pertinent to the hearing. A transcript of the hearing will be made and one copy will be furnished free to the party sought to be debarred. From the record established by the hearing, or if no hearing is held, upon the information submitted by the parties, the Assistant Secretary for Administration shall determine whether debarment should be effected or the matter dismissed. The Assistant Secretary for Administration shall advise the firm or individual in writing of this final decision within a reasonable time after the hearing is concluded. The notice imposing debarment will be sent by certified mail, return receipt requested. It will set forth the scope and period of the

debarment together with the reasons for the debarment. The imposition of debarment upon a firm or an individual shall be final and conclusive except that the party debarred may seek relief in a court of competent jurisdiction.

§ 14-1.605 Suspension of bidders.

§ 14-1.605-1 Causes and conditions under which executive agencies may suspend contractors.

(a) All actions required by § 1-1.605-1 of this title shall be taken by the Assistant Secretary for Administration.

§ 14-1.605-4 Notice of suspension.

(a) All actions required by § 1-1.605-4 of this title shall be taken by the Assistant Secretary for Administration.

§ 14-1.606 Agency procedure.

(a) When in his opinion the facts warrant debarment or suspension, the head of the bureau or office concerned will submit the following to the Assistant Secretary for Administration for appropriate action:

(1) The recommendation for debarment or suspension with a statement of the causes or conditions as set forth in §§ 1-1.604 and 1-1.605-1 of this title.

(2) The suggested term of debarment or suspension, and

(3) All other documentary evidence to support the recommendation.

[F.R. Doc. 70-200; Filed, Jan. 6, 1970; 8:47 a.m.]

PART 14-3—CIRCUMSTANCES PERMITTING NEGOTIATION

PART 14-7—CONTRACT CLAUSES

Miscellaneous Amendments

Pursuant to the authority of the Secretary of the Interior, contained in 5 U.S.C. 301, the following sections of Parts 14-3 and 14-7 of Chapter 14, Title 41 of the Code of Federal Regulations are hereby revised as hereinafter set forth.

It is the general policy of the Department of the Interior to allow time for interested parties to take part in the public rulemaking process. However, because these sections are largely a general statement of Departmental policy and internal procedure the rulemaking process will be waived and these sections will become effective upon publication in the FEDERAL REGISTER.

GEORGE E. ROBINSON,
Deputy Assistant
Secretary of the Interior.

DECEMBER 30, 1969.

The following amendments to 41 CFR Part 14-3, Circumstances Permitting Negotiation, published at 33 F.R. 3512 and of 41 CFR Part 14-7, Contract Clauses, published at 34 F.R. 199 revise the Interior Department Procurement Regulations. These amendments are effective upon publication in the FEDERAL REGISTER.

§ 14-3.303 Determination and findings by the head of the agency.

The heads of bureaus and offices shall make the determination and findings required by § 1-3.211 of this title when the contract will not require the expenditure of more than \$25,000.

§ 14-7.153 [Amended]

The following is added to § 14-7.153, *Ocean freight shipments—use of American-flag vessels*, as published at 34 F.R. 199: "A semiannual tonnage report on foreign purchases shipped by ocean carrier is required (see § 14-16.850)."

[F.R. Doc. 70-201; Filed, Jan. 6, 1970; 8:47 a.m.]

PART 14-30—CONTRACT FINANCING

Contract Debts—Compromise, Suspension or Termination

Pursuant to the authority of the Secretary of the Interior, contained in 5 U.S.C. 301, Part 14-30 of Chapter 14, Title 41 of the Code of Federal Regulations is hereby approved as hereinafter set forth.

It is the general policy of the Department of the Interior to allow time for interested parties to take part in the public rulemaking process. However, because this part is largely a general statement of Departmental policy and internal procedure the rulemaking process will be waived and this part will become effective upon publication in the FEDERAL REGISTER.

GEORGE E. ROBINSON,
Deputy Assistant
Secretary of the Interior.

DECEMBER 30, 1969.

§ 14-30.50 Contract debts—compromise, suspension or termination.

The Federal Claims Collections Act of 1966 (80 Stat. 308, 31 U.S.C. 951-953) authorizes the compromise of civil claims of the Federal Government that do not exceed \$20,000. This statute also authorizes termination or suspension of collection action on such claims. Actions under this statute must conform to standards prescribed jointly by the Attorney General of the United States and the Comptroller General of the United States. These controlling standards have been established by joint regulations (4 CFR Ch. II, 31 F.R. 13381, Oct. 15, 1966). Interior authority under the above statute and joint regulations concerning indebtedness arising in connection with contracts for procurement of property or services, contracts for sale or use of Government property, and charges for Government services has been delegated as follows:

(a) For compromise of such indebtedness, to the Solicitor.

(b) For termination or suspension of such indebtedness, to the head of the bureau or office having jurisdiction over

the contracts under which such indebtedness arises with the approval of the Solicitor.

[F.R. Doc. 70-193; Filed, Jan. 6, 1970; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4754]

[Arizona 010798-B]

ARIZONA

Revocation of Withdrawal for National Forest Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 1545 of November 6, 1957, withdrawing national forest lands as recreation areas, is hereby revoked so far as it affects the following described lands:

SITGREAVES NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

Fool Hollow Lake Recreation Area

T. 10 N., R. 21 E.,

Sec. 13, W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 14, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.

The area described aggregates 70 acres in Navajo County.

2. At 10 a.m. on February 4, 1970, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,

Assistant Secretary of the Interior.

DECEMBER 30, 1969.

[F.R. Doc. 70-177; Filed, Jan. 6, 1970; 8:45 a.m.]

[Public Land Order 4755]

[Idaho 2958]

IDAHO

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. Secretarial orders dated August 19, 1925, and September 10, 1925, withdrawing lands in the Boise National Forest for the Boise Project, are hereby revoked so far as they affect the following described lands:

BOISE MERIDIAN

T. 11 N., R. 6 E.,

Sec. 13, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 12 N., R. 6 E.,

Sec. 36, NE $\frac{1}{4}$.

T. 11 N., R. 7 E.,
 Sec. 5, lot 1 and SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 8, E $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 9, N $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 16, NW $\frac{1}{4}$;
 Sec. 17, S $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 18, lot 4;
 Sec. 19, lots 1 to 4, inclusive, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
 NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$.
 T. 12 N., R. 7 E.,
 Sec. 29, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$
 SE $\frac{1}{4}$;
 Sec. 30, NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 31, lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 32, E $\frac{1}{2}$ E $\frac{1}{2}$.

The areas described aggregate approximately 2,661.31 acres in Valley County.
 2. At 10 a.m. on February 4, 1970, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 30, 1969.

[F.R. Doc. 70-178; Filed, Jan. 6, 1970;
 8:45 a.m.]

[Public Land Order 4756]

[Montana 11202, Minn.]

MINNESOTA

Powersite Restoration No 682; Partial Revocation of Powersite Reserve No. 185

By virtue of the authority contained in section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission in DA-11-Minnesota, it is ordered as follows:

1. The Executive order of May 16, 1911, creating Powersite Reserve No. 185, is hereby revoked so far as it affects the following described lands:

FOURTH PRINCIPAL MERIDIAN

T. 62 N., R. 21 W.,
 Sec. 35, lot 4.
 T. 63 N., R. 21 W.,
 Sec. 33, lot 2.

The areas described aggregate approximately 65.05 acres in St. Louis County.
 Lot 4 has been patented. Lot 2 is within the Superior National Forest.

2. At 10 a.m. on February 4, 1970, lot 2 shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 30, 1969.

[F.R. Doc. 70-179; Filed, Jan. 6, 1970;
 8:45 a.m.]

[Public Land Order 4757]

[New Mexico 7975]

NEW MEXICO

Withdrawal for National Forest Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive

Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

CIBOLA NATIONAL FOREST

NEW MEXICO PRINCIPAL MERIDIAN

Forest Highway No. 16 Recreation Zone

A strip of land 500 feet on each side of the centerline of Forest Highway No. 16 (State Highway No. 44), through the following subdivisions:

T. 11 N., R. 5 E. (partially surveyed),
 Sec. 3, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 4, N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$
 SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$
 NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$,
 SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 9, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$
 SE $\frac{1}{4}$;
 Sec. 10, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$
 SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$,
 SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 14, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$,
 W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$
 NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$,
 NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$
 SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 15, NE $\frac{1}{4}$;
 Sec. 23, lot 1, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$
 NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 12 N., R. 5 E.,
 Sec. 4, lot 1;
 Sec. 9, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$
 SE $\frac{1}{4}$;
 Sec. 10, W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 15, W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$
 SW $\frac{1}{4}$;
 Sec. 16, E $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 21, lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$
 SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 22, W $\frac{1}{2}$ of lot 1, lots 6 and 13;
 Sec. 27, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 28, lot 3, N $\frac{1}{2}$ of lot 4, lots 5, 6, SE $\frac{1}{4}$
 NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 33, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 34, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$,
 W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$
 NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$
 SE $\frac{1}{4}$.

Nine Mile Picnic Ground

T. 11 N., R. 5 E. (unsurveyed),
 Sec. 5, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.

Sandia Man Cave Addition

T. 12 N., R. 5 E.,
 Sec. 22, W $\frac{1}{2}$ E $\frac{1}{2}$ of lot 3.

Lower La Madera Canyon Recreation Area

T. 11 N., R. 5 E. (unsurveyed)
 Sec. 3, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$,
 NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$
 SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$
 SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$
 SE $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 12 N., R. 5 E.,
 Sec. 35, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.

The areas described aggregate approximately 1,302.28 acres in Sandoval County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of

their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 30, 1969.

[F.R. Doc. 70-180; Filed, Jan. 6, 1970;
 8:45 a.m.]

[Public Land Order 4758]

[Oregon 03588]

OREGON

Partial Revocation of National Forest Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 1867 of May 28, 1959, withdrawing national forest lands for the protection of road rights-of-way, roadside and waterfront areas, it hereby revoked so far as it affects the following described lands:

WILLAMETTE MERIDIAN

WINEMA NATIONAL FOREST

T. 32 S., R. 7 $\frac{1}{2}$ E.,
 Sec. 22, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$
 SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 23, N $\frac{1}{2}$ NW $\frac{1}{4}$.

The areas described aggregate approximately 230 acres in Klamath County.

2. The lands shall immediately be made available for consummation of a pending Forest Service exchange.

HARRISON, LOESCH,
Assistant Secretary of the Interior.

DECEMBER 30, 1969.

[F.R. Doc. 70-181; Filed, Jan. 6, 1970;
 8:45 a.m.]

[Public Land Order 4759]

[Colorado 9339]

COLORADO

Partial Revocation of Stock Driveway Withdrawal

By virtue of the authority contained in section 10 of the Act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

The Departmental order of November 17, 1917, creating Stock Driveway Withdrawal No. 5, is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 2 N., R. 76 W.,
 Sec. 3, W $\frac{1}{2}$ W $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 4, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 10, W $\frac{1}{2}$;
 Sec. 15, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$.

The areas described aggregate 960 acres in Grand County.

The lands are withdrawn for use in connection with the Shadow Mountain Recreation Area, as part of the Rocky Mountain National Park.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 30, 1969.

[F.R. Doc. 70-182; Filed, Jan. 6, 1970;
 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

White River National Wildlife Refuge, Ark.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

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

ARKANSAS

WHITE RIVER NATIONAL WILDLIFE REFUGE

Public hunting of raccoon on the White River National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 30,000 acres or 33 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife. Hunting shall be subject to the following conditions:

(1) Species permitted, to be taken: Raccoon and bobcat.

(2) Open season: January 28, 29, and 30, and February 4, 5, 6, 11, 12, 13, 18, 19, and 20, 1970.

(3) Daily bag limits: Six raccoon, no limit on bobcats.

(4) Methods of hunting:

a. Shotguns larger than 28 gauge. No rifles or headlight hunting permitted.

b. Camping will be permitted only in designated areas. No fires are permitted outside the camping area. No trees will be cut.

c. Hunters must check in and out each day at the designated check station between the hours of 5 p.m. and 2 a.m. Boats will be prohibited in refuge waters.

d. Hunters cannot enter the refuge by boats from navigable waters. Shooting hours begin at 5 p.m. and close at 1 a.m.

e. Littering of refuge roads will be a violation.

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.

A Federal permit is required to enter the public hunting area.

The provisions of this special regulation are effective to February 20, 1970.

C. EDWARD CARLSON,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

DECEMBER 23, 1969.

[F.R. Doc. 70-176; Filed, Jan. 6, 1970; 8:45 a.m.]

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER E—NORTHWEST ATLANTIC COMMERCIAL FISHERIES

PART 240—GROUND FISH FISHERIES

Miscellaneous Amendments

A proposal was published November 22, 1969 (34 F.R. 18757), to amend Part 240, Title 50, Code of Federal Regulations, which are the regulations governing the Northwest Atlantic groundfish fisheries. Interested persons were given the opportunity to submit written comments, suggestions or objections regarding the proposed amendments. After consideration of all such relevant matter as was presented, the amendment with appropriate changes is hereby adopted under the authority contained in subsection (a) of section 7 of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1069; 16 U.S.C. 986). The amendment is set forth below.

Effective date. This amendment is effective upon publication.

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of the Interior on August 26, 1966 (31 F.R. 11685), and dated January 2, 1970.

J. M. PATTON,
Acting Director,

Bureau of Commercial Fisheries.

1. New paragraphs (h) through (q) are added to § 240.1 to read as follows:

§ 240.1 Meaning of terms.

(h) Convention: The International Convention for the Northwest Atlantic Fisheries signed at Washington, February 8, 1949.

(i) Commission: The International Commission for the Northwest Atlantic Fisheries established pursuant to the Convention.

(j) Contracting governments: Member governments of the Conventions.

(k) Executive Secretary: The Executive Secretary of the International Commission for the Northwest Atlantic Fisheries.

(l) Bureau: The Bureau of Commercial Fisheries, Fish and Wildlife Service, U.S. Department of the Interior.

(m) Bureau Director: The Director of the Bureau of Commercial Fisheries.

(n) Regional Director: The Regional Director, North Atlantic Region, Bureau of Commercial Fisheries, Federal Building, 14 Elm Street, Gloucester, Mass. 01930. Telephone number 281-0640.

(o) Open season: The time during which haddock may lawfully be captured and taken on board a fishing vessel without limitation on the quantity permitted to be retained during each fishing voyage except as provided under § 240.5.

(p) Closed season: The time during which haddock in specified areas may not be taken in quantities exceeding the amounts as an incident to fishing for other species.

(q) Demersal species: Fishes living at the bottom of the sea.

2. Section 240.2 is amended to read:
§ 240.2 Registration certificates.

(a) All commercial fishing vessels of any tonnage which shall fish for, catch and offer for sale haddock taken in any manner or which shall transport haddock otherwise than a common carrier documented by the Government of the United States, must be licensed annually by the Department of the Interior, Bureau of Commercial Fisheries.

(1) Each vessel licensed by the Department of the Interior, Bureau of Commercial Fisheries, shall carry the haddock license on board at all times while at sea, and this license shall at all times be subject to inspection by an authorized officer of the Government of the United States.

(2) The haddock license and the logbook required under § 240.10(b) shall be issued without fee by authorized officers of the Government of the United States.

(b) Unless permitted to do so by § 240.5 no person shall engage in fishing for these species of fish mentioned in § 240.1(c) within the Convention area, nor shall any person possess, transport, or deliver by means of any fishing vessel such species taken within such area except under a registration certificate issued and in force in conformity with the provisions of this part.

(1) The owner or operator of a fishing vessel may obtain without charge a registration certificate by furnishing, on a form to be supplied by the Bureau of Commercial Fisheries, information specifying the names and addresses of the owner and operator of the vessel, the name, official number and home port of the vessel, and the period for which the registration certificate is desired. The form shall be submitted in duplicate to the Regional Director, Bureau of Commercial Fisheries, Gloucester, Mass., who shall grant the registration certificate for the duration specified by the applicant in the form but in no event to extend beyond the end of the calendar year during which the registration certificate is issued. New registration certificates shall similarly be issued to replace expired, lost or mutilated certificates. An application for replacement of an expiring registration certificate shall be made in like manner as the original application not later than 10 days prior to the expiration date of the expiring certificate.

(2) The registration certificate issued by the Bureau of Commercial Fisheries shall be carried at all times on board the vessel for which it is issued and such certificate, the vessel, its gear and equipment shall at all times be subject to inspection for the purposes of this part by officers authorized to enforce the provisions of this part.

3. The introductory paragraph of § 240.5 is amended (while leaving paragraphs (a), (b), (c), and (d) unchanged) to read as follows:

§ 240.5 Certain persons and vessels exempted.

Except as otherwise provided in this section, nothing contained in §§ 240.2(b) to 240.4 shall apply to the following: *Provided*, That the provisions of §§ 240.6 to 240.9 are not excepted. During any closed period under § 240.8(a), the exemptions provided for haddock under paragraphs (c) and (d) of this section shall automatically be suspended during such closed period.

4. New §§ 240.6, 240.7, 240.8, 240.9, and 240.10 are added to read as follows:

§ 240.6 Catch limits.

An annual limitation is placed on the quantity of haddock permitted to be taken from Division 4X of Subarea 4 and Subarea 5 by the fishing vessels of all contracting governments participating in the fishery in each year during 1970, 1971, and 1972.

(a) The annual catch in Subarea 4, Division 4X, shall not exceed 18,000 metric tons (round, fresh weight).

(b) The annual catch in Subarea 5 shall not exceed 12,000 metric tons (round, fresh weight).

§ 240.7 Open season.

The open season for haddock fishing in Division 4X of Subarea 4, and Subarea 5 shall begin annually at 0001 hours of the 1st day of January and terminate at a time and date to be determined and announced as provided in § 240.8: *Provided*, That the areas described in § 240.8 shall be closed to the use of gear capable of catching demersal species including any otter trawl gear or similar devices, hook and line, or gill net, from 0001 hours, March 1, to 2400 hours, April 30, during the years 1970, 1971, and 1972.

§ 240.8 Closed seasons and areas.

(a) The Executive Secretary of the International Commission for the North-west Atlantic Fisheries maintains records of the catches of haddock made in Division 4X of Subarea 4 and Subarea 5 during the open season by the fishing vessels of all contracting governments participating in the fishery. He shall notify each contracting government of the date on which accumulative landings in Division 4X of Subarea 4 and Subarea 5 equal 80 percent of the catch limits described in § 240.6. The Director of the Bureau of Commercial Fisheries shall announce the season closure dates so that they fall within 10 days of the receipt of such notification from the Executive Secretary. Such announcement of the season closure dates shall be made by publication in the FEDERAL REGISTER. The closure date so announced shall be final except that if the Executive Secretary determines that the original notification has been affected by changed circumstances, he may substitute a further notification and the Bureau Director may in like manner announce a new season closure date.

(b) It shall be unlawful for any vessel to use, during the period from 0001 hours, March 1 to 2400 hours, April 30

in the years 1970, 1971, and 1972 fishing gear capable of catching demersal species, including any otter trawl gear or similar devices, hook and line, or gill net;

(1) *Division 4X of Subarea 4*. The area that lies between 42°00' north latitude and 43°00' north latitude, and between 67°00' west longitude and 64°30' west longitude.

(2) *Subarea 5, two areas bounded by lines connecting the following coordinates*. (i) 70°00' west longitude, 42°10' north latitude; 69°10' west longitude, 41°10' north latitude; 68°30' west longitude, 41°35' north latitude; 69°20' west longitude, 42°30' north latitude.

(ii) 67°00' west longitude, 42°20' north latitude; 67°00' west longitude, 41°15' north latitude; 65°40' west longitude, 41°15' north latitude; 65°40' west longitude, 42°00' north latitude; 66°00' west longitude, 42°20' north latitude.

(c) It shall be unlawful to fish or possess on board any fishing vessel red hake *Urophycis chuss* (Walb.) and silver hake, *Merluccius bilinearis* (Mitch.) during the period January 1 to March 31, 1970, 1971, and 1972, in the area bounded by the coordinates 69°00' west longitude and 71°40' west longitude and 39°50' north latitude and 40°20' north latitude: *Provided*, That during this period vessels fishing for other species of fin fish, crustacea or mollusks may take on each trip during which they fish in the said area red and silver hake in amounts not to exceed 10 percent each of the total catch by weight in the said area on each trip.

§ 240.9 Restrictions applicable to fishing vessels.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, after the dates announced in the manner provided in § 240.7 for the closing of the haddock fishing seasons in Division 4X of Subarea 4 and Subarea 5, it shall be unlawful for any master or other person in charge of a fishing vessel to possess haddock on board such vessel in those areas or to land haddock taken in those areas in any port or place until the haddock fishing season reopens on January 1 next following the close of the season.

(b) Any master or other person in charge of a fishing vessel which has departed port to engage in haddock fishing prior to the date of closure of the haddock fishing season in Division 4X of Subarea 4 may continue to take and retain haddock in Division 4X of Subarea 4 without restriction as to quantity; but in no case may the trip extend more than 10 days after the closure date.

(c) Any master or other person in charge of a fishing vessel which has departed port to engage in haddock fishing prior to the date of closure of the haddock fishing season in Subarea 5 may continue to take and retain haddock in Subarea 5 without restriction as to quantity until the fishing voyage has been completed by unloading from such fishing vessel the whole or any part of the cargo of haddock or other groundfish taken during such voyage; but in no case may the trip extend more than 10 days after the closure date.

(d) Any master or other person in charge of a fishing vessel which has departed port after the date of closure of the haddock season in Division 4X of Subarea 4 or Subarea 5 may possess on board such vessel and land in any port or place haddock taken as an incident to fishing for other species, but in no event shall the haddock permitted to be possessed or landed by such vessels exceed ten percent (10%) by weight, of all other fish on board.

(e) The limitation on the quantity of incidentally caught haddock specified in paragraph (d) of this section shall be applied to any fishing vessel irrespective of its arrival in port prior or subsequent to December 31 in every case where the catch of haddock has been made during a fishing voyage begun in the closed season.

§ 240.10 Reports and recordkeeping.

(a) All persons, firms or corporations that shall buy haddock for any purpose from fishing or transporting vessels or from a carrier, licensed as a common carrier engaged in either intrastate or interstate commerce, shall keep and shall furnish to an authorized officer of the Government of the United States within 72 hours of sale, records of each purchase or receipt of haddock. The statistical return shall be executed for all fish landed from the Convention area.

(1) The statistical return must be full and correct in all respects and shall be certified to by the signature of the master, operator, or his designated representative, and the true weight of each species landed by the vessel by a representative designated by the purchasing dealer.

(2) All records of all persons, firms, or corporations concerning the landing and purchase of haddock from fishing vessels shall be retained for a period of 2 years and shall be open at all times to inspection by an authorized officer of the Government of the United States. Such persons, firms, or corporations may be required to certify to the correctness of such records and to support the certificate by a sworn statement.

(3) The possession by any person, firm, or corporation of haddock which such person, firm, or corporation knows to have been taken by a vessel of the United States without a valid haddock license is prohibited.

(b) The master or operator of any fishing vessel holding a license under the regulations of this part shall keep on forms furnished by the Bureau an accurate log of fishing operations showing date, type, and size of mesh of otter trawl or gill net, locality fished, duration of fishing time or tow, and the estimated poundage of each species taken at each retrieval of the fishing gear to be recorded once during each watch. Such logs shall be available for inspection by authorized officers of the Government of the United States. At the conclusion of each fishing trip, the duplicate log sheet shall be delivered to an authorized officer of the Government of the United States.

(1) The master or operator of any vessel licensed under the regulations in this

part may be required by an authorized officer of the Government of the United States to certify to the correctness of such log record to the best of his belief and to support the certificate by a sworn statement.

(c) All obligations imposed by the regulations in this part shall be the personal responsibility of the master or operator of the vessel and he shall personally be responsible for the performance of any of said duties.

(d) For the purpose of inspection representatives of the Bureau, shall have at all times free and unobstructed access to any area on board a fishing vessel, transport vessel, or shore facility where fish are landed, handled, stored, or processed and to areas where fishing gear or parts of fishing gear are used, assembled, or stored.

[F.R. Doc. 70-192; Filed, Jan. 6, 1970;
8:46 a.m.]

Proposed Rule Making

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. X]

[Ex Parte MC-19 (Sub-No. 9)]

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

Agency Relationships; Notice of Extension of Time

At the request of the Acting General Counsel, Office of the Secretary of Transportation, Department of Transportation, the time for filing initial statements in the above-entitled proceeding has been extended to March 16, 1970. Reply statements will be due April 20, 1970. An original and 14 copies of each statement should be submitted to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-293; Filed, Jan. 6, 1970;
8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 201]

FEDERAL SEED ACT REGULATIONS

Extension of Time for Comments

On November 19, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 18422) whereby it was proposed that certain regulations be amended under the Federal Seed Act approved August 9, 1939, as amended (7 U.S.C. 1592). Interested persons were invited to attend the public hearing on December 15, 1969, and to offer comments or suggestions regarding the proposals. Comments or suggestions made in writing were to be filed in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, on or before January 15, 1970.

The American Seed Trade Association has requested an extension of the time to submit written comments and suggestions to January 23, 1970. In view of this request, and under authority contained in section 402 of the Federal Seed Act approved August 9, 1939, as amended (7 U.S.C. 1592), and the administrative procedure provisions of 5 U.S.C. sec. 553, the time for written comments and suggestions is hereby extended through January 23, 1970.

Any comments or suggestions in writing may be transmitted in duplicate by mail addressed to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, and will be considered if received on or before January 23, 1970. 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 (CFR 1.27(b)).

Done at Washington, D.C., this 31st of December 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 70-174; Filed, Jan. 6, 1970;
8:45 a.m.]

[7 CFR Parts 1007, 1103]

[Dockets Nos. AO 366-A2, AO 346-A6-RO1]

MILK IN GEORGIA AND MISSISSIPPI MARKETING AREAS

Notice of Rescheduling of Joint Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Notice was issued on December 23, 1969, of a public hearing beginning on January 13, 1970, at Atlanta, Ga., on proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Georgia and Mississippi marketing areas.

Notice is hereby given pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agree-

ments and orders (7 CFR Part 900) that the hearing is rescheduled to open on January 15, 1970, at 9:30 a.m. local time. The hearing will be held at the Holiday Inn-Central, 1944 Piedmont Circle NE., Atlanta, Ga.

Signed at Washington, D.C., on December 31, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 70-175; Filed, Jan. 6, 1970;
8:45 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 150]

RECOGNITION OF AGREEMENT STATE LICENSES

Notice of Proposed Rule Making; Correction

On December 20, 1969, F.R. Doc. 69-15099 was published in the FEDERAL REGISTER (34 F.R. 19996), proposing to amend the Atomic Energy Commission's regulation 10 CFR Part 150. An error appeared in paragraph 3 of the statement of considerations. Accordingly, the text of paragraph 3 of the notice of proposed rule making in F.R. Doc. 69-15099 is amended to read as follows:

Persons proposing to engage in activities in non-Agreement States under § 150.20 are now required to file Form AEC-241, "Report of Proposed Activities in Non-Agreement States," with the Commission prior to engaging in any such activity and are limited under the general license to 20 days in any period of 12 consecutive months.

This correction substitutes the word "now" for the word "not" in line 3.

(Secs. 161, 274, 68 Stat. 948; 73 Stat. 688; 42 U.S.C. 2201, 2021)

Dated at Germantown, Md., this 30th day of December 1969.

For the Atomic Energy Commission.

F. T. HOBBS,
Assistant Secretary.

[F.R. Doc. 70-194; Filed, Jan. 6, 1970;
8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

PHILIP L. BANCROFT

Notice of Granting of Relief

Notice is hereby given that Philip L. Bancroft, 38 Quimby Avenue, Woburn, Mass., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on June 9, 1955, in the Fourth District Court of Eastern Middlesex County, Mass., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Philip L. Bancroft because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Philip L. Bancroft to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Philip L. Bancroft's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Philip L. Bancroft be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 30th day of December 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 70-220; Filed, Jan. 6, 1970;
8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A-74]

ARIZONA

Order Providing for Opening of Lands

1. Pursuant to authority delegated to me by Bureau Order No. 701, dated July 23, 1964 (29 F.R. 10526), I hereby open the following described lands for cemetery site purposes under the Act of March 1, 1907 (34 Stat. 1052; 43 U.S.C. 682).

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 4 N., R. 19 W.,
Sec. 29, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

Aggregating 40 acres in Yuma County.

2. The lands contain the burial place of the historical figure, Hadji Ali (Hi-Jolly), chief camel driver who came to Arizona with an experimental herd of camels imported by the Federal Government for freighting and communications in the Southwest.

A monument to his memory has been erected on the site and is a well known historical site visited by many tourists. Local residents have also used this land as a cemetery since the late 1880's.

3. Applications filed under the Act of March 1, 1907 (34 Stat. 1052; 43 U.S.C. 682), by qualified applicants will be considered on their merits in accordance with the criteria set forth in 43 CFR Subpart 2231.

4. Further information may be obtained from United States Bureau of Land Management, Arizona Land Office, Room 3022 Federal Building, Phoenix, Ariz. 85025.

FRED J. WEILER,
State Director.

DECEMBER 31, 1969.

[F.R. Doc. 70-202; Filed, Jan. 6, 1970;
8:47 a.m.]

[Serial No. A 1821]

ARIZONA

Notice of Classification of Public Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, the public lands described below are hereby classified for multiple-use management. Publication of this notice has the effect of segregating the lands from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9, 25 U.S.C. 334); from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171); from appropriation under section 2477 of the Revised Statutes (43 U.S.C. 932); and from sale under the Act of September 19, 1964 (43 U.S.C. 1421-27).

The lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public lands involved are located on the eastern slopes of the Baboquivari Mountains southwest of Tucson, Ariz. The public lands affected by this classification are shown on maps on file and available for inspection in the District Office and in the Land Office, Bureau of Land Management, Federal Building, 230 North First Avenue, Phoenix, Ariz. The notice of proposed classification of these lands was published February 17, 1968 in F.R. 3145.

3. The lands involved are located in Pima County and are described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 18 S., R. 7 E., unsurveyed,

Those portions of which will be secs. 1, 2, 11, 12, 13, 14, 24, 25, and 36, when surveyed, east of the Papago Indian Reservation.

T. 19 S., R. 7 E.,

Sec. 1, lots 1 to 6 inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 12, lots 1 to 4 inclusive, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 13, lots 1, 2, and 3, W $\frac{1}{2}$ E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 14, lots 1 and 2;

Sec. 23, lot 4;

Sec. 24, NE $\frac{1}{4}$.

T. 19 S., R. 8 E.,

Sec. 7, N $\frac{1}{2}$.

The area described aggregates approximately 3,657.41 acres.

4. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2c. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240.

FRED J. WEILER,
State Director.

DECEMBER 12, 1969.

[F.R. Doc. 70-183; Filed, Jan. 6, 1970;
8:46 a.m.]

[Serial No. A 1823]

ARIZONA

Notice of Classification of Public Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411,

the public lands described below are hereby classified for multiple-use management. Publication of this notice has the effect of segregating the land from appropriation under the agricultural land laws (43 U.S.C., Parts 7 and 9, 25 U.S.C. 334); from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171); from appropriation under section 2477 of the Revised Statutes (43 U.S.C. 932); and from sale under the Act of September 19, 1964 (43 U.S.C. 1421-27). The lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (43 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public lands involved are located in the Cerro Colorado Hills southwest of Tucson, Ariz. The public lands affected by the proposed classification are shown on maps on file and available for inspection in the District Office and in the Land Office, Bureau of Land Management, Federal Building, 230 North First Avenue, Phoenix, Ariz. The notice of proposed classification of these lands was published February 17, 1968 in F.R. 3145.

3. The land involved is located in Pima County and is described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZ.

T. 20 S., R. 10 E.,
 Sec. 15, S $\frac{1}{2}$, and S $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 16;
 Sec. 17, E $\frac{1}{2}$;
 Sec. 22;
 Sec. 28, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 25;
 Sec. 36, W $\frac{1}{2}$.

The area described aggregates approximately 3,600 acres of public land. 4. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2c. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240.

FRED J. WEILER,
 State Director.

DECEMBER 12, 1969.

[F.R. Doc. 70-184; Filed, Jan. 6, 1970;
 8:46 a.m.]

[S 2635]

CALIFORNIA

Notice of Classification of Public Lands for Transfer Out of Federal Ownership

DECEMBER 29, 1969.

1. The following public lands are hereby classified for transfer out of Federal ownership by public sale under section 2455 of the Revised Statutes (43 U.S.C. 1171):

GROUP I

MOUNT DIABLO MERIDIAN

T. 6 N., R. 6 W.,
 Sec. 23, lot 8.
 T. 8 N., R. 7 W.,
 Sec. 4, lots 1 and 2.
 T. 10 N., R. 9 W.,
 Sec. 3, unsurveyed portion;
 Sec. 25, portion of lot 40.
 T. 11 N., R. 10 W.,
 Sec. 10;
 Sec. 11, lot 41.
 T. 10 N., R. 11 W.,
 Sec. 2, lot 1.
 T. 9 N., R. 12 W.,
 Sec. 13, NW $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 13 N., R. 12 W.,
 Sec. 7, lot 3;
 Sec. 18, lot 1.
 T. 14 N., R. 12 W.,
 Sec. 30, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 16 N., R. 12 W.,
 Sec. 1, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 10, lots 1 and 2;
 Sec. 11, SW $\frac{1}{4}$ NE $\frac{1}{4}$.
 T. 17 N., R. 12 W.,
 Sec. 2, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 6, lots 6 and 7;
 Sec. 14, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 15, lot 2 and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 23, lot 2;
 Sec. 30, lot 12.
 T. 18 N., R. 12 W.,
 Sec. 32, SW $\frac{1}{4}$ NE $\frac{1}{4}$.
 T. 13 N., R. 13 W.,
 Sec. 12, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 14 N., R. 13 W.,
 Sec. 24, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 34, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 15 N., R. 13 W.,
 Sec. 23, E $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 26, NW $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 17 N., R. 13 W.,
 Sec. 1, lot 9.
 T. 18 N., R. 13 W.,
 Sec. 15, SW $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 24 N., R. 13 W.,
 Sec. 14, lot 3;
 Sec. 24, lot 1 and NW $\frac{1}{4}$ NE $\frac{1}{4}$.
 T. 15 N., R. 14 W.,
 Sec. 13, S $\frac{1}{2}$ N $\frac{1}{2}$;
 Sec. 24, NW $\frac{1}{4}$ NE $\frac{1}{4}$.
 T. 23 N., R. 14 W.,
 Sec. 33, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 21 N., R. 15 W.,
 Sec. 30, E $\frac{1}{2}$ NE $\frac{1}{4}$.
 T. 23 N., R. 15 W.,
 Sec. 17, SW $\frac{1}{4}$;
 Sec. 18, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 20, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 21, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 28, W $\frac{1}{2}$ NE $\frac{1}{4}$.
 T. 24 N., R. 15 W.,
 Sec. 3, lots 3 and 4.
 T. 12 N., R. 17 W.,
 Sec. 1, lot 10.

The lands described above aggregate 2,000 acres and are located in Mendocino and Sonoma Counties.

2. The following public lands are hereby classified for transfer out of Federal ownership by exchange under section 8 of the Taylor Grazing Act (43 U.S.C. 315g), or for sale under section 2455 of the Revised Statutes (43 U.S.C. 1171):

GROUP II

MOUNT DIABLO MERIDIAN

T. 19 N., R. 14 W.,
 Sec. 23, SE $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 23 N., R. 15 W.,
 Sec. 26, S $\frac{1}{2}$ SE $\frac{1}{4}$.
 T. 13 N., R. 16 W.,
 Sec. 9, NE $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 14 N., R. 16 W.,
 Sec. 10, NW $\frac{1}{4}$ NE $\frac{1}{4}$.

T. 24 N., R. 17 W.,
 Sec. 22, SE $\frac{1}{4}$ NW $\frac{1}{4}$.

The lands described above aggregate 240 acres and are located in Mendocino County.

3. The following public lands are hereby classified for transfer out of Federal ownership through the Point Reyes National Seashore Act of September 13, 1962 (76 Stat. 538), and all other forms of exchange, or for sale under section 2455 of the Revised Statutes (43 U.S.C. 1171):

GROUP III

MOUNT DIABLO MERIDIAN

T. 13 N., R. 13 W.,
 Sec. 2, lot 1, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 9, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 13, NE $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 12 N., R. 14 W.,
 Sec. 4, lot 4.
 T. 13 N., R. 14 W.,
 Sec. 28, E $\frac{1}{2}$ NW $\frac{1}{4}$.
 T. 22 N., R. 14 W.,
 Sec. 5, lot 7;
 Sec. 6, lot 4;
 Sec. 30, lots 5 and 6, and NW $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 23 N., R. 14 W.,
 Sec. 30, N $\frac{1}{2}$ lot 6.
 T. 13 N., R. 15 W.,
 Sec. 10, SW $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 23 N., R. 15 W.,
 Sec. 3, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 10, lots 1 and 2.
 T. 24 N., R. 15 W.,
 Sec. 9, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 10, W $\frac{1}{2}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 11, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$;
 Sec. 12, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 30, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

The lands described above aggregate 1,252 acres and are located in Mendocino County.

4. The following public lands are hereby classified for transfer out of Federal ownership through the Point Reyes National Seashore Act of September 13, 1962 (76 Stat. 538), or for State Indemnity Lieu Selection (43 U.S.C. 851, 852):

GROUP IV

MOUNT DIABLO MERIDIAN

T. 7 N., R. 6 W.,
 Sec. 9, NE $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 7 N., R. 7 W.,
 Sec. 11, E $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 12, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 14 N., R. 13 W.,
 Sec. 18, N $\frac{1}{2}$ SE $\frac{1}{4}$.
 T. 17 N., R. 13 W.,
 Sec. 2, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 14 N., R. 14 W.,
 Sec. 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 24, N $\frac{1}{2}$ NE $\frac{1}{4}$.

The lands described above aggregate 440 acres and are located in Mendocino and Sonoma Counties.

5. The following public lands are hereby classified for transfer out of Federal ownership by State Indemnity Lieu Selection (43 U.S.C. 851, 852), or for lease or sale under Recreation and Public Purposes Act (44 Stat. 741 and 68 Stat. 173; 43 U.S.C. 869):

GROUP V

MOUNT DIABLO MERIDIAN

T. 7 N., R. 6 W.,
 Sec. 5, W $\frac{1}{2}$ lot 3, W $\frac{1}{2}$ lot 4, and lots 7 to 10, inclusive.

T. 8 N., R. 6 W.,
Sec. 32, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 10 N., R. 10 W.,
Sec. 32, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

The lands described above aggregate 466 acres and are located in Sonoma County.

6. The following public lands are hereby classified for transfer out of Federal ownership by State Indemnity Lieu Selection (43 U.S.C. 851, 852):

GROUP VI

MOUNT DIABLO MERIDIAN

T. 9 N., R. 11 W.,
Sec. 22, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 23, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 27, NW $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 18 N., R. 13 W.,
Sec. 24, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 25, lot 3.
T. 13 N., R. 15 W.,
Sec. 31, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and lots 9 to 11, inclusive.
T. 23 N., R. 15 W.,
Sec. 17, SW $\frac{1}{4}$;
Sec. 18, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 20, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 32, lots 3 to 6, inclusive, and SE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 13 N., R. 16 W.,
Sec. 25, SE $\frac{1}{4}$.
T. 19 N., R. 17 W.,
Sec. 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 8, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 17, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

The lands described above aggregate 1,502 acres and are located in Mendocino and Sonoma Counties.

7. Several comments were received after publication of the notice of proposed classification in the FEDERAL REGISTER (34 F.R. 14905), on September 27, 1969. As a result of evaluation of the comments, the following land has been eliminated from this classification:

MOUNT DIABLO MERIDIAN

T. 17 N., R. 12 W.,
Sec. 7, lot 1.

The proposed classification is hereby terminated as to the above-described land.

The following described lands were deleted from Group I of the notice and are included in the classification for State Indemnity Selection in paragraph 6, above.

MOUNT DIABLO MERIDIAN

T. 9 N., R. 11 W.,
Sec. 22, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 23, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 27, NW $\frac{1}{4}$ NE $\frac{1}{4}$.

8. Publication of this notice segregates the affected land from all forms of disposal under the public land laws, including the mining laws, except the form or forms of disposal for which the lands are classified. However, publication does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their minerals or vegetative resources, other than under the mining laws.

9. For a period of 30 days, interested parties may submit comments to the Sec-

retary of the Interior, LLM, 320, Washington, D.C. 20240.

J. R. PENNY,
State Director.

[F.R. Doc. 70-185; Filed, Jan. 6, 1970;
8:46 a.m.]

[Utah 7543]

UTAH

Order Providing for Opening of Public Lands

DECEMBER 29, 1969.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended June 26, 1936 (40 Stat. 1976; 43 U.S.C. 315g), the following lands have been reconveyed to the United States:

SALT LAKE MERIDIAN

T. 34 S., R. 12 W.,
Sec. 18, lots 1, 2, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 34 S., R. 13 W.,
Sec. 36, all.

The areas described aggregate 943.33 acres.

2. The lands are located in Iron County about 14 miles northwest of Cedar City, Utah. They are semiarid in character and not suitable for farming. The lands have values for watershed, grazing, wildlife, and recreation, which can best be managed under principles of multiple use. The lands have been acquired to further Federal programs. Public lands in this general area have been classified for multiple-use management and retention in Federal ownership.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby open to application, petition, location, and selection, except for appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334), and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171). All valid applications received at or prior to 10 a.m. February 4, 1970, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

J. E. KEOGH,
Acting State Director.

[F.R. Doc. 70-186; Filed, Jan. 6, 1970;
8:46 a.m.]

National Park Service
NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, and Corrections

By notice in the FEDERAL REGISTER of February 25, 1969, at page 2582, there was published a list of the properties in-

cluded in the National Register of Historic Places. This list has been amended by notices in the FEDERAL REGISTER on April 2 (pp. 6018-19), May 6 (p. 7338), June 3 (pp. 8713-14), June 28 (pp. 10007-8), August 5 (pp. 12722-23), September 3 (p. 14002), October 7 (pp. 15564-65), November 4 (pp. 17781-82), and December 2 (pp. 19083-84).

Further notice is hereby given that certain amendments or revisions, in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following properties have been added to the National Register since December 2:

ALABAMA

Mobile County

Mobile, City Hall, 111 South Royal Street.

ARKANSAS

Ouachita County

Chidester vicinity, Poison Spring State Park, E $\frac{1}{2}$ NE $\frac{1}{4}$, sec. 1, T. 13 S, R. 19 W.

Pulaski County

Little Rock, Old Statehouse, 300 West Markham Street.

COLORADO

Denver County

Denver, Daniels and Fisher Tower, 1101 16th Street.
Denver, Emmanuel Shearith Israel Chapel, Emmanuel Episcopal Chapel, 1201 10th Street.
Denver, Four Mile House, 715 South Forest Street.
Denver, Governor's Mansion, 400 East Eighth Avenue.
Denver, St. Elizabeth's Church, 1062 11th Street.

ILLINOIS

Alexander County

Cairo, Magnolia Manor, 2700 Washington Avenue.

Sangamon County

Springfield, Edwards Place, 700 North Fourth Street.

MAINE

Androscoggin County

Livermore, The Norlands, The Norlands Road, New Gloucester, Shaker Village, on Route 26.

Cumberland County

Shaker Village (see Androscoggin County).
Brunswick, First Parish Church, 207 Maine Street.
South Casco, Hawthorne (Nathaniel) Boyhood Home, Hawthorne and Raymond Cape Roads.

Franklin County

Farmington vicinity, Nordica Homestead, Holly Road, 0.5 mile from Route 27.

Hancock County

Blue Hill, Jonathan Fisher Memorial, Outet Main Street (Route 15).
Castine, Fort George Memorial.

Castine, *Perkins (John) House*, Perkins Street.
Ellsworth, *Black Mansion*, West Maine Street on Route 172.

Kennebec County

Augusta, *Fort Western*, Bowman Street.

Knox County

Camden, *The Conway House*, Conway Road.
Lincoln County

Damariscotta vicinity, *Damariscotta Oyster Shell Heaps*, Damariscotta River north of Damariscotta.

Pemaquid Beach vicinity, *Pemaquid Restoration and Museum*, Pemaquid Point.

Piscataquis County

Brownville Junction vicinity, *Katahdin Iron Works*, 5 miles north of Brownville Junction on Route 11, follow gravel road for 6 miles.

Sagadahoc County

Bath, *Seguin* (tugboat), Bath Marine Museum.

York County

York, *Hancock (John) Warehouse*, Lindsay Road.

MARYLAND

Baltimore (independent city)

The Flag House, 844 East Pratt Street.

MISSOURI

Howard County

Boonsboro vicinity, *Boonslick State Park*, SW ¼ NW ¼ sec. 6, T. 49 N, R. 17 W.

OHIO

Lucas County

Waterville, *Columbian House*, River and Farnsworth Roads.

Ottawa County

Marblehead, *Marblehead Lighthouse*, Ohio 163.

Wood County

Perrysburg, *Old Wood County Jail*, 240 West Indiana Avenue.

SOUTH CAROLINA

Beaufort County

Beaufort, *Beaufort Historic District*, bounded on the north by Boundary Street, on the west by Hamar and Bladen Streets, and on the south and east by the Beaufort River.

Charleston County

Charleston, *The Exchange and Provost*, East Bay and Broad Streets.

Charleston, *Site of Old Charles Towne*, Albe-marle Point.

Chester County

Rowell, *Landsford Canal*, off U.S. 21, a 2-mile section parallel to the Catawba River.

Dorchester County

Summerville vicinity, *Old Dorchester*, Dorchester State Park, including the ruins of the village and fort of Dorchester and St. George's Church, on the Ashley River near the mouth of Dorchester Creek.

Georgetown County

Georgetown, *Georgetown County Rice Museum*, Old Market Building, Front and Screven Streets.

Greenwood County

Ninety Six vicinity, *Old Ninety Six and Star Fort*, 2 miles south of Ninety Six, between S.C. 248 and 27.

Newberry County

Newberry, *Newberry Opera House*, Boyce and Nance Streets.

Richland County

Columbia, *The Lace House*, 803 Richland Street.

Union County

Union vicinity, *Pinckneyville*, 13 miles northeast of Union on S.C. 13.

York County

Rock Hill, *The White House*, 258 East White Street.

TENNESSEE

Davidson County

Nashville, *Nashville Union Station*, Broadway and 10th Avenue South.

Nashville, *Traveller's Rest*, Franklin Road.
Nashville vicinity, *Belle Meade*, Harding Road at Leake Avenue.

Knox County

Knoxville vicinity, *Ramsey House*, Thorn-grove Pike.

Rutherford County

Smyrna, *Davis (Sam) Home*, Tennessee 102.

Sullivan County

Kingsport, *Netherland Inn and Complex*, 2144 Netherland Inn Road.

TEXAS

Bezar County

San Antonio, *U.S. San Antonio Arsenal*, bounded by South Flores Street on the west, East Arsenal Street on the south, the San Antonio River on the east, and private property on the north.

Travis County

Austin, *The Old Bakery*, 1006 Congress Avenue.

VIRGINIA

Dinwiddie County

Rowanta vicinity, *Williamson Site*, 0.9 mile north of intersection of Routes 693 and 703.

Stafford County

Brooke vicinity, *Potomac Creek Site*, north bank of Potomac Creek at confluence with Accokeek Creek.

Tazewell County

Maiden Spring vicinity, *Indian Paintings*, 2 ½ miles northwest of Maiden Spring.

ERNEST ALLEN CONNALLY,
Chief, Office of Archeology
and Historic Preservation.

[F.R. Doc. 70-227; Filed, Jan. 6, 1970;
8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 8 (Social Security Administration) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education,

and Welfare (33 F.R. 5828 et seq., Apr. 16, 1968, as amended), is hereby amended as follows:

8-B Assistant Bureau Director, *Statistical Services, BDPA*, is superseded by the following: "Assistant Bureau Director, Data Development, BDPA."

(Sec. 6, Reorganization Plan No. 1 of 1953)

Dated: December 24, 1969.

SOL ELSON,
Acting Assistant Secretary
for Administration.

[F.R. Doc. 70-213; Filed, Jan. 6, 1970;
8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20291; Order 70-1-1]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority
January 2, 1970.

By order 69-12-81, dated December 18, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by Traffic Conference 1 of the International Air Transport Association (IATA). The agreements, insofar as they relate to air transportation, establish first-class excursion fares between Miami and Grand Cayman, normal first-class and economy-class fares and 17-day first-class and economy-class round-trip excursion fares between Miami and Barquisimeto, and an economy-class excursion fare between San Juan and Lima.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in order 69-12-81 will herein be made final.

Accordingly, it is ordered, That:

Agreements CAB 21393, 21402, and 21431 be and hereby are approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL McCART,
Acting Secretary.

[F.R. Doc. 70-219; Filed, Jan. 6, 1970;
8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18764; FCC 69-1343]

MARTIN DOSS, JR.

Order Designating Application for Hearing on Stated Issues

In regard application of Martin Doss, Jr., Pasadena, Tex., for a Class D radio

station license in the Citizens Radio Service.

The Commission has under consideration the above-entitled application for a Class D radio station license in the Citizens Radio Service.

There is a substantial question as to whether the applicant, Martin Doss, Jr., possesses the requisite qualifications to be a licensee of the Commission because of the following reasons:

(a) His repeated and/or willful violations of the following sections of the Commission's rules while he was licensee of Citizens radio station 9W1371:

Section 95.37(c)(2) (overheight antenna) on various dates between June 7, 1962, and March 26, 1963, especially on June 7 and December 14, 1962, and March 26, 1963; and

Section 95.83(a)(1) (hobby or diversion) on various dates between August 14, 1961, and March 4, 1963, especially on August 14, 1961; August 13 and October 25, 1962; and March 4, 1963.

(b) His willful operation of radio station KEE-3496 licensed to Shirley Roach Doss, in violation of §§ 95.37(c) (overheight antenna) and 95.83(a)(13) (transmission of technical information) on various dates between January 4, 1965, and August 18, 1965, especially on May 21 and August 18, 1965.

(c) His unlicensed operation of radio equipment on April 2, 3, 4, 10, and 11 and July 12, 15, 16, 17, 18, and 19, 1968.

(d) His repeated refusal to accept official correspondence from the Commission.

(e) His conviction on June 19, 1969, in the U.S. District Court, Southern District of Texas, for operating unlicensed radio transmitting equipment.

The Commission is unable to find that a grant of the captioned application would serve the public interest, convenience and necessity, and, must, therefore, designate the application for hearing. Except for the issues specified herein, the applicant is otherwise qualified to hold a Citizens radio station license.

Accordingly, it is ordered, Pursuant to section 309(e) of the Communications Act of 1934, as amended, and § 1.973(b) of the Commission's rules, that the captioned application is designated for hearing, at a time and place to be specified by subsequent order upon the following issues:

(1) To determine the facts concerning applicant's violations of §§ 95.37(c) and 95.83(a)(1) as set forth in (a) and (b), above.

(2) To determine the facts concerning applicant's unlicensed operation of radio transmitting equipment and his refusal to accept official correspondence from the Commission.

(3) To determine the facts concerning the conviction of applicant by the U.S. District Court on June 19, 1969, for operating unlicensed radio transmitting equipment.

(4) To determine whether, in view of the evidence adduced in the above-specified issues, Martin Doss, Jr., possesses the requisite qualifications to be a licensee of the Commission.

(5) To determine whether, in light of the evidence adduced with respect to the foregoing issues, the grant of the subject application would serve the public interest, convenience and necessity.

It is further ordered, That, to avail himself of the opportunity to be heard, the applicant herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intent to appear on the date fixed for hearing and present evidence on the issues specified in this order.

It is further ordered, That the Chief, Safety and Special Radio Services Bureau, shall, within 10 days after the release of this order, furnish a Bill of Particulars to the applicant herein setting forth the basis for the above issues.

Adopted: December 10, 1969.

Released: December 29, 1969.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[FR. Doc. 70-191; Filed, Jan. 6, 1970;
8:46 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 70-1]

SEA-LAND SERVICE, INC.

Increases in Rates in U.S. Pacific Coast/Puerto Rico Trade; Order of Investigation and Suspension

There have been filed with the Federal Maritime Commission by Sea-Land Service, Inc., the following pages to its Tariff FMC-F No. 19, scheduled to become effective January 6, 1970, which contain certain increased rates and charges in the subject trade, as indicated by diamond symbols:

3rd Revised Page 117.
2nd Revised Page 121.¹
2nd Revised Page 131.
1st Revised Page 139.
1st Revised Page 140.
1st Revised Page 142.
2nd Revised Page 146.
2nd Revised Page 147.
2nd Revised Page 148.
2nd Revised Page 149.

First Revised Page 17 in Tariff FMC-F No. 19, which became effective September 16, 1969, sets forth arbitrary charges applicable to shipments moving to or from the Port of Seattle, Wash.

Upon consideration of said schedules, protests thereto filed by the Commonwealth of Puerto Rico, and replies filed by the carrier, the Commission is of the opinion that the proposed designated rate increases, as well as the current arbitrary charges applied on shipments moving from or to the Port of Seattle,

¹ Including 174-cent rate on soap, granulated, chips, flakes or powdered which was incorrectly symbolized with a triangle.

Wash., should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable, or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore:

It is ordered, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916 and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the proposed increased rates contained in the aforementioned revised pages, as well as the present arbitrary charges applied on shipments moving from or to the Port of Seattle, Wash., with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended, or reissued upon termination of the suspension period or before the investigation has been concluded, such changed, amended or reissued matter will be included in this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, the operation of the tariff matter described on page 1 hereof, to become effective on January 6, 1970, is suspended and the use thereof be deferred to and including April 5, 1970, unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by Sea-Land Service, Inc., a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until April 6, 1970, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Domestic Regulation of the Federal Maritime Commission;

It is further ordered, That Sea-Land Service, Inc. be named as respondent in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on all respondents and protestants herein; (II) the said respondents and protestants be duly notified of the time and place of the hearing; and (III) this

order be published in the FEDERAL REGISTER and notice of said hearing be served upon respondents.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-214; Filed, Jan. 6, 1970;
8:48 a.m.]

[Docket No. 69-60]

SEA-LAND SERVICE, INC.

Rejection of Tariff Filings; Order To Show Cause

On December 12, 1969, the Bureau of Compliance of the Federal Maritime Commission rejected tariff filings of Sea-Land Service, Inc. (Sea-Land), made by cable on that date and on December 9, 1969. The filings were submitted by the North Atlantic Westbound Freight Association (NAWFA) on behalf of Sea-Land as a member line and would have empowered Sea-Land to reduce both its contract and non-contract rates on wines and spirits from Grangemouth, Scotland to Elizabeth, N.J.; Baltimore, Md.; and Norfolk, Va.

The Bureau's reasons for the rejection, as stated in a letter to NAWFA were that the filing of these reduced rates by a single line is unauthorized by the basic Conference agreement and the Conference's wines and spirits dual rate agreement.

Sea-Land maintains that the rejection was improper and has requested oral argument on the legality of the Bureau's action and a repudiation by the Commission of the tariff rejection.

Therefore, it is ordered, That pursuant to section 22 of the Shipping Act, 1916, Sea-Land Service, Inc., show cause why the tariff filings of December 9 and 12, 1969, by which reduced rates on wines and spirits were to have been effected should not have been rejected as unauthorized by and contrary to the Conference agreement and the wines and spirits dual rate agreement of the North Atlantic Westbound Freight Association, and thus unlawful under sections 14b, 15, and 18(b) of that Act and the rules and regulations promulgated thereunder, including, but not limited to, § 536.2(c) of Title 46 CFR.

It is further ordered, That there appearing to be no material issues of fact in dispute and Sea-Land itself making no request for an evidentiary hearing, the proceeding shall be limited to the submission of affidavits of fact, memoranda of law, and oral argument. Should Sea-Land feel that an evidentiary hearing is re-

quired, it must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, and why such proof cannot be submitted through affidavits. Requests for evidentiary hearing shall be filed on or before January 7, 1970. Simultaneous affidavits of fact and memoranda of law shall be filed by all parties and the Commission's Office of Hearing Counsel on January 14, 1970, upon which oral argument shall be heard on January 20, 1970. An original and 15 copies of affidavits of fact and memoranda of law are required to be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Copies of any papers filed with the Secretary should also be served upon all parties hereto.

It is further ordered, That Sea-Land Service, Inc. be, and it is hereby made respondent in this proceeding.

It is further ordered, That this order be published in the FEDERAL REGISTER and served upon respondent.

Persons other than respondent and Hearing Counsel who desire to become parties to this proceeding shall file a petition for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) of the Commission's rules of practice and procedure no later than January 7, 1970.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-215; Filed, Jan. 6, 1970;
8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-3114, etc.]

HUMBLE OIL & REFINING CO. ET AL.

Findings and Order

DECEMBER 24, 1969.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket number, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, terminating proceeding, making successors co-respondents, substituting respondents, redesignating proceedings, making rate change effective, accepting agreements and undertakings for filing, requiring filing of agreements and undertakings, accepting surety bond for filing, and accepting related rate schedules and supplements for filing.

Each of the applicants listed 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 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, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto

and propose to initiate, abandon, add to, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

Nelle Son de Regger et al., applicants in Dockets Nos. G-5250 and CI61-946, propose to continue the sales of natural gas heretofore authorized in said dockets to be made pursuant to J. F. Hamilton Trust Estate FPC Gas Rate Schedules Nos. 1 and 2, respectively. Said rate schedules will be redesignated as those of applicants. The presently effective rates under said rate schedules are in effect subject to refund in Dockets Nos. RI65-306 and RI68-193, respectively. Applicants have filed motions to be substituted in lieu of the J. F. Hamilton Trust Estate as respondents in said proceedings, together with agreements and undertakings to assure the total refunds from the time that the increased rates were made effective subject to refund. Therefore, applicants will be substituted as respondents in the rate proceedings; the proceedings will be redesignated accordingly; and the agreements and undertakings will be accepted for filing.

MacDonald Development Co., applicant in Docket No. G-6902, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to R. D. MacDonald, Jr., FPC Gas Rate Schedule No. 1. Said rate schedule will be redesignated as that of applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI67-288. Applicant indicates in its certificate application that it intends to be responsible for the total refund from the time that the increased rate was made effective subject to refund. Applicant has filed a motion to be substituted in lieu of R. D. MacDonald, Jr., as respondent in the proceeding in Docket No. RI67-288, together with an agreement and undertaking to assure refunds. Therefore, applicant will be substituted as respondent; the proceeding will be redesignated accordingly; and the agreement and undertaking will be accepted for filing.

Homa Oil & Gas Co., applicant in Docket No. G-10949, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Diversa, Inc., FPC Gas Rate Schedule No. 5. Said rate schedule will be redesignated as that of applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI62-533. Applicant indicates in its certificate application that it intends to assume the total refund obligation from the time that the increased

rate was made effective subject to refund. Therefore, applicant will be made a co-respondent in the proceeding pending in Docket No. RI62-533; the proceeding will be redesignated accordingly; and applicant will be required to file an agreement and undertaking to assure the total refund with respect to sales made pursuant to the subject rate schedule.

Frio Production Co. (Operator) et al., applicant in Docket No. CI60-546,¹ proposes to continue the sale of natural gas heretofore authorized in said Docket to be made pursuant to Occidental Petroleum Corp. (Operator), et al., FPC Gas Rate Schedule No. 7. Said rate schedule will be redesignated as that of applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI67-42. Therefore, applicant will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

Joseph P. Mueller, applicant in Docket No. CI61-1673, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to M. M. Conn FPC Gas Rate Schedule No. 1. Said rate schedule will be redesignated as that of applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI62-542. Conn filed a change in rate under the subject rate schedule, which change is suspended in Docket No. RI67-349. Applicant proposes to collect the last rate not effective subject to refund, 16 cents per Mcf at 14.65 p.s.i.a., and requests that the proceeding pending in Docket No. RI67-349 be terminated. The assignment from Conn to applicant provides that applicant shall be responsible for all refunds in Docket No. RI62-542. Therefore, applicant will be substituted in lieu of Conn as respondent in the proceeding pending in Docket No. RI62-542; said proceeding will be redesignated accordingly; applicant will be required to file an agreement and undertaking to assure refunds; and the proceeding pending in Docket No. RI67-349 will be terminated.

PetroDynamics, Inc. (Operator) et al., applicant in Docket No. CI62-1559, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Jas. F. Smith (Operator) et al., FPC Gas Rate Schedule No. 5. Said rate schedule will be redesignated as that of applicant. On August 17, 1962, Mr. Smith filed with the Commission a notice of change in rate under his FPC Gas Rate Schedule No. 5. By order issued September 14, 1962, in Docket No. RI63-65 et al., the Commission suspended the proposed change in Docket No. RI63-76 until February 17, 1963, and thereafter until made effective. The notice of change was designated as

¹ The application was erroneously assigned Docket No. CI69-584 which will be canceled.

Supplement No. 20 to the subject rate schedule. On September 26, 1969, applicant filed a motion to make the change in rate effective subject to refund, together with an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in Docket No. RI63-76. Therefore, applicant will be substituted in lieu of Smith as respondent in the proceeding pending in Docket No. RI63-76; the proceeding will be redesignated accordingly; the change in rate will be made effective subject to refund; and the agreement and undertaking will be accepted for filing.

Nuclear Exploration & Development Co., applicant in Docket No. CI63-62, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Bruce Anderson et al., FPC Gas Rate Schedule No. 3. Said rate schedule will be redesignated as that of applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI64-758. Applicant indicates in its application that it intends to be responsible for the total refund from the time that the increased rate was made effective subject to refund. Therefore, applicant will be substituted in lieu of Bruce Anderson as respondent in said proceeding; the proceeding will be redesignated accordingly; and applicant will be required to file an agreement and undertaking to assure the refund of all amounts collected in excess of the amount determined to be just and reasonable in said proceeding.

Corpus Christi Leaseholds, Inc., applicant in Docket No. CI70-59, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-12083 to be made pursuant to Mobil Oil Corp. FPC Gas Rate Schedule No. 83. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI67-273. Applicant has filed a surety bond to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding. Therefore, applicant will be made a co-respondent in the proceeding pending in Docket No. RI67-273; the proceeding will be redesignated accordingly; and the surety bond will be accepted for filing.

Sierra Petroleum Co., Inc., applicant in Docket No. CI70-251, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI61-1443 to be made pursuant to Marvin J. Coles et al., FPC Gas Rate Schedule No. 1. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI64-134. Applicant has submitted an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding. Therefore, applicant will

be made a co-respondent in the proceeding pending in Docket No. RI64-134; the proceeding will be redesignated accordingly; and the agreement and undertaking will be accepted for filing.

The Commission's staff has reviewed each application 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, a notice of intervention by The People of The State of California and The Public Utilities Commission of The State of California was filed in Docket No. G-15153, in the matter of the application filed on January 13, 1964, in said docket. The notice of intervention has been withdrawn, and no other petitions to intervene, notices of intervention, or protests to the granting of any of the applications have been filed.

At a hearing held on December 11, 1969, 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 that Docket No. CI69-584 should be canceled and that the application filed therein should be treated

as a petition to amend the order issuing a certificate in Docket No. CI60-546.

(6) 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 and conditioned.

(7) 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.

(8) The abandonments proposed by applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(9) 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 herein after permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Nelle Son de Regger et al., should be substituted in lieu of the J. F. Hamilton Trust Estate as respondents in the proceedings pending in Dockets Nos. RI65-306 and RI68-193; that said proceedings should be redesignated accordingly; and that the agreements and undertakings submitted by them should be accepted for filing.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that MacDonald Development Co. should be substituted in lieu of R. D. MacDonald, Jr., as respondent in the proceeding pending in Docket No. RI67-288; that said proceeding should be redesignated accordingly; and that the agreement and undertaking submitted by it should be accepted for filing.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Homa Oil & Gas Co. should be made a co-respondent in the proceeding pending in Docket No. RI62-533, that said proceeding should be redesignated accordingly, and that Homa should be required to file an agreement and undertaking.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Frio Production Co. (Operator) et al., should be made a co-respondent in the proceeding pending in Docket No. RI67-42; that said proceeding should be redesignated accordingly; and that Frio should be required to file an agreement and undertaking.

(14) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Joseph P. Mueller should be substituted in lieu of M. M. Conn as respondent in the proceeding pending in Docket No. RI62-542, that said proceeding should be redesignated

accordingly, that Mueller should be required to file an agreement and undertaking to assure the refund of all amounts collected subject to refund by Conn, and that the proceeding pending in Docket No. RI67-349 should be terminated.

(15) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that PetroDynamics, Inc. (Operator), et al., should be substituted in lieu of Jas. F. Smith (Operator) et al., as respondent in the proceeding pending in Docket No. RI63-76; that said proceeding should be redesignated accordingly; that the proposed change in rate suspended in said proceeding should be made effective subject to refund; and that the agreement and undertaking submitted by PetroDynamics should be accepted for filing.

(16) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Nuclear Exploration & Development Co. should be substituted in lieu of Bruce Anderson as respondent in the proceeding pending in Docket No. RI64-758, that said proceeding should be redesignated accordingly, and that it should be required to file an agreement and undertaking.

(17) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Corpus Christi Leaseholds, Inc., should be made a co-respondent in the proceeding pending in Docket No. RI67-273; that said proceeding should be redesignated accordingly; and that the surety bond filed by Corpus Christi should be accepted for filing.

(18) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Sierra Petroleum Co., Inc., should be made a co-respondent in the proceeding pending in Docket No. RI64-134; that said proceeding should be redesignated accordingly; and that the agreement and undertaking submitted by Sierra should be accepted for filing.

(19) 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 4 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 nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved 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 grant of the certificates issued herein on certain applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61-1, as amended, shall be filed prior to the applicable date indicated in the tabulation herein.

(E) The certificates issued herein and the amended certificate are subject to the following conditions:

(a) The initial rate for the sale authorized in Docket No. CI70-342 shall be the applicable area base rate prescribed in Opinion No. 468, as modified by Opinion No. 468-A, as adjusted for quality of gas, or the contract rate, whichever is lower. If the quality of the gas delivered by Applicant deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468-A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of a notice of change in rate. Within 90 days from the date of initial delivery Applicant shall file a rate schedule quality statement in the form prescribed in Opinion No. 468-A.

(b) The initial rate for sales authorized in Dockets Nos. CI64-1179, CI64-1472, CI65-840, CI66-71, and CI66-974 shall be 14.5 cents per Mcf at 14.65 p.s.i.a. subject to B.t.u. adjustment.

(c) The initial rate for the sale authorized in Docket No. CI70-83 shall be 16 cents per Mcf at 15.025 p.s.i.a. Applicant shall not require buyer to take-or-pay for an annual quantity of gas-well gas which is in excess of an average of

1 Mcf per day for each 7,300 Mcf of determined gas-well gas reserves or the specified contract quantity, whichever is the lesser amount.

(d) The initial rate for the sale authorized in Docket No. G-15153 shall be 15 cents per Mcf at 15.025 p.s.i.a.

(e) The initial rate for sales authorized in Dockets Nos. CI68-94 and CI70-239 shall be 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement and subject to B.t.u. adjustment. In the event that the Commission amends its statement of general policy No. 61-1, by adjusting the boundary between the Oklahoma Panhandle area and the Oklahoma "Other" area, so as to increase the initial wellhead price for new gas, applicants thereupon may substitute the new rates reflecting the amounts of such increases and thereafter collect the new rates prospectively in lieu of the initial rate herein authorized in said dockets.

(f) The authorization granted in Docket No. CI68-94 is conditioned upon any determination which may be made in the proceeding pending in Docket No. R-338 with respect to the transportation of liquefiable hydrocarbons.

(g) Applicant in Docket No. CI70-243 shall not require buyer to take-or-pay for an annual quantity of gas-well gas during the first 2 contract years which is in excess of an average of 1 Mcf per day for each 3,650 Mcf of determined gas-well gas reserves and 1 Mcf per day for each 7,300 Mcf of determined gas reserves thereafter.

(f) Within 30 days from the date of this order applicant in Docket No. CI70-251 shall file three copies of a billing statement as required by the regulations under the Natural Gas Act.

(g) Docket No. CI69-584 is canceled.

(h) The orders issuing certificates in Dockets Nos. G-3114, G-3118, G-6796, G-6798, G-7004, G-11957, G-15153, CI65-406, CI65-739, CI67-1676, and CI68-1148 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(i) The order issuing a certificate in Docket No. G-20226 is amended to include the interest in acreage previously covered by the certificate heretofore issued in Docket No. G-18008; the certificate in Docket No. G-18008 is terminated; and Mobil Oil Corp. FPC Gas Rate Schedule No. 297 is canceled.

(j) The rate suspension order issued September 5, 1969, in Docket No. RI70-173, et al., insofar as it pertains to Docket No. RI70-179, is amended by deleting therefrom Mobil Oil Corp. FPC Gas Rate Schedule No. 297 and the interest heretofore covered thereby is consolidated into Mobil's FPC Gas Rate Schedule No. 204, all deliveries under which will be subject to Docket No. RI70-179.

(k) The orders issuing certificates in Dockets Nos. G-3101, G-12083, and CI61-1443 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to applicants in Dockets Nos. CI70-317, CI70-59, and CI70-251, respectively.

(l) The orders issuing certificates in Dockets Nos. G-5250, G-6902, G-10949,

CI60-546, CI61-946, CI61-1673, CI62-1559, and CI63-62 are amended by substituting the successors in interest as certificate holders.

(m) Permission for and approval of the abandonment of service by applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(n) Permission for and approval of the abandonment in Docket No. CI70-253 shall not be construed to relieve applicant of any refund obligations in the rate suspension proceeding pending in Docket No. RI65-475 and applicant shall not be relieved of any refunds which may be ordered in the proceeding in Docket No. G-13945.

(o) Permission for and approval of the abandonment in Dockets Nos. CI70-321 and CI70-329 shall not be construed to relieve applicants of any refund obligations in the rate suspension proceedings pending in Dockets Nos. RI67-272 and RI63-465, respectively.

(p) The certificates heretofore issued in Docket Nos. G-11954, G-13945, G-16000, G-20028, CI61-417, CI63-566, CI64-234, CI64-1178, CI64-1333, CI65-579, CI65-933, CI65-1193, CI65-1265, CI66-151, CI66-360, CI66-393, CI66-404, CI66-743, and CI68-851 are terminated.

(q) Nelle Son de Regger et al., are substituted in lieu of the J. F. Hamilton Trust Estate as respondents in the proceedings pending in Dockets Nos. RI65-306 and RI68-193; said proceedings are redesignated accordingly; and the agreements and undertakings submitted by them in said proceedings are accepted for filing. Nelle Son de Regger et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The agreements and undertakings filed by them shall remain in full force and effect until discharged by the Commission.

(r) MacDonald Development Co. is substituted in lieu of R. D. MacDonald, Jr., as respondent in the proceeding pending in Docket No. RI67-288; said proceeding is redesignated accordingly; and the agreement and undertaking submitted by it in Docket No. RI67-288 is accepted for filing. MacDonald Development Co. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(s) Homa Oil & Gas Co. is made a co-respondent in the proceeding pending in Docket No. RI62-533 and the proceeding is redesignated accordingly. Homa shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(t) Within 30 days from the issuance of this order, Homa Oil & Gas Co. shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI62-533 to assure the refund of all amounts collected under Diversa, Inc., FPC Gas Rate

Schedule No. 5 and Homa Oil & Gas Co. FPC Gas Rate Schedule No. 2, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(u) Frio Production Co. (Operator) et al., is made a co-respondent in the proceeding pending in Docket No. RI67-42 and said proceeding is redesignated accordingly. Frio shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(v) Within 30 days from the issuance of this order, Frio Production Co. (Operator) et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI67-42 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(w) Joseph P. Mueller is substituted in lieu of M. M. Conn, as respondent in the proceeding pending in Docket No. RI62-542 and said proceeding is redesignated accordingly. The proceeding pending in Docket No. RI67-349 is terminated. He shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(x) Within 30 days from the issuance of this order, Joseph P. Mueller shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI62-542 to assure the refund of all amounts collected by M. M. Conn, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(y) PetroDynamics, Inc. (Operator), et al., is substituted in lieu of Jas. F. Smith (Operator), et al., as respondent in the proceeding pending in Docket No. RI63-76; said proceeding is redesignated accordingly; and the agreement and undertaking filed by PetroDynamics in said proceeding is accepted for filing. The rates, charges, and classifications set

forth in Supplement No. 20 to PetroDynamics' FPC Gas Rate Schedule No. 19 shall be effective subject to refund as of September 26, 1969. Said effective rate shall be charged and collected as of the effective date subject to any future orders of the Commission in Docket No. RI63-76. PetroDynamics shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(Z) Nuclear Exploration & Development Co. is substituted in lieu of Bruce Anderson as respondent in the proceeding pending in Docket No. RI64-758 and said proceeding is redesignated accordingly. Nuclear Exploration & Development Co. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(AA) Within 30 days from the issuance of this order, Nuclear Exploration & Development Co. shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI64-758 to assure the refund of all amounts collected, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(BB) Corpus Christi Leaseholds, Inc., is made a co-respondent in the proceeding pending in Docket No. RI67-273; said proceeding is redesignated accordingly; and the surety bond filed by Corpus Christi in said proceeding is accepted for filing. Corpus Christi shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The surety bond shall remain in full force and effect until discharged by the Commission.

(CC) Sierra Petroleum Co., Inc., is made a co-respondent in the proceeding pending in Docket No. RI64-134; said proceeding is redesignated accordingly; and the agreement and undertaking submitted by Sierra in said proceeding is accepted for filing. Sierra shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(DD) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted	
			Description and date of document	No. Supp.
G-3114 (CS70-15) D 1	Humble Oil & Refining Co.	El Paso Natural Gas Co., Cooper Jal Field, Lea County, N. Mex.	Conveyance 12-23-68 ² Effective date: 1-1-69	32 2
G-3118 (CS70-20) D 1	do	do	Assignment 7-7-69 ³ Effective date: 8-1-69	28 17
G-525 E 8-1-69	Nelle Son de Regger et al. (successor to J. F. Hamilton Trust Estate).	Panhandle Eastern Pipe Line Co., Hugoton Field, Stevens and Morton Counties, Kans.	J. F. Hamilton Trust Estate FPC GRS No. 1 Supplement No. 1 Notice of succession (undated). Will and testament 1-12-56 ^{4,5}	1 1 1 1
G-6796 (CS70-20) D 1	Humble Oil & Refining Co.	El Paso Natural Gas Co., Cooper Jal Field, Lea County, N. Mex.	Assignment 7-7-69 ³ Effective date: 8-1-69	92 13
G-6798 (CS70-15) D 1	Humble Oil & Refining Co. (Operator) et al.	do	Conveyance 12-23-68 ³ Effective date: 1-1-69	93 9
G-6902 E 9-17-69	MacDonald Development Co. (successor to R. D. MacDonald, Jr.).	Natural Gas Pipeline Co. of America, Old Ocean Field, Brazoria County, Tex.	R. D. MacDonald, Jr., FPC GRS No. 1 Supplement Nos. 1-6 Notice of succession 9-12-69 Assignment 10-1-68 ⁶ Amendment 10-3-68 ⁷ Effective date: 10-1-69	1 1-6 1 7 1 8
G-7004 D 10-6-69	Pennzoil United, Inc.	Consolidated Gas Supply Corp., Spencer District, Roane County, W. Va.	Supplemental agreement 2-6-69 ⁸ Supplemental agreement 9-16-69 ⁹	10 15 10 16
G-10949 E 9-5-69	Homa Oil & Gas Co. (successor to Diversa, Inc.).	Florida Gas Transmission Co., Flores Field, Starr and Hidalgo Counties, Tex.	Diversa, Inc., FPC GRS No. 5 Supplement Nos. 1-2 Notice of succession 8-11-69 Assignment 7-1-69 ¹⁰ Effective date: 7-1-65	2 1-2 2 1-2 2 3
G-11957 D 3-14-69	Mobil Oil Corp.	El Paso Natural Gas Co., Spraberry Field, Upton County, Tex.	Assignment 2-13-69 ¹¹ Effective date: 2-13-69	20 24
G-15153 C 1-13-64	Texaco, Inc. (Operator) et al. ¹²	El Paso Natural Gas Co., Flodine Park Field, Montezuma County, Colo.	Letter agreement 3-30-64	183 2 to 7
G-20226 (G-18008) C 9-20-69 ¹³	Mobile Oil Corp.	Lone Star Gas Co., Carter-Knox Field, Grady and Stephens Counties, Okla.	Supplemental Agreement 7-7-69 ¹⁴ Supplemental Agreement 7-7-69, ¹⁴	204 4 297 4
CI60-546 (CI69-584) E 12-13-68 ¹⁵	Frio Production Co. (Operator), et al. (successor to Occidental Petroleum Corp. (Operator) et al.).	Valley Gas Transmission, Inc., C. A. Winn Field, Live Oak County, Tex.	Occidental Petroleum Corp. (Operator) et al., FPC GRS No. 7 Supplement Nos. 1-5 Notice of Succession 12-10-68 Assignment (undated) ¹⁷ Effective date: 8-1-68	3 1-5 3 6
CI61-946 E 8-1-69	Nelle Son de Regger et al. (successor to J. F. Hamilton Trust Estate).	Panhandle Eastern Pipe Line Co., Panama Council Grove Field, Stevens and Morton Counties, Kans.	J. F. Hamilton Trust Estate, FPC GRS No. 2 Supplement No. 1 Notice of succession (undated). Will and testament 1-12-56, ^{4,5}	2 1 2 2
CI61-1673 E 9-15-69	Joseph P. Muller (successor to M. M. Conn).	Florida Gas Transmission Co., La Reforma Field, Starr County, Tex.	M. M. Conn, FPC GRS No. 1 Supplement Nos. 1-4 Notice of succession 9-12-69 Assignment 8-22-69, ¹⁸ Effective date: 9-1-69	1 1-4 1 5
CI62-1559 E 9-26-69	PetroDynamics, Inc. (Operator) et al. (successor to Jas. F. Smith (Operator) et al.).	Northern Natural Gas Co., Mocane-Laverne Gas Area, Beaver County, Okla.	Jas. F. Smith (Operator) et al., FPC GRS No. 5 Supplement Nos. 1-22 Notice of succession (undated). Supplemental agreement 10-24-66, ¹⁹ Effective date: 7-2-68	19 1-22 19 23
CI63-62 E 8-12-69	Nuclear Exploration & Development Co. et al. (successor to Bruce Anderson et al.).	El Paso Natural Gas Co., Dakota Formation, San Juan County, N. Mex.	Bruce Anderson, et al., FPC GRS No. 3 Supplement No. 1 Notice of succession 7-18-69 Assignment 6-13-69 ²⁰ Effective date: 5-1-69	1 1 1 2
CI64-1179 A 4-6-64 C 11-6-64 C 12-21-64	Longhorn Production Co. (Operator) et al. ²¹	Natural Gas Pipeline Co. of America, acreage in Wise County, Tex.	Contract 2-27-64 Agreement 6-2-64 Amendment 11-9-64	1 2 1 4
CI64-1472 A 6-10-64	do ²¹	do	Contract 4-6-64	2 2
CI65-406 D 10-6-69	Gulf Oil Corp. (Operator) et al.	Cities Service Gas Co., Northwest Lovedale Field, Harper County, Okla.	Notice of partial cancellation 10-2-69, ²²	280 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, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No. Supp.	
CI70-131 (C166-404) B 8-11-69	Ashland Oil & Refining Co.	Texas Gas Transmission Corp., Midland Field, Muhlenberg County, Ky.	Notice of cancellation 8-8-69, 9 ²³	175	1
CI70-132 (C166-36) B 8-11-69	do	do	Notice of cancellation 8-8-69, 9 ²³	174	1
CI70-133 (C166-151) B 8-11-69	do	do	Notice of cancellation 8-8-69, 9 ²³	173	1
CI70-137 (C166-388) ³³ A 8-7-69	Suburban Propane Gas Corp. (successor to Shell Oil Co.)	Northern Natural Gas Co., Ozona Field, Crockett County, Tex.	Shell Oil Co., FPC GRS No. 323 Supp. Nos. 1-3 Notice of succession 7-31-69 Assignment 2-14-69 ³⁴ Contract 8-14-69 Compliance 10-7-69 27 ³⁴	1 1 1 1-3	4
CI70-239 A 9-9-69 ³⁴	Flag Oil Corp. of Delaware	Michigan Wisconsin Pipe Line Co., East Togo Field, Major County, Okla.	Contract 8-12-69 Compliance 10-6-69 27 ³⁴	55 55	1
CI70-243 A 9-10-69 ³⁵	Midwest Oil Corp. (Operator), et al.	Michigan Wisconsin Pipe Line Co., acreage in Woodward County, Okla.	Contract 2-10-61 ³⁵ Assignment 1-14-69 ³⁶ Effective date: 11-1-68	9 9	1
CI70-251 (C161-1443) F 9-21-69 ³⁷	Sterra Petroleum Co., Inc. (successor to Kenneth Rupp).	Lone Star Gas Co., Shovel-Tum Field, Stephens County, Okla.	Notice of cancellation 9-10-69, 9 ²²	169	9
CI70-253 (G-13945) B 9-12-69	Shell Oil Co.	Southern Natural Gas Co., Lake Campo Field, Plaquemines Parish, La.	Contract 6-18-69 ⁴¹ Contract 9-17-68 ⁴² Farmout agreement 11-11-68 ⁴³ Letter agreement 11-20-68 ⁴⁴ Contract 8-15-69 27	16 16 16 16	2 2 3
CI70-317 (G-3101) F 9-29-69 ⁴⁰	Exchange Oil & Gas Co. (successor to Humble Oil & Refining Co.)	Texas Gas Transmission Corp., Chalkley Field, Cameron Parish, La.	Notice of cancellation 9-29-69, 9 ²²	53	9
CI70-320 A 10-1-69 ³⁵	A. M. Alloway, et al.	Kansas-Nebraska Natural Gas Co., Inc., Red Wing Field, Washington County, Colo.	Notice of cancellation 9-29-69, 9 ²²	53	9
CI70-321 (G-11965) B 10-1-69	Mobile Oil Corp.	Tennessee Gas Pipeline Co., a division of Tennessee, Inc., San Ramon Field, Hidalgo County, Tex.	Notice of cancellation 9-30-69, 9 ²²	2	1
CI70-324 (C164-1178) B 10-2-69	Compadre Oil Corp. et al.	Lone Star Gas Co., acreage in Stephens County, Okla.	Notice of cancellation 9-30-69, 9 ²²	3	2
CI70-329 (C169-666) B 10-3-69	Twin Gas Co. (Operator)	Lone Star Gas Co., Palacine Plant, Stephens County, Okla.	Contract 6-30-69 27	1	1
CI70-330 A 10-3-69 ³⁵	George B. Davis, et al.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	Contract 6-17-69 27	327	36
CI70-331 A 10-3-69 ³⁵	Hays & Co., agent for Paul R. Vincent, et al.	Consolidated Gas Supply Corp., Lee District, Callahan County, W. Va.	Contract 8-8-69 27	36	3
CI70-332 A 10-3-69 ³⁵	Francis E. Cain et al, d.b.a. Oia Berts Oil & Gas Partnership.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	Contract 8-27-69 27	3	3
CI70-333 A 10-3-69 ³⁵	Don Conner et al, d.b.a. Wilson & Conner.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	Contract 8-27-69 27	3	3

See footnotes at end of table.

37 Effective date: Date of initial delivery (applicant shall advise the Commission as to such date).
 38 By order issued June 23, 1969, in Docket No. CP69-227 Texas Gas Transmission Corp. was authorized to convert the Midland, Ky., gas field, to an underground gas storage field.
 39 Between Tennessee Gas Transmission Co., and Magnolia Petroleum Co.; on file as Mobile Oil Corp. FPC GRS No. 83.
 40 Transfers acreage from Mobile Oil Corp. to Corpus Christi Leaseholds, Inc., to a depth of 7,825 feet.
 41 No certificate filing made or necessary; only the related rate filing is being accepted for filing by this order.
 42 Complies with temporary certificate issued Sept. 12, 1969. Applicant states willingness to accept a permanent certificate conditioned at 16 cents per Mcf and limiting buyer's take-or-pay obligation to a 1 to 7,800 reserve ratio.
 43 By order issued Aug. 20, 1969, the temporary certificate issued to Shell Oil Co. in Docket No. C 166-388 was terminated, the related rate schedule cancelled, and the certificate application was dismissed as moot. The temporary certificate issued Sept. 12, 1969, to Suburban Propane, also related Shell Oil Co. SUPP. Nos. 1-3 to FPC GRS No. 83 and were redesignated as Suburban Propane Gas Corp. Assignment from Shell to Dual previously filed by Shell and accepted as Supp. No. 3.
 44 Complies with temporary certificate issued Oct. 2, 1969. Applicant states willingness to accept a permanent certificate conditioned to an initial rate of 15 cents per Mcf including tax reimbursement and subject to B.t.u. adjustment.
 45 Filed Oct. 9, 1969; accepts conditioned temporary certificate issued Oct. 2, 1969 (through an oversight, the temporary certificate was issued to some parties by an undated letter order, whereas it should have dated Oct. 2, 1969). Applicant indicates willingness to accept a permanent certificate limiting buyer's take-or-pay obligation to a 1 to 3,650 ratio of takes to reserves during the first 2 contract years and a 1 to 7,800 ratio thereafter.
 46 Applicant is filing to cover interest acquired from Kenneth Rupp, which was covered by Marvin J. Coles et al., FPC GRS No. 1.
 47 Between Marvin J. Coles et al., and Lone Star Gas Co.
 48 From Kenneth Rupp to Sierra Petroleum Co., Inc.
 49 Application erroneously stated rate to be 13.5711 cents per Mcf. Corrected by letter dated Oct. 8, 1969, to reflect the rate as 13.4461 cents per Mcf.
 50 Establishes contract between Texas Gas & Humble Oil & Refining Co. Establishes separate daily contract quantity for assigned acreage.
 51 On file as Humble Oil & Refining Co. FPC GRS No. 143.
 52 Provides for assignment of acreage to Exchange by Humble in the event production is attained.
 53 Amends farmout agreement to evidence Exchange's right to test interval encountered between 8,660 feet and 8,692 feet.
 54 Lessee released to landowner.
 55 Applicant has stated its willingness to accept a permanent certificate conditioned as Opinion No. 468, as modified by Opinion No. 468-A.

Suggested agreement and undertaking:
 BEFORE THE FEDERAL POWER COMMISSION
 (Name of Respondent, -----)
 Docket No. -----)
 AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT
 (Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. -----, and has caused this agreement and undertaking to be executed and sealed in its name by a duly authorized officer this ----- day of ----- 19--.

By ----- (Name of Respondent)
 Attest: -----
 [F.R. Doc. 70-64; Filed, Jan. 6, 1970; 8:45 a.m.]
 [Docket No. E-7518]
Notice of Application
GULF STATES UTILITIES CO.
 JANUARY 2, 1970.
 Take notice that on December 29, 1969, Gulf States Utilities Co. (Applicant) filed

an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of \$30 million principal amount of First Mortgage Bonds, and 900,000 additional shares of Common Stock.
 Applicant is incorporated under the laws of Texas with its principal business office at Beaumont, Tex., and is engaged in the electric utility business in portions of Louisiana and Texas. Natural gas is purchased at wholesale and distributed at retail in the city of Baton Rouge and vicinity.
 The Applicant proposes to sell the new securities at competitive bidding in accordance with the Commission's regulations under the Federal Power Act. The Applicant proposes to invite bids on or about February 4, 1970, for the purchase of the new securities.
 The proceeds from the sale of the new securities will be used to pay off part of the Company's outstanding short-term notes with commercial banks and unsecured promissory notes in the form of commercial paper, previously authorized by the Commission.
 Any person desiring to be heard or to make any protest with reference to said application should on or before January 19, 1970, file with the Federal Power

Docket No. and date filed	Applicant	Purchaser, field, and location	Description and date of document	No.	Supp.
CI70-335 A 10-6-69 3	Hunting Oil Co., Inc., et al.	United Fuel Gas Co., Ravenswood District, Jackson County, W. Va.	Contract 10-2-69 37	3	
CI70-336 A 10-6-69 3	Hays & Co., agent for Lee Scott.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	Contract 7-31-69 37	326	
CI70-337 A 10-6-69	General Earth Minerals Corp. et al.	The Ohio Fuel Gas Co., Lebanon Township, Meigs County, Ohio.	Contract 10-2-69	2	
CI70-338 A 10-6-69	do.	do.	Contract 9-20-69	1	
CI70-342 A 10-5-69	J. K. Ryan, et al.	United Gas Pipe Line Co., Agua Dulce Field, B. Co., Adams County, Texas.	Notice of cancellation 10-2-69, 44	1	
CI70-343 A 10-5-69	Texaco, Inc.	El Paso Natural Gas Co., Blue Hills Paradox Field, San Juan County, N. Mex.	Notice of cancellation 9-23-69, 24	205	5
CI70-342 A 10-5-69	Gulf Oil Corp.	Transwestern Pipeline Co., Carlsbad South, Atoka and Carlsbad, South Morrow Fields, Eddy County, N. Mex.	Contract 4-1-69 27	412	
CI70-343 A 10-5-69	Atlantic Richfield Co.	El Paso Natural Gas Co., Pecos Valley Ellenburger Field, Pecos County, Tex.	Notice of cancellation 10-3-69, 22	412	7
CI70-345 A 10-5-69	Statex Petroleum (Operator) et al.	Transwestern Pipeline Co., West Logan Area, Como Field, Beaver County, Okla.	Notice of cancellation 10-8-69, 22	4	8

1 No certificate filing made or necessary, however, the order issuing a certificate in said docket will be amended to reflect the transfer of interest to the small producer.
 2 To the Estate of Ralph Love who was issued a small producer certificate in Docket No. CS70-15.
 3 To Attec Leasing, Inc., who assigned interest to Attec Gas Systems, Inc., who was issued a small producer certificate in Docket No. CS70-20.
 4 Authorizes conveyance of the subject properties to applicant.
 5 Effective date: Effective as of the date of termination of the J. F. Hamilton Trust Estate (applicant shall advise the Commission of such date).
 6 Transfers acreage from R. D. MacDonald, Jr., to MacDonald Development Co.
 7 Changes acreage term, contract quantity, and price.
 8 Deletes acreage from the Berea Formation.
 9 Effective date: Date of this order.
 10 Transfers acreage from Diversa, Inc., to Homa Oil & Gas Co.
 11 Deletes acreage assigned to MacDonald Oil Corp. which was issued a small producer certificate in Docket No. CS70-10.
 12 Applicant has agreed to accept permanent authorization conditioned at the area ceiling rate of 15 cents per Mcf with regard to acreage covered by Supplement No. 7 (letter dated June 29, 1964, filed July 2, 1969).
 13 Applicant requests that its certificate heretofore issued in Docket No. G-18008 be terminated and the authorization to sell gas thereunder be included under its certificate in Docket No. G-20226.
 14 Transfers dedication of interest from Mobil's FPC GRS No. 297 (contract dated Feb. 11, 1959, between Lone Star and Republic Natural Gas Co.) to Mobil's FPC GRS No. 294 (Oct. 30, 1959, contract).
 15 The rate suspension order issued Sept. 5, 1969, in Docket No. RI70-173 et al., insofar as it pertains to Docket No. RI70-179, will be amended to delete Mobil's FPC GRS No. 297. The interests heretofore covered thereby have been consolidated into Mobil's FPC GRS No. 294, all deliveries under which will be subject to Docket No. RI70-179.
 16 Application erroneously assigned Docket No. CI69-584 as being treated as a petition to amend the order issuing a certificate in Docket No. CI69-546 and Docket No. CI69-584 will be cancelled.
 17 Assigns acreage from Occidental Petroleum Corp. to Frio Production Co.
 18 Transfers acreage from M. M. Conn to Joseph P. Muller to a depth of 6,000 feet. Provides that Joseph P. Muller will be responsible to make all refunds in the proceedings in Dockets Nos. CI61-1673 and RI62-542 (Docket No. RI62-542 is consolidated with the proceedings in Docket No. A R64-2 et al.).
 19 From Bruce Anderson et al. to Nuclear Exploration & Development Co.
 20 By letters filed Nov. 7, 1969, as supplemented by letter filed Nov. 20, 1969, applicant expressed willingness to accept permanent certificates conditioned to an initial rate of 14.5 cents per Mcf at 14.65 p.s.i.a.
 21 Source of gas depleted.
 22 By letter filed Sept. 25, 1969, Shell advised that it would cost \$80,000 to connect reserves estimated to be 275,000 Mcf to the contract delivery point (29 cents per Mcf).
 23 Production of gas no longer economically feasible.
 24 Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
 25 By letter dated Oct. 13, 1969, Applicant expressed willingness to accept a permanent certificate conditioned to an initial rate of 15 cents per Mcf including tax reimbursement and subject to B.t.u. adjustment and subject to the outcome of the proceedings in Docket No. R-338.

Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-240; Filed, Jan. 5, 1970;
2:32 p.m.]

DEPARTMENT OF LABOR

Office of the Secretary

UNEMPLOYMENT COMPENSATION LAWS

Certification of States to Secretary of the Treasury

Pursuant to section 3304(a) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(a)) the unemployment compensation laws of the following States have heretofore been approved:

Alabama.	Montana.
Alaska.	Nebraska.
Arizona.	Nevada.
Arkansas.	New Hampshire.
California.	New Jersey.
Colorado.	New Mexico.
Connecticut.	New York.
Delaware.	North Carolina.
District of Columbia.	North Dakota.
Florida.	Ohio.
Georgia.	Oklahoma.
Hawaii.	Oregon.
Idaho.	Pennsylvania.
Illinois.	Puerto Rico.
Indiana.	Rhode Island.
Iowa.	South Carolina.
Kansas.	South Dakota.
Kentucky.	Tennessee.
Louisiana.	Texas.
Maine.	Utah.
Maryland.	Vermont.
Massachusetts.	Virginia.
Michigan.	Washington.
Minnesota.	West Virginia.
Mississippi.	Wisconsin.
Missouri.	Wyoming.

In accordance with the provisions of section 3304(c) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(c)), I hereby certify the foregoing States to the Secretary of the Treasury for the taxable year 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

DECEMBER 31, 1969.

[F.R. Doc. 70-196; Filed, Jan. 6, 1970;
8:46 a.m.]

UNEMPLOYMENT COMPENSATION LAWS

Certification of State Laws to Secretary of Treasury

The unemployment compensation laws of the States listed below, having been certified pursuant to paragraph (3) of section 3303(b) of the Internal Revenue Code of 1954 (26 U.S.C. 3303(b)(3)) and each of the States so listed having been certified by me to the Secretary of the Treasury for the taxable year 1969 as provided in section 3304 of the Internal Revenue Code of 1954 (26 U.S.C. 3304), are hereby certified, pursuant to paragraph (1) of section 3303(b) of the Internal Revenue Code of 1954 (26 U.S.C. 3303(b)(1)), to the Secretary of the Treasury for the taxable year 1969.

Alabama.	Montana.
Alaska.	Nebraska.
Arizona.	Nevada.
Arkansas.	New Hampshire.
California.	New Jersey.
Colorado.	New Mexico.
Connecticut.	New York.
Delaware.	North Carolina.
District of Columbia.	North Dakota.
Florida.	Ohio.
Georgia.	Oklahoma.
Hawaii.	Oregon.
Idaho.	Pennsylvania.
Illinois.	Rhode Island.
Indiana.	South Carolina.
Iowa.	South Dakota.
Kansas.	Tennessee.
Kentucky.	Texas.
Louisiana.	Utah.
Maine.	Vermont.
Maryland.	Virginia.
Massachusetts.	Washington.
Michigan.	West Virginia.
Minnesota.	Wisconsin.
Mississippi.	Wyoming.
Missouri.	

GEORGE P. SHULTZ,
Secretary of Labor.

DECEMBER 31, 1969.

[F.R. Doc. 70-197; Filed, Jan. 6, 1970;
8:46 a.m.]

Wage and Hour Division CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 595 (31 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which

are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Amory Garment Co., Amory, Miss.; 12-4-69 to 12-3-70 (men's and boys' pants).

Anthracite Shirt Co., Shamokin, Pa.; 12-1-69 to 11-30-70 (men's and boys' shirts).

Glenn Berry Manufacturers, Inc., Commerce, Okla.; 12-4-69 to 12-3-70 (men's army fatigues).

Bestform Foundations of Windber, Inc., Windber, Pa.; 12-9-69 to 12-8-70 (brassieres and girdles).

Blanchard Shirt Corp., Inc., Mountain View, Ark.; 11-26-69 to 11-25-70 (men's shirts).

Byrds Manufacturing Corp., Byrdstown, Tenn.; 12-4-69 to 12-3-70 (men's and boys' shirts).

Collinwood Manufacturing Co., Collinwood, Tenn.; 12-5-69 to 12-4-70 (women's uniforms and men's shirts, smocks and coats).

Connellsville Sportswear Co., Connellsville, Pa.; 12-5-69 to 12-4-70 (men's and boys' pants).

Crystal Springs Shirt Corp., Crystal Springs, Miss.; 12-4-69 to 12-3-70 (boys' shirts).

Enro Shirt Co., Inc., Louisville, Ky.; 12-12-69 to 12-11-70 (men's shirts).

Florence Manufacturing Co., Inc., Florence, S.C.; 11-29-69 to 11-28-70 (women's dresses).

Frisco Sportswear Co., Inc., Frisco City, Ala.; 12-4-69 to 12-3-70 (women's slacks).

Gattman Sportswear, Inc., Gattman, Miss.; 12-8-69 to 12-7-70 (men's pants).

The Hercules Trouser Co., Hillsboro, Ohio; 12-1-69 to 11-30-70 (men's and boys' pants).

The Hercules Trouser Co., Manchester, Ohio; 12-1-69 to 11-30-70 (men's and boys' pants).

Hicks-Ponder Co., Yuma, Ariz.; 12-5-69 to 12-4-70 (men's pants).

Industrial Garment Manufacturing Co., Erwin, Tenn.; 12-12-69 to 12-11-70 (men's work clothing).

H. D. Lee Co., Inc., Boaz, Ala.; 11-27-69 to 11-26-70 (men's work clothing).

Lismore Manufacturing Corp., Fall River, Mass.; 12-1-69 to 11-30-70 (women's and children's underwear).

Mayflower Manufacturing Co., Inc., Scranton, Pa.; 12-12-69 to 12-11-70 (boys' pants).

McAdoo Manufacturing Co., Inc., McAdoo, Pa.; Franglo, Inc., Hazleton, Pa.; 12-6-69 to 12-5-70 (children's polo shirts).

McNair Clothing Manufacturing Co., Brownsville, Tex.; 12-5-69 to 12-4-70 (men's and boys' pants and men's shirts).

Charles Meyers & Co., Belleville, Ill.; 11-28-69 to 11-27-70 (men's pants).

Monroe Manufacturing Co., Gamaliel, Ky.; 12-8-69 to 12-7-70 (men's and boys' pants).

Panola Incorporated of Batesville, Batesville, Miss.; 12-2-69 to 12-1-70 (women's foundation garments).

Phillips-Van Heusen Corp., Section, Ala.; 12-1-69 to 11-30-70 (boys' shirts).

Pittston Apparel Co., Pittston, Pa.; 12-8-69 to 12-7-70 (women's girdles and brassieres).

Reltec Manufacturing Co., Inc., Winfield, Ala.; 11-28-69 to 11-27-70 (men's pants).

Ridgely Manufacturing Co., Ridgely, Tenn.; 11-28-69 to 11-27-70 (field jackets).
 Salant & Salant Inc., Trumann, Ark.; 12-8-69 to 12-7-70 (men's and boys' pants).
 Scott Co., Inc., Anderson, S.C.; 11-26-69 to 11-25-70 (men's shirts).
 Shane Manufacturing Co., Evansville, Ind.; 12-9-69 to 12-8-70 (men's uniforms and children's outerwear).
 Standard Romper Co., Inc., Brunswick, Maine; 11-25-69 to 11-24-70 (children's pants).
 Tri-County Shirt Co., Inc., Salem, Ark.; 11-26-69 to 11-25-70 (men's shirts).
 The Van Heusen Co., Brinkley, Ark.; 12-2-69 to 12-1-70 (men's shirts).
 Warsaw Manufacturing Co., Kingstree, S.C.; 11-29-69 to 11-28-70 (ladies' shorts, capris and jamaicas).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Fair Play Manufacturing Co., Fair Play, S.C.; 11-21-69 to 5-20-70; 10 learners (ladies' dresses, blouses and uniforms).
 Gilbert Sportswear, Inc., Reading, Pa.; 11-28-69 to 5-27-70; 8 learners (children's tennis dresses).
 Tri-County Shirt Co., Inc., Salem, Ark.; 12-2-69 to 6-1-70; 50 learners (men's shirts).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.40 to 522.43, as amended).

Union Manufacturing Co., Union Point, Ga.; 12-3-69 to 12-2-70; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

Athens Lingerie Corp., Athens, Ala.; 11-25-69 to 11-24-70; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's lingerie and sleepwear).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods and the number of learners authorized to be employed, are indicated.

Caguas Tobacco & Processing Corp., Caguas, P.R.; 10-23-69 to 10-22-70; 10 learners for normal labor turnover purposes in the occupation of machine stripping, for a learning period of 160 hours at the rate of \$1.32 an hour (tobacco).

Consolidated Cigar Corp. of Cayey, Plant No. 21, Cayey, P.R.; 10-23-69 to 10-22-70; 100 learners for normal labor turnover purposes in the occupations of cigarmaking and packing, each for a learning period of 320 hours at the rates of \$1.32 an hour for the first 160 hours and \$1.42 an hour for the remaining 160 hours (cigars).

Consolidated Cigar Corp. of Cayey Plant No. 22, Cayey, P.R.; 11-18-69 to 11-17-70; 94 learners for normal labor turnover purposes in the occupation of machine stripping, for a learning period of 160 hours at the rate of \$1.32 an hour (tobacco).

Laric Manufacturing Corp., Luquillo, P.R.; 10-30-69 to 10-29-70; 10 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of \$1.29 an hour (girdles, garter belts, panty girdles and brasieres).

Puritana Manufacturing Corp., Aguas Buenas, P.R.; 11-24-69 to 11-23-70; 10

learners for normal labor turnover purposes in the occupation of pressing, for a learning period of 320 hours at the rates of \$1.22 an hour for the first 160 hours and \$1.39 an hour for the remaining 160 hours (sweaters and shirts).

R. B. Tobacco Corp., Caguas, P.R.; 10-27-69 to 10-26-70; 13 learners for normal labor turnover purposes in the occupation of machine stripping, for a learning period of 160 hours at the rate of \$1.32 an hour (tobacco).
 Rio Grande Manufacturing Corp., Rio Grande, P.R.; 11-17-69 to 11-16-70; 13 learners for normal labor turnover purposes in the occupations of sewing machine operating and final pressing, each for a learning period of 320 hours at the rate of \$1.08 an hour (men's and boys' shorts).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 24th day of December 1969.

ROBERT G. GRONWALD,
 Authorized Representative
 of the Administrator.

[F.R. Doc. 70-203; Filed, Jan. 6, 1970; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

[Reg. Z]

OKLAHOMA

Application for Exemption From Truth in Lending Act

Pursuant to 12 CFR 226.12 (Supplement II to Reg. Z) the State of Oklahoma has applied to the Board of Governors for an exemption from the Truth in Lending Act (Title I of the Consumer Credit Protection Act, 15 U.S.C. 1601ff) on the grounds that under the laws of the State of Oklahoma credit transactions within that State are subject to requirements substantially similar to those imposed under chapter 2 of the Truth in Lending Act and that there is adequate provision for enforcement of such requirements.

The application is available for inspection at the Federal Reserve Building in Washington and at the Federal Reserve Bank of Kansas City.

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 15, 1970. Under the Board's rules regarding

availability of information (12 CFR Part 261), such materials will be available for inspection and copying unless the person submitting the material requests that it be considered confidential.

Board of Governors, December 24, 1969.

[SEAL] KENNETH A. KENYON,
 Deputy Secretary.

[F.R. Doc. 70-199; Filed, Jan. 6, 1970; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction 79]

SOUTHERN PACIFIC CO. AND GREAT NORTHERN RAILWAY CO.

Car Distribution

Pursuant to Section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) Southern Pacific Co. shall deliver to the Great Northern Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44' 8" and doors less than 8 feet wide. Exception: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., January 1, 1970.

(4) Expiration date: This direction shall expire at 11:59 p.m., January 18, 1970, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads

subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register. Issued at Washington, D.C., December 31, 1969.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[SEAL]

[F.R. Doc. 70-205; Filed, Jan. 6, 1970;
8:47 a.m.]

[S.O. 1002; Car Distribution Direction 73-A]

SOUTHERN PACIFIC CO. AND NORTH- ERN PACIFIC RAILWAY CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 73, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 73 be, and it is hereby vacated.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 31, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 31, 1969.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[SEAL]

[F.R. Doc. 70-206; Filed, Jan. 6, 1970;
8:47 a.m.]

[Notice 583]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 2, 1970.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be

numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 200 (Deviation No. 21), RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64106, filed December 15, 1969. Carrier's representative: Rodger J. Walsh, Box 2809, Kansas City, Mo. 64142. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: Between Omaha, Nebr., and Tulsa, Okla., over U.S. Highway 75, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Omaha, Nebr., over U.S. Highway 6 to Council Bluffs, Iowa, thence over Iowa Highway 375 to junction U.S. Highway 275, thence over U.S. Highway 275 to Savannah, Mo., thence over U.S. Highway 71 to St. Joseph, Mo., thence over U.S. Highway 71 to Kansas City, Mo., thence over U.S. Highway 69 to Commerce, Okla., thence over U.S. Highway 66 to Tulsa, Okla., and return over the same route.

No. MC 200 (Deviation No. 22), RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64106, filed December 11, 1969. Carrier's representative: Rodger J. Walsh, Box 2809, Kansas City, Mo. 64142. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Chicago, Ill., and Detroit, Mich., over Interstate Highway 94, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 20 to Toledo, Ohio, thence over U.S. Highway 24 to Detroit, Mich., and return over the same route.

No. MC 200 (Deviation No. 23), RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64106, filed December 11, 1969. Carrier's representative: Rodger J. Walsh, Box 2809, Kansas City, Mo. 64142. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Cleveland, Ohio, and Columbus, Ohio, over Interstate Highway 71, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Columbus, Ohio, over U.S. Highway 40 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction Ohio Highway 7, thence over Ohio Highway 7 to junction U.S. Highway 224, thence over U.S. Highway 224 to junction Ohio Highway 14, thence over Ohio Highway 14 to Cleveland, Ohio, and return over the same route.

No. MC 200 (Deviation No. 24), RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64106

filed December 11, 1969. Carrier's representative: Rodger J. Walsh, Box 2809, Kansas City, Mo. 64142. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Syracuse, N.Y., over Interstate Highway 81 to Scranton, Pa., thence over the Northeast Extension of the Pennsylvania Turnpike to Philadelphia, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Syracuse, N.Y., over New York Highway 5 to Albany, N.Y., thence over U.S. Highway 9 to New York, N.Y., thence over U.S. Highway 1 to Philadelphia, Pa., and return over the same route.

No. MC 200 (Deviation No. 25), RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64106, filed December 16, 1969. Carrier's representative: Rodger J. Walsh, Box 2809, Kansas City, Mo. 64142. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Kansas City, Mo., and Joplin, Mo., over U.S. Highway 71, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Kansas City, Mo., over U.S. Highway 69 to Pittsburg, Kans., thence over U.S. Highway 69 to junction Kansas Highway 26, thence over Kansas Highway 26 to Riverton, Kans., thence over U.S. Highway 66 to Joplin, Mo., and return over the same route.

No. MC 10343 (Deviation No. 16), CHURCHILL TRUCK LINES, INC., U.S. Highway 36 West, Post Office Box 250, Chillicothe, Mo. 64601, filed December 9, 1969. Carrier's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Kansas City, Mo., and junction Interstate Highway 70 and U.S. Highway 61, over Interstate Highway 70, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Kansas City, Mo., over U.S. Highway 69 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 61, thence over U.S. Highway 61 to junction Interstate Highway 70, and return over the same route.

No. MC 60325 (Deviation No. 4) JEFFERSON LINES, INC., 1114 Currie Avenue, Minneapolis, Minn. 55403, filed December 22, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Ames, Iowa, over U.S. Highway 30 (an access road) to junction Interstate Highway 35, thence over Interstate Highway 35 to

junction combined Interstate Highway 35 and 80, thence over combined Interstate Highways 35 and 80 to junction Interstate Highway 35, thence over Interstate Highway 35 to junction Iowa Highway 2, thence over Iowa Highway 2, (an access road) to junction U.S. Highway 69 at Leon, Iowa, with the following access roads: (1) From junction Interstate Highway 35 and Iowa Highway 415, 2 miles north of Des Moines, Iowa, over Iowa Highway 415 (an access road) to Des Moines, Iowa; (2) from junction Interstate Highway 35 and Iowa Highway 60 west of Des Moines, Iowa, over Iowa Highway 60 (an access road) to Des Moines, Iowa; and (3) from junction Interstate Highway 35 and U.S. Highway 34, 2 miles west of Osceola, Iowa, over U.S. Highway 34 (an access road) to Osceola, Iowa, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Albert Lea, Minn., over U.S. Highway 65 to junction U.S. Highway 30, thence over U.S. Highway 30 to Ames, Iowa, thence over U.S. Highway 69 to Bethany, Mo., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-208; Filed, Jan. 6, 1970;
8:47 a.m.]

[Notice 2]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 2, 1970.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 60087 (Sub-No. 10) (Republication), filed July 9, 1968, published in the FEDERAL REGISTER issues of August 15, 1968, and August 29, 1968, and republished this issue. Applicant: CURRY MOTOR FREIGHT LINES, INC., 700 Northeast Third Street, Amarillo, Tex. 79105. Applicant's representative: Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. 79101. In a prior report, decided

February 14, 1969, the Commission Review Board No. 3, denied in its entirety the application filed July 9, 1968, by applicant. Applicant on March 21, 1969 filed a petition to reopen the proceeding, amend the application, and for reconsideration. By order dated August 14, 1969, Division 1, acting as an Appellate Division, denied the tendered amendment, but allowed applicant a period of time to amend its application in a certain manner, reopened the proceeding and referred the matter to the Board for further consideration and disposition. An order of the Commission, Review Board No. 3, decided December 10, 1969, and served December 19, 1969, on further consideration, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, of general commodities, except commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and commodities in bulk; (1) between Hale Center, Tex., and the junction of U.S. Highway 87 and Texas Farm Road 54, from Hale Center over Texas Farm Road 1914 to junction Texas Farm Road 179, thence south over Texas Farm Road 179 to junction Texas Farm Road 54, thence east over Texas Farm Road 54 to junction U.S. Highway 87;

(2) Between Mason and Menard, Tex., over Texas Highway 29; (3) between Mason and Junction, Tex., over U.S. Highway 377; (4) between Fredericksburg and Kerrville, Tex., over Texas Highway 16; (5) between Abernathy and Floydada, Tex., from Abernathy over U.S. Highway 87 to junction Texas Farm Road 54, thence east over Texas Farm Road 54 to junction U.S. Highway 62, thence over U.S. Highway 62 to Floydada; (6) between Lubbock and Floydada, Tex., over U.S. Highway 62, serving the off-route point of Crosbyton, Tex.; (7) between San Angelo and Sonora, Tex., over U.S. Highway 277; (8) between Ingram, Tex., and the junction of U.S. Highway 83 and Texas Highway 39, over Texas Highway 39, serving off-route points in Kerr County, Tex.; (9) between Odessa and Royalty, Tex., from Odessa over U.S. Highway 385 to McCamey, Tex., thence over U.S. Highway 67 to Rankin, Tex., thence over Texas Highway 349 to Iraan, Tex., thence west over Texas Highway 29 to the junction of Texas Highway 29 and U.S. Highway 290, near Bakersfield, Tex., thence west over U.S. Highway 290 to Fort Stockton, Tex., thence over Texas Highway 18 to Royalty; (10) between Grandfalls, Tex., and the junction of Texas Highway 329 and Texas Farm Road 1053; (a) over Texas Highway 329; and (b) from Grandfalls over Texas Farm Road 11 to Imperial, Tex., thence over Texas Farm Road 1053 to junction Texas Highway 329; (11) between Crane, Tex., and the junction of Texas Highway 329 and Texas Farm Road 1053, over Texas Highway 329; (12) between Eden, Tex., and Robert Lee, Tex., from Eden over U.S. Highway 87 to San Angelo, Tex., thence over Texas

Highway 208 to Robert Lee; and (13) between San Angelo and Barnhart, Tex., over U.S. Highway 67, and return over the same routes in (1) through (13) above, serving all intermediate points; that applicant is fit, willing, and able to properly perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 99090 (Sub-No. 8) (Republication), filed March 17, 1969, published in the FEDERAL REGISTER issues of April 17, 1969, and May 8, 1969, and republished this issue. Applicant: YATES TRUCK LINES, INC., Maud, Ky. 40042. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. By application filed March 17, 1969, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, as a common carrier by motor vehicle over irregular routes, of plastic pipe, and materials and supplies used in the manufacture of plastic pipe (except commodities in bulk), between the plantsite of Universal Pipe & Plastics, Inc., near Springfield, Ky., on the one hand, and one the other, points in the United States (except Alaska and Hawaii); restricted against the transportation of materials and supplies used in the manufacture of plastic pipe, from points in Hayes County and Oklahoma City, Okla., Terre Haute, Ind., and Little Rock, Ark., to the said plantsite. The application was referred to the examiner for hearing and the recommendation of an appropriate order thereon. An order of the Commission, Division 1, served November 26, 1969, effective December 16, 1969, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of plastic pipe, and materials and supplies used in the manufacture of plastic pipe (except commodities in bulk), between the plantsite of Universal Pipe & Plastic, Inc., near Springfield, Ky., on the one hand, and on the other, points in the United States (except Alaska and Hawaii); restricted against the transportation of materials and supplies used in the manufacture of plastic pipe, from points in Hayes County and Oklahoma City, Okla., Terre Haute, Ind., and Little Rock, Ark., to the said plantsite; that applicant is fit, willing, and able properly

to perform the operations and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133778 (Republication) filed May 22, 1969, published in the FEDERAL REGISTER issue of June 26, 1969, and October 22, 1969, and republished this issue. Applicant: ROBERT W. LAUSCH, doing business as R. W. LAUSCH, Rural Route 1, Post Office Box 25, Chanute, Kans. 66720. Applicant's representative: John L. Richeson, First National Bank Building, Ottawa, Kans. 66067. By application filed May 22, 1969, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of greyhound dogs for racing and breeding purpose and greyhound dog racing equipment, between the points indicated below. A supplemental order of the Commission, Operating Rights Board dated December 10, 1969, and served December 23, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of dogs and dog racing equipment, between points in Kansas, Oklahoma, Texas, Colorado, Missouri, Nebraska, Arkansas, South Dakota, Massachusetts, Florida, and Arizona; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITION

No. MC 128202 (Sub-No. 1) (Notice of Filing of Petition To Add Additional Shipper Under Contract Permit), filed November 24, 1969. Petitioner: WRANGELL TRANSPORT CO., INC., Post Of-

fice Box 191, Wrangell, Alaska 99929. Petitioner's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, Wash. 98104. Petitioner holds authority in No. MC 128202 (Sub-No. 1) to transport: General commodities, between Wrangell, Alaska, on the one hand, and, on the other, Tacoma and Seattle, Wash., under continuing contracts with Harbor Seafoods Company, Inc., City Market, Inc., and Wrangell Lumber Co., all of Wrangell, Alaska. By the instant petition, petitioner seeks to add Benjamin's Store, Inc., as a contracting shipper. Any interested person desiring to participate, may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 24379 (Sub-No. 35), filed December 11, 1969. Applicant: LONG TRANSPORTATION COMPANY, a corporation, 3755 Central Avenue, Detroit, Mich. 48210. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (1) between points in Grundy, Kendall, Kane, De Kalb, Du Page, Will, Cook, and Lake Counties, Ill.; (2) between points in McHenry County, Ill., on and south of a line beginning at the junction of Illinois Highway 173 and the Lake County line, east along Illinois Highway 173 to the junction of said highway and County Highway 24, thence east along Highway 24 (Federal Aid Secondary Highway 1234) to the junction of County Highway 24 with Illinois Highway 173, thence east along Illinois Highway 173 to the Boone County line; (3) between points in Boone County, Ill., on and south of a line beginning at the junction of Illinois Highway 173 and the McHenry County line, thence west along Illinois Highway 173 to the Winnebago County line;

(4) Between points in Ogle County, Ill., on and east of a line beginning at the junction of Illinois Highway 2 and Federal Aid Secondary Highway 1043, thence southwest along Illinois Highway 2 to the junction of Illinois Highway 2 and Illinois Highway 64, thence east along Illinois Highway 64 to its junction with County Highway 5 (Federal Aid Secondary Highway 87) thence south along County Highway 5 to Daysville, thence south from Daysville along County Highway 27 (Federal Aid Secondary Highway 1076) to the Lee County line; (5) between points in Lee County, Ill., on and east of a line beginning at

the junction of County Highway 38 (Federal Aid Secondary Highway 86) and the Ogle County line, thence south along County Highway 38 to the junction with Illinois Highway 26, thence south along Illinois Highway 26 to County Highway 12 (Federal Aid Secondary Highway 1180), thence east along County Highway 12 to the junction with County Highway 33 (Federal Aid Secondary Highway 1184), thence south along County Highway 33 to the Bureau County line; (6) between points in Bureau County, Ill., on and east of a line beginning at the junction of County Highway 11 (Federal Aid Secondary Highway 184) and the Lee County line, thence south on County Highway 11 to La Moille, thence south on Illinois Highway 89 from La Moille to the Putnam County line; (7) between points in La Salle County, Ill., on and east of a line beginning at the junction of State Highway 35 (Federal Aid Secondary Highway 252) and Interstate Highway 80, thence south along State Highway 35 to the junction with U.S. Highway 6, thence east along U.S. Highway 6 to the junction with U.S. Highway 51, thence south along U.S. Highway 51 to the junction with Illinois Highway 18, thence east along Illinois Highway 18 to Streator, and the Livingston County line;

(8) Between points in Livingston County, Ill., on and north of a line beginning at Streator, thence south along Illinois Highway 23, thence east along Illinois Highway 23 to the junction with County Highway 1 (Federal Aid Secondary Highway 348), thence east along said highway to the Kankakee County line; and (9) between points in Kankakee County, Ill., beginning at the junction of Federal Aid Secondary Highway 1322 and the Livingston County line, thence east along Federal Aid Secondary Highway 1322 to the junction with Illinois Highway 1, thence north along Illinois Highway 1 to the Will County line; and (B) general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Madison, Ill., and the above-described territory in (A) (1) through (9). NOTE: Applicant states it proposes to join or tack the irregular-route authority of MC 36469, Sub 3 with the regular route authority of the lead docket MC 36469 should this application to convert the registered authority to a certificated authority be granted. This is a matter directly related to MC-F-10683, published in the FEDERAL REGISTER issue of December 17, 1969. The purpose of this application is to convert the certificate of registration presently held by Aurora Motor Express, Inc., being MC 36469 and Sub 3 thereunder, into a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Lansing, Mich.

No. MC 106401 (Sub-No. 30), filed December 12, 1969. Applicant: JOHNSON

MOTOR LINES, INC., 2426 North Graham Street, Post Office Box 10877, Charlotte, N.C. 28201. Applicant's representatives: Thomas G. Sloan (same address as applicant) and Donald E. Cross, Suite 917 Munsey Building, 1329 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Massachusetts. NOTE: Applicant states that it would tack the sought authority with authority presently held generally between Boston and Springfield, Mass. This is a matter directly related to MC-F-10685, published in the FEDERAL REGISTER issue of December 25, 1969. The purpose of this application is to convert the certificate of registration in MC 120444 (Sub-No. 1) into a Certificate of Public Convenience and Necessity. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10692. Authority sought for purchase by LONG TRANSPORTATION COMPANY, 3755 Central Avenue, Detroit, Mich. 48210, of a portion of the operating rights of CARGO DISTRIBUTION CORPORATION, 441 Ninth Avenue, New York, N.Y. 10001, and for acquisition by WAYNE E. LONG, also of Detroit, Mich., of control of such rights through the purchase. Applicants' attorney: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Operating rights sought to be transferred: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over irregular routes, between points in Hudson County, N.J., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y., and Fairfield and New Haven Counties, Conn. Vendee is authorized to operate as a *common carrier* in Illinois, Pennsylvania, Ohio, Indiana, Michigan, New York, New Jersey, and Connecticut. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10693. Authority sought for control by AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040, of INDEPENDENT

DELIVERY, INC., 1000 South Weller Street, Seattle, Wash. 98104, and for acquisition by PUROLATOR, INC., 970 New Brunswick Avenue, Rahway, N.J. 07065, of control of INDEPENDENT DELIVERY, INC., through the acquisition by AMERICAN COURIER CORPORATION. Applicants' attorneys: John M. Delany, 2 Nevada Drive, Lake Success, N.Y. 11040, and Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Operating rights sought to be controlled: *General commodities*, excepting among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier*, over irregular routes, between airports in King, Pierce, Snohomish, Skagit, Kitsap, Thurston, and Mason Counties, Wash., on the one hand, and, on the other, points in King, Pierce, Snohomish, Skagit, Kitsap, Thurston, and Mason Counties, Wash., with restriction; from Seattle, Wash., to points in King, Pierce, Snohomish, Skagit, Thurston, and Mason Counties, Wash., with restriction; and *toilet and drug preparations, medicines, prescriptions and ingredients thereof, and drug store displays*, between Seattle and Tacoma, Wash., on the one hand, and, on the other, points in King, Pierce, Snohomish, Kitsap, Thurston, Skagit, and Mason Counties, Wash., with restriction. AMERICAN COURIER CORPORATION is authorized to operate as a *common carrier* in Maine, Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Illinois, Iowa, Nebraska, Kentucky, Ohio, West Virginia, Pennsylvania, Rhode Island, Michigan, Indiana, Maryland, Virginia, Delaware, Wisconsin, South Dakota, Missouri, North Dakota, Kansas, Louisiana, Florida, Alabama, Mississippi, Vermont, Georgia, North Carolina, Arkansas, Texas, Oklahoma, Tennessee, South Carolina, and the District of Columbia; and as a *contract carrier* in New York, New Jersey, North Carolina, Tennessee, Georgia, Connecticut, Pennsylvania, Ohio, West Virginia, Massachusetts, Delaware, Virginia, Maryland, Rhode Island, Illinois, Iowa, Missouri, Indiana, Kentucky, Minnesota, Wisconsin, Maine, Mississippi, Nebraska, New Hampshire, Vermont, Michigan, North Dakota, South Dakota, Alabama, South Carolina, Arkansas, Texas, Florida, Louisiana, Oklahoma, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10694. Authority sought for purchase by HYMAN FREIGHTWAYS, INC., 2690 Prior Avenue North, St. Paul, Minn. 55113, of a portion of the operating rights of JOE SCHICK AND SONS MOVING AND STORAGE CO., 428 Western Avenue, Davenport, Iowa 52801, and for acquisition by EUGENE PIKOVSKY, also of St. Paul, Minn., of control of such rights through the purchase. Applicants' representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Operating rights sought to be transferred: *General commodities*, except those of unusual value, classes A and B explosives, automobiles, livestock, household goods as defined by the Commission,

commodities requiring dump or tank body equipment, and those injurious or contaminating to other lading, as a *common carrier*, over irregular routes, between Davenport and Bettendorf, Iowa and Rock Island, Moline, East Moline, Silvis, Milan, and Carbon Cliff, Ill.; and *general commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Davenport and Bettendorf, Iowa, Rock Island, Moline, East Moline, Watertown, and Carbon Cliff, Ill. Vendee is authorized to operate as a *common carrier* in South Dakota, Minnesota, North Dakota, Iowa, Nebraska, Wisconsin, and Illinois. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10695. Authority sought for purchase by HART MOTOR EXPRESS, INC., 2417 North Cleveland, St. Paul, Minn. 55113, of a portion of the operating rights of FILLIPI TRUCK LINES, INC., Warren, Minn. 56762, and for acquisition by GEORGE HART, also of St. Paul, Minn., of control of such rights through the purchase. Applicants' attorneys: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402, and Alan Foss, 502 First National Bank Building, Fargo, N. Dak. Operating rights sought to be transferred: *Household goods, and general commodities*, except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over irregular routes, between Warren, Minn., and points within 20 miles of Warren, on the one hand, and, on the other, West Fargo and Union Stockyards, N. Dak., and points in that part of North Dakota on and east of U.S. Highway 81. Vendee is authorized to operate as a *common carrier* in Illinois, Minnesota, Wisconsin, Montana, North Dakota, Iowa, South Dakota, and Nebraska. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10696. Authority sought for purchase by BOB MENDENHALL, doing business as OKLAHOMA BORDER EXPRESS (O-B-X), 903 South Y Street, Fort Smith, Ark. 72901, of a portion of the operating rights of LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. 73108. Applicants' attorneys: Don A. Smith, Post Office Box 43, Fort Smith, Ark. 72901, and Richard H. Champlin, Post Office Box 82488, Oklahoma City, Okla. 73108. Operating rights sought to be transferred: *General commodities*, except those of unusual value, livestock, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over regular routes, between Oklahoma City, Okla., and Prague, Okla., serving all intermediate points, restricted against the transportation of traffic between Oklahoma City, on the one hand, and, on the other, Harrah and Choctaw, Okla.

Vendee is authorized to operate as a common carrier in Oklahoma and Arkansas. Application has not been filed for temporary authority under section 210a(b). NOTE: No. MC-61440 Sub-124 is a matter directly related.

No. MC-F-10697. Authority sought for control by JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722, of HAYES TRUCK LINES, INC., 8702 South Hosmer, Tacoma, Wash. 98444, and for acquisition by ROBERT L. JENKINS, also of Bettendorf, Iowa, of control of HAYES TRUCK LINES, INC., through the acquisition by JENKINS TRUCK LINE, INC. Applicants' attorney: R. Conner Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tenn. 38103. Operating rights sought to be controlled: *General commodities*, excepting, among others, classes A and B explosives, household goods, and commodities in bulk, as a common carrier, over regular routes, between Winlock, Wash., and Portland, Oreg., serving no intermediate points; *general commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, in truckload lots, over irregular routes, from Tacoma, Wash., to certain specified points in Washington, between points within 3 miles of Tacoma, Wash., including Tacoma; *heavy machinery, building material, and chlorine*, between certain specified points in Washington, between certain specified points in Washington, on the one hand, and, on the other, points in Oregon; and *household goods* as defined by the Commission, between points in Pierce County, Wash., on the one hand, and, on the other, points in Oregon and Washington, between Winlock, Wash., and points within 10 miles of Winlock, on the one hand, and, on the other, points in Oregon. JENKINS TRUCK LINE, INC., is authorized to operate as a common carrier in all points in the United States (except Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC-F-10698. Authority sought for purchase by KENDRICK CARTAGE CO., Post Office Box 63, Salem, Ill. 62881, of a portion of the operating rights of WESTERN-COMMERCIAL TRANSPORT, INC., Post Office Box 270, Fort Worth, Tex. 76101, and for acquisition by W. C. KENDRICK, and J. B. KENDRICK, both also of Salem, Ill., of control of such rights through the purchase. Applicants' attorney and representative: Thomas F. Kilroy, 405-S Crystal Plaza, 2111 Jefferson Davis Highway, Arlington, Va. 22202, and W. C. Kendrick, Box 63, Salem, Ill. 62881. Operating rights sought to be transferred: *Liquid chemicals* (except liquid oxygen, liquid hydrogen, and liquid nitrogen), in bulk, in tank vehicles, as a common carrier, over irregular routes, from Carpentersville, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and

the District of Columbia; *animal fats, animal oils, vegetable oils, and products and blends thereof*, in bulk, in tank vehicles, from Champaign, Ill., to points in Maryland, North Carolina, Virginia, and West Virginia; *vegetable oils, animal fats, and blends and products thereof*, in bulk, in tank vehicles, from Dupo, Ill., to points in Minnesota, Wisconsin, Illinois, Iowa, Nebraska, Kansas, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Colorado, and Mississippi, and Memphis, Tenn., from points in Nebraska, Kansas, Arkansas, Louisiana, Texas, Oklahoma, Colorado, and Mississippi, and Memphis, Tenn., to Dupo, Ill., with restrictions;

Processed, refined, and blended vegetable and animal oils, and animal fats, from the site of the Anderson-Clayton Co. plant, about 5 miles from Jacksonville, Ill., and the site of the Humko Co. plant, near Champaign, Ill., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Ohio, New Jersey, New York, Oklahoma, Pennsylvania, Tennessee, Texas, and Wisconsin, from Jacksonville, Ill., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, Mississippi, North Carolina, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia, to Jacksonville, Ill., from points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Ohio, New Jersey, New York, Oklahoma, Pennsylvania, Tennessee, Texas, and Wisconsin, to the site of the Anderson-Clayton Co. plant, about 5 miles from Jacksonville, Ill., and the site of the Humko Co. plant, near Champaign, Ill.; *refined or processed animal fats and vegetable oils*, in bulk, in tank vehicles, from points in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, Oklahoma, Tennessee, Texas, and Wisconsin, to Jacksonville, Ill.; *blends and products of animal fats and vegetable oils, and crude and unprocessed animal fats and vegetable oils*, in bulk, in tank vehicles, from Jacksonville, Ill., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, Oklahoma, Tennessee, Texas, and Wisconsin;

Animal fats, animal oils, and vegetable oils, including products and blends of said commodities, in bulk, in tank vehicles, from Bradley, Ill., to points in Colorado, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Tennessee (except points in Hamilton County), Wisconsin, and the District of Columbia, with restriction; *animal fats and animal oils*, in bulk, in tank vehicles, from Chicago and Peoria, Ill., Mason City and Sioux City,

Iowa, Kansas City and Leavenworth, Kans., Fremont and Omaha, Nebr., South St. Paul and Winona, Minn., and Madison, Wis., to Bradley, Ill., with restriction; *vegetable oils*, in bulk, in tank vehicles, from points in Illinois, Iowa, Missouri, Tennessee (except Knoxville and points in Hamilton County), and Wisconsin, to Bradley, Ill., with restriction; *dry fertilizer*, in bulk, in tank or hopper-type vehicles, from Chicago, Ill., to points in Michigan, Indiana, Wisconsin, and Iowa, from Hammond, Ind., to points in Illinois, from East St. Louis, Ill., to points in Michigan, Indiana, Arkansas, and Tennessee; *animal fats*, in bulk, in tank vehicles, between the plantsite of Swift & Co., at Rochelle, Ill., on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, Louisiana, Oklahoma, Texas, Arizona, Missouri, New Mexico, California, Iowa, North Dakota, South Dakota, Oregon, and Washington, with restriction;

Liquid chemicals, and vegetable, fish, and animal oils, and sediments and residues thereof when moving in mixed loads with liquid chemicals, in bulk, in tank vehicles, from the plantsite of the Archer-Daniels-Midland Co., at or near Mapleton, Ill., to points in Arkansas, California, Colorado, Louisiana, Mississippi, New Mexico, Oklahoma, Texas, and Utah; *fatty acid esters and glycerides*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Missouri, Illinois, Indiana, and Kentucky; *animal and vegetable oils* (including blends of each), in bulk, in tank vehicles, from Memphis, Tenn., to points in Missouri, Illinois, Indiana, Kentucky, and Ohio; *liquid chemicals, and syrups*, in bulk, in tank vehicles, from the plantsites of Baird Chemical Industries, Inc., located at or near Mapleton, Ill., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, North Carolina, New Mexico, Oklahoma, South Carolina, Tennessee, and Texas; *dry fertilizer*, from Cairo, Ill., to points in Missouri and Indiana; and *liquid chemicals, and linseed, soybean, copra, and safflower oils*, when moving in mixed loads with liquid chemicals, in bulk, in tank vehicles, from Carpentersville, Ill., to points in Arkansas, Colorado, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Montana, New Mexico, Ohio, Oklahoma, and Texas, with restrictions. Vendee is authorized to operate as a common carrier in Missouri, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Nebraska, Ohio, Oklahoma, Tennessee, Wisconsin, South Dakota, Texas, Louisiana, Alabama, Florida, Georgia, Mississippi, Pennsylvania, Virginia, West Virginia, Massachusetts, New York, New Jersey, Maryland, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10699. Authority sought for purchase by LONG TRANSPORTATION COMPANY, 3755 Central Avenue, Detroit, Mich. 48219, of a portion of the operating rights of DE-PEN LINE, INC., 1879 West Marshall Street, Norristown, Pa. 19401, and for acquisition by WAYNE E. LONG,

also of Detroit, Mich., of control of such rights through the purchase. Applicants' attorneys: A. David Millner, 744 Broad Street, Newark, N.J. 07102, and Maxwell A. Howell, 1511 K Street N.W., Washington, D.C. 20005. Operating rights sought to be transferred: (This authority was granted pursuant to order by Review Board No. 5, in No. MC-F-10068, dated Jan. 7, 1969, and not yet consummated.) *General commodities*, excepting, among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier*, over regular routes, between Trenton, N.J., and Philadelphia, Pa., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Illinois, Pennsylvania, Ohio, Indiana, Michigan, New York, New Jersey, and Connecticut. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10700. Authority sought for purchase by MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050, of a portion of the operating rights and certain property of CHEM-HAULERS, INC., Post Office Box 245, Sheffield, Ala. 35660, and for acquisition by INTERNATIONAL BULK DISTRIBUTION CORPORATION, also of Lansdowne, Pa., of control of such rights and certain property through the purchase. Applicants' attorney: Maxwell A. Howell, 1120 Investment Building, Washington, D.C. 20005. Operating rights sought to be transferred: *Liquefied petroleum gas*, in bulk, in tank vehicles, as a *common carrier* over irregular route from the site of the pipeline terminal of the Dixie Pipe Line Co. near Griffin, Ga., to points in that part of Tennessee on and east of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 31W to junction U.S. Highway 31 to the Tennessee-Alabama State line; from pipeline distribution terminals of Dixie Pipeline Co., at or near Albany, Ga., and at or near Alma, Ga., to points in Alabama and Florida; from the site of Dixie Pipeline Co., near Alma, Ga., to points in South Carolina. Vendee is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10702. Authority sought for purchase by PIC-WALSH FREIGHT CO., 731 Campbell Street, St. Louis, Mo., of a portion of the operating rights of STEFFEN TRANSFER CO., 3165 South Kingshighway, St. Louis, Mo., and for acquisition by JULIUS BLUMOFF, 731 Campbell Street, St. Louis, Mo., of control of such rights through the purchase. Applicants' attorney: Gregory M. Rebnan, 314 North Broadway, St. Louis, Mo. 63102. Operating rights sought to be transferred: *General commodities*, excepting among others classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, on the one hand, and on the other hand, points in St. Louis County beyond the St. Louis, Mo.-East St. Louis, Ill., commercial zone. Vendee is authorized to operate as a *common*

carrier in Missouri, Illinois, Indiana, Ohio, Arkansas, Tennessee, and Iowa. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10703. Authority sought for purchase by VINCENT J. HERZOG, 200 Delaware Street, Honesdale, Pa. 18431, of a portion of the operating rights of COMONALDO CICERONE, doing business as JOHN CICERONE AND SON, Route 6, Milford, Pa. 18337. Applicants' attorneys: Martin Werner, 2 West 45th Street, New York, N.Y. 10036, and George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Operating rights sought to be transferred: *General commodities*, excepting, among others, classes A and B explosives, and household goods, as a *common carrier*, over regular routes, between Port Jervis, N.Y., and Dingmans Ferry, Pa., serving all intermediate points, between Milford, Pa., and Scranton, Pa., serving all intermediate points and the off-route points of Olyphant and Dunmore, Pa., between Stroudsburg, Pa., and Dingmans Ferry, Pa., serving all intermediate points and the off-route point of Tamiment, Pa., with restriction; *sand and stone*, from Port Jervis, N.Y., to Milford, Pa., serving no intermediate points; *ice*, during the season extending from the 1st day of July to the 31st day of August, inclusive, from Newton, N.J., to Milford, Pa., serving no intermediate points; *corn and apples*, during the season extending from the 1st day of July to the 31st day of October, inclusive, from Milford, Pa., to New York, N.Y., serving the intermediate point of Montague, N.J., restricted to pickup only; *general commodities*, excepting, among others, classes A and B explosives, household goods, and commodities in bulk, over irregular routes, between points in that part of New Jersey, Pennsylvania, and New York within 25 miles of Port Jervis, N.Y., including Port Jervis, between Port Jervis, N.Y., on the one hand, and, on the other, between Port Jervis, N.Y., New York, N.Y.; between Port Jervis, N.Y., and points in New York and New Jersey within 25 miles thereof, on the one hand, and, on the other, Scranton, Pa., and points within 25 miles thereof, with restrictions; between points in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665, and points in Hudson and Essex Counties, N.J., on the one hand, and, on the other, points in Sullivan County, N.Y.; *hides, tallow, rendering materials, and lumber*, between Matamoras, Pa., and points in Pennsylvania and New York within 35 miles of Matamoras, on the one hand, and, on the other, New York, N.Y., and certain specified points in New Jersey and New York; *coal*, from points in Lackawanna County, Pa., to points in Orange and Rockland Counties, N.Y.; and *petroleum products*, in containers, and *gasoline and oil pumps and tanks*, from East Stroudsburg, Pa., to points in New Jersey within 25 miles of East Stroudsburg. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, and New Jersey. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-209; Filed, Jan. 6, 1970;
8:47 a.m.]

[Notice 3]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 2, 1970.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

Special rules of procedure for hearing.

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 115826 (Sub-No. 198), filed November 24, 1969. Applicant: W. J. DIGBY, INC., 1960 31st Street, Post Office Box 5088 T.A., Denver, Colo. 80217. Applicant's representative: James F.

Digby (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 766 (restricted to traffic originating at the plantsite and warehouse facilities utilized by National Beef Packing Co.), from the plantsite and storage facilities utilized by National Beef Packing Co. at/or near Liberal, Kans., to points in Nevada, Colorado, Florida, Georgia, Idaho, Oregon, South Carolina, Utah, Arizona, Montana, Washington, and California. **NOTE:**

HEARING: January 21, 1970, in Room 157, Federal Building, 601 East 12th Street, Kansas City, Mo., before Examiner Harold J. Sarbacher.

No. MC 123639 (Sub-No. 124), filed December 29, 1969. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. 80216. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the Report in *Descriptions in Motor Carrier Certificate*, 61 M.C.C. 209 and 766, from Liberal, Kans., to points in Wisconsin, Indiana, Ohio, Michigan, Pennsylvania, New York, Maryland, Washington, D.C., Delaware, Rhode Island, Connecticut, Massachusetts, New Jersey, Missouri, Illinois, Maine, New Hampshire, and Vermont. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority.

HEARING: January 21, 1970, in Room 157, Federal Building, 601 East 12th Street, Kansas City, Mo., before Examiner Harold J. Sarbacher.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-210; Filed, Jan. 6, 1970;
8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JANUARY 2, 1970.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by § 1.245 of the Commission's rules of practice,

published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC 5312 filed October 9, 1969. Applicant: J. C. STEPHENS AND CLYDE W. DAVIS, doing business as S & D TRUCKING COMPANY, 2025 Morgan Road, Dyersburg, Tenn. Applicant's representative: Barrett Ashley, Church Street, Dyersburg, Tenn. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except household goods, explosives, and commodities requiring special equipment, from Jackson, Tenn., west over Tennessee Highway 20 to Heloise Community in Dyer County, serving all intermediate points and such off line points as Lenox and Boothspoint and return over the same route, with alternate route over Interstate Highway 155 when constructed. Both intrastate and interstate authority sought.

HEARING: Thursday, January 29, 1970, at the Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tenn., at 9:30 a.m. Requests for procedural information, including the time for filing protests concerning this application, should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. CC-7057, filed September 24, 1969. Applicant: LONG'S EXPRESS, INC., 2006 Seminary Avenue, Richmond, Va. 24220. Applicant's representative: Kenneth W. Long (same address as above). Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of general commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading; (1) between the intersection of Virginia Secondary Highway 601 and Virginia Secondary Highway 618 near Bumpass, Va., and Virginia Secondary Highway 601 and Virginia Primary Highway 208 over Virginia Secondary Highway 601, serving all intermediate points; (2) between the intersection of Virginia Secondary Highway 601 and Virginia Secondary Highway 652 and Virginia Primary Highway 208 over Virginia Secondary Highway 652, and serving all intermediate points; (3) between the intersection of Virginia Secondary Highway 618 and Virginia Secondary Highway 700 and the intersection of Virginia Secondary Highway 652 and Virginia Secondary Highway 700 over Virginia Secondary Highway 700, thence over a highway yet to be con-

structed into the plantsite of the Virginia Electric & Power Co., serving all intermediate points; (4) between the intersection of Virginia Primary Highway 208 and U.S. Highway 522 (Wares Crossroads, Va.), and the intersection of Virginia Primary Highway 208 and Virginia Secondary Highway 601 over Virginia Primary Highway 208, serving all intermediate points; (5) between the intersection of Virginia Primary Highway 208 and U.S. Highway 522 (Wares Crossroads, Va.), and the intersection of U.S. Highway 522, and Virginia Secondary Highway 629 over U.S. Highway 522, serving all intermediate points; (6) between the intersection of U.S. Highway 522 and Virginia Secondary Highway 719 and the intersection of Virginia Secondary Highway 652 and Virginia Secondary Highway 719 (Belmont, Va.), over Virginia Secondary Highway 719, serving all intermediate points. Applicant intends to tack the above authority with its existing authority and to interline with other carriers at Richmond and Charlottesville, Va. Both intrastate and interstate authority sought.

HEARING: Thursday, January 8, 1970, at 10 a.m., Courtroom, State Corporation Commission, Blanton Building, Richmond, Va. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Virginia State Corporation Commission, Office of Motor Carrier Counsel, Box 1158, Richmond, Va. 23209, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-207; Filed, Jan. 6, 1970;
8:47 a.m.]

[Notice 1]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 2, 1970.

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 103993 (Sub-No. 482 TA), filed December 18, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Ralph Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, prefinished, from Camden, N.J., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Dillon Forest Products, 11 Hancock, Trenton, N.J. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 116077 (Sub-No. 283 TA), filed December 18, 1969. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tequila*, in bulk, in tank vehicles, from Laredo, Tex., to New Orleans, La., for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Sazerac Co., Inc. (Mr. Stanley Schwam, Vice President), 328 North Cortez Street, Post Office Box 52821, New Orleans, La. 70150. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 119282 (Sub-No. 7 TA), filed December 19, 1969. Applicant: KRONINGER SERVICE, INC., Rural Delivery No. 1, Mount Bethel, Pa. 18343. Applicant's representative: Christian V. Graff, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waylite* (expanded slag), in bulk, from Bethlehem, Pa., to Vineland, Somerville, Metuchen, Phillipsburg, Millville, and Yardville, N.J., for 150 days. Supporting shipper: Edward A. Steager, General Manager, The Waylite Co., Bethlehem, Pa. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 125045 (Sub-No. 7 TA), filed December 18, 1969. Applicant: SHERMAN MOLDE, doing business as MOLDE TRUCKING COMPANY, 955 11 $\frac{1}{4}$ Street SW., Rochester, Minn. 55901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soft drinks*, from Mount Horeb, Wis., to Rochester, Minn., for 180 days. Supporting shipper: Canada Dry Distributor, Inc., 37 Fourth Street SE., Rochester, Minn. 55901. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 125102 (Sub-No. 8 TA), filed December 19, 1969. Applicant: LEONARD

DELUE, D. J. SEBERN, T. W. RINDER E. L. DELUE and TED P. RINKER, a partnership, doing business as ARMORED MOTORS SERVICE, 970 Yuma, Denver, Colo. 80204. Applicant's representative: Herbert M. Boyle, 946 Metropolitan Building, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin*, between Denver, Colo., and West Point, N.Y.; Richmond, Va.; Charlotte, N.C.; Atlanta, Ga.; Birmingham, Ala.; Jacksonville, Fla.; and Fort Knox, Ky.; Nashville and Memphis, Tenn.; for 150 days. Supporting shipper: Treasury Department, Bureau of the Mint. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 129613 (Sub-No. 6 TA), filed December 19, 1969. Applicant: ARTHUR H. FULTON, Stephens City, Va. 22655. Applicant's representative: Eston H. Alt, Post Office Box 81 Winchester, Va. 22601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Newark, N.J., to Harrisonburg, Va., for 180 days. Supporting shipper: Harrisonburg Candy & Fruit Co., Post Office Box 307, Harrisonburg, Va. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Room 2218, Washington, D.C. 20423.

No. MC 133416 (Sub-No. 2 TA), filed December 18, 1969. Applicant: JACK M. ROTH COMPANY, 6987 Los Tilos Road, Los Angeles, Calif. 90028. Applicant's representative: Edward J. Hegarty, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated fibreboard boxes*, from the plantsites of Western Kraft Corp. at Vernon and Compton, Calif., to points in Cochise, Maricopa, Pima, Pinal, and Yuma Counties, Ariz., for 180 days. Supporting shipper: Western Kraft Corp., 5050 Pacific Boulevard, Los Angeles, Calif. 90058. Send protests to: District Supervisor Robert G. Harrison, Bureau of Operations, Interstate Commerce Commission, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 133533 (Sub-No. 3 TA), filed December 16, 1969. Applicant: B G A TRANSPORT, INC., 13544 Settlement Acres Drive, Brookpark, Ohio 44142. Applicant's representative: Bernard S. Goldfarb, 1625 The Illuminating Building, Public Square, Cleveland, Ohio 44113. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers*, from the warehouses and plantsites of the Van Dorn Co., at Leetsdale, Pa., to points in Ohio; from the warehouses and plantsites of the Van Dorn Co., at Elizabeth, N.J., to points in Indiana, Ohio, Michigan, Illinois, and Pennsylvania; *plastic pipe and plastic fittings*, from the warehouses and plantsites of the Van Dorn Co., at Pompano Beach and Tampa, Fla.,

to points in Pennsylvania and Ohio; from the warehouses and plantsites of the Van Dorn Co., at Leetsdale, Pa., to points in Fla.; *plastic granules*, from points in Ohio to the warehouses and plantsites of the Van Dorn Co., at Leetsdale, Pa., and Tampa, Fla., for 180 days. Supporting shipper: Van Dorn Co., 2685 East 79th Street, Cleveland, Ohio 44104. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 134095 (Sub-No. 1 TA), filed December 19, 1969. Applicant: MATERIALS SUPPLY, INC., 13627 Bellevue-Redmond Road, Bellevue, Wash. 98004. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aggregate*, from Buxton, Oreg., to Bellevue, Wash., for 150 days. Supporting shipper: Reid Sand & Gravel, Inc., 13627 Bellevue-Redmond Road, Post Office Box 922, Bellevue, Wash. 98004. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 134205 (Sub-No. 1 TA), filed December 16, 1969. Applicant: MICHAEL A. JACKSON, doing business as MICHAEL'S TRUCKING CO., 1127 East 14th Street, Independence, Mo. 64052. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pelletized grain screenings product*, from La Moure, N. Dak., to points in Florida, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Texas, Arkansas, Oklahoma, Missouri, Kansas, Iowa, Nebraska, Colorado, Wyoming, and Montana, for 180 days. Supporting shipper: Leo Froelich, Feed & Pellet Co., La Moure, N. Dak. 58458. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 134213 (Sub-No. 1 TA), filed December 16, 1969. Applicant: SECURITIES TRANSPORT COMPANY, INC., Post Office Box 1331, 712 East Roosevelt, Phoenix, Ariz. 85006. Applicant's representative: Earl H. Carroll, 363 North First Avenue, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising literature moved therewith, and microfilm*, between Phoenix, Ariz., and points in Arizona, for 180 days. NOTE: Applicant states that shipments will be interlined at Phoenix, Ariz. Supporting shipper: Eastman Kodak Co., General Traffic Department, Rochester, N.Y. 14650. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 134215 TA, filed December 16, 1969. Applicant: MINNESOTA EXPRESS, INC., Box 245, 617 West Pacific

Avenue, Willmar, Minn. 56201. Applicant's representative: Wilbur F. Appelgren (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, for the account of Red Owl Stores, Inc., of Hopkins, Minn., from Hopkins, Minn., to

Brookings, Madison, Mitchell, Watertown, Clark, and Milbank, S. Dak., for 180 days. Supporting shipper: Red Owl Stores, Inc., Post Office Box 329, Hopkins, Minn. 55440. Send protests to: District Supervisor A. N. Spath, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, and U.S.

Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-211; Filed, Jan. 6, 1970; 8:48 a.m.]

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PART II

DEPARTMENT OF
HEALTH, EDUCATION,
AND WELFARE

OFFICE OF EDUCATION

State Vocational Education
Programs



Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 102—STATE VOCATIONAL EDUCATION PROGRAMS

PART 103—VOCATIONAL EDUCATION IN PRACTICAL NURSING

PART 104—VOCATIONAL EDUCATION: FEDERAL ALLOTMENTS TO STATES

PART 105—VOCATIONAL EDUCATION: SPECIAL GRANTS

PART 106—HEARINGS IN CONNECTION WITH SCHOOL CONSTRUCTION AND FINANCIAL ASSISTANCE IN FEDERALLY IMPACTED AREAS

PART 111—HEARINGS IN CONNECTION WITH SCHOOL CONSTRUCTION AND FINANCIAL ASSISTANCE IN FEDERALLY IMPACTED AREAS

The regulations in Part 102 are applicable to programs of vocational education administered by State Boards for Vocational Education under the Vocational Education Act of 1963, as amended by Title I of the Vocational Education Amendments of 1968, and supersede the regulations heretofore included in Parts 102, 103, and 104 of this title (i.e., 45 CFR Parts 102, 103, and 104) which are hereby revoked. In addition, Part 105 of this title is revoked; and Part 106 of this title is redesignated as Part 111.

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AUTHORITY: The provisions of this Part 102 issued under 82 Stat. 1064-1091, 20 U.S.C. 1241 to 1391.

Subpart A—General

§ 102.1 Purpose and scope.

(a) *Purpose.* The purpose of the regulations in this part is to implement the provisions of the Vocational Education Act of 1963, as amended, which provides for Federal grants to States to assist them to maintain, extend, and improve existing programs of vocational education, and to develop new programs of vocational education so that persons of all ages in all communities of the State—those in high school, those who have completed or discontinued their formal education and are preparing to enter the labor market, those who have already entered the labor market but need to upgrade their skills or learn new ones, those with special educational handicaps, and those in postsecondary schools—will have ready access to vocational training or retraining which is of high quality, which is realistic in the light of actual or anticipated opportunities for gainful employment, and which is suited to their needs, interests, and ability to benefit from such training.

(b) *Scope.* The scope of the regulations in this part covers allotments to States for vocational education programs

under part B; research, training, experimental, developmental, and pilot programs, and dissemination activities under section 131(b) of part C; exemplary programs and projects under section 142(d) of part D; consumer and homemaking education programs under part F; and cooperative vocational education programs under part G of the Act.

§ 102.2 Applicability of civil rights regulation.

Federal financial assistance under this part is subject to the requirements of title VI of the Civil Rights Act of 1964, approved July 2, 1964 (Public Law 88-352, 78 Stat. 252, 42 U.S.C. 2000d et seq.). Section 601 of that Act provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Therefore, Federal financial assistance pursuant to this part is subject to the regulation in Part 80 of this title.

§ 102.3 Definitions.

(a) "Act" means the Vocational Education Act of 1963, as amended, 20 U.S.C. 1241-1391.

(b) "Adult vocational education" means vocational education which is designed to provide training or retraining to insure stability or advancement in employment of persons who have already entered the labor market and who are either employed or seeking employment.

(c) "Ancillary services and activities" means services and activities necessary to assure quality in vocational education and consumer and homemaking education programs provided for under the Act, the regulations in this part, and the State plan. Such services and activities may include the following:

- (1) State administration and leadership as provided for in the State plan pursuant to § 102.35;
- (2) Administration and supervision of instructional programs at the local level, including vocational education programs, as provided for in § 102.4(g);
- (3) Evaluation of programs under the State plan, as provided for in § 102.36;
- (4) Training of teachers and other program personnel as provided for in §§ 102.9 and 102.38(b);
- (5) Special demonstration and experimental programs;
- (6) Development of curricula and instructional materials; and
- (7) Research related to any of the services and activities above.

(d) (1) "Area vocational education school" means any public school or public institution which falls in any one of the following categories:

- (i) A specialized high school used exclusively or principally for the provision of vocational education to persons who are available for study in preparation for entering the labor market; or
- (ii) The department of a high school exclusively or principally used for providing vocational education in no less than five different occupational fields to

persons who are available for study in preparation for entering the labor market; or

(iii) A technical or vocational school used exclusively or principally for the provision of vocational education to persons who have completed or left high school and who are available for study in preparation for entering the labor market; or

(iv) The department or division of a junior college or community college or university which provides vocational education in no less than five different occupational fields, under the supervision of the State board, leading to immediate employment but not necessarily leading to a baccalaureate degree.

(2) An "area vocational education school" shall be available to all residents of the State or an area of the State designated and approved by the State board. In the case of a technical or vocational school described in subparagraph (1)(iii) of this paragraph or a division of a junior college or community college or university described in subparagraph (1)(iv) of this paragraph, such school must admit as regular students both persons who have completed high school and persons who have left high school.

(e) "Commissioner" means the Commissioner of Education, U.S. Department of Health, Education, and Welfare.

(f) "Consumer and homemaking education" means education designed to help individuals and families improve home environments and the quality of personal and family life, and include instruction in food and nutrition, child development, clothing, housing, family relations, and management of resources with emphasis on selection, use, and care of goods and services, budgeting, and other consumer responsibilities.

(g) "Cooperative vocational education program" means a cooperative work-study program of vocational education for persons who, through a cooperative arrangement between the school and employers, receive instruction, including required academic courses and related vocational instruction by the alternation of study in school with a job in any occupational field, but these two experiences must be planned and supervised by the school and employers so that each contributes to the student's education and to his employability. Work periods and school attendance may be on alternate half-days, full-days, weeks, or other periods of time in fulfilling the cooperative vocational education work-study program.

(h) "Department" means the U.S. Department of Health, Education, and Welfare.

(i) "Disadvantaged persons" means persons who have academic, socioeconomic, cultural, or other handicaps that prevent them from succeeding in vocational education or consumer and homemaking programs designed for persons without such handicaps, and who for that reason require specially designed educational programs or related services. The term includes persons whose needs for such programs or services result from

poverty, neglect, delinquency, or cultural or linguistic isolation from the community at large, but does not include physically or mentally handicapped persons (as defined in paragraph (o) of this section) unless such persons also suffer from the handicaps described in this paragraph.

(j) "Employment" means lawful work in a recognized occupation.

(k) "Equipment", as distinguished from supplies and other materials, means a fixed or movable article or set of articles which meets all the following conditions: (1) The article retains its original shape and general appearance with reasonable care and use over a period of at least 1 year; (2) it is nonexpendable, that is, if the article is damaged or some of its parts are lost or worn out, it is usually more feasible to repair it than to replace it with an entirely new unit; and (3) it does not lose its identity through incorporation into a different or more complex unit or substance.

(l) "Fiscal year" means a period beginning on July 1 and ending on the following June 30. A fiscal year is designated in accordance with the calendar year in which the ending date of the fiscal year occurs.

(m) "Funds", unless otherwise specified, means any funds available for expenditure under the State plan, whether derived from Federal allotments under the Act or State or local appropriations or other non-Federal sources. (See § 102.121 for further explanation.)

(n) "Gainful employment" means employment in a recognized or new and emerging occupation for which persons normally receive in cash or in kind a wage, salary, fee, or profit. This term includes employment in sheltered workshops for handicapped persons.

(o) "Handicapped persons" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired persons who by reason of their handicapping condition cannot succeed in a vocational or consumer and homemaking education program designed for persons without such handicaps, and who for that reason require special educational assistance or a modified vocational or consumer and homemaking education program.

(p) "High school" or "secondary school" does not include any grade beyond grade 12.

(q) "Local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a State, or any other public educational institution or agency (such as a junior or community college or State-operated area vocational school) having administrative control and direction of a vocational education program. In this part, anything modified by the adjective "local" pertains to a "local educational agency" herein defined.

(r) "Nonprofit", as applied to any school, agency, organization, or institution, means a school, agency, organization, or institution, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(s) "Occupational field" means a group of recognized and new and emerging occupations having substantial similarities common to all occupations in the group, e.g., similarity in the work performed; similarity in the abilities and knowledge required of the worker for successful job performance; similarity in the tools, machines, instruments, and other equipment used; and similarity in the basic materials worked on or with. The term is applied, in the case of Federal participation in the construction of an area vocational school, to determine whether a department of a certain type of high school, or a department or division of a junior college, community college, or university provides "vocational education in no less than five different occupational fields." (See paragraph (d)(1) of this section.) The purpose is to assure that such schools will have offerings that will afford prospective students of varying interests a reasonably broad choice of the type of occupation for which they are to be trained. Determinations of what is an "occupational field" will be made in the light of this purpose.

(t) "Postsecondary vocational education" means vocational education which is designed primarily for youth or adults who have completed or left high school and who are available for an organized program of study in preparation for entering the labor market. Such education may be provided in schools or institutions such as business or trade schools, technical institutions, or other technical or vocational schools; and departments of colleges and universities, junior or community colleges, and other schools offering vocational education, particularly technical education, beyond grade 12. The term shall not be limited to vocational education at the level beyond grade 12 if the vocational education needs of the persons to be served, particularly high school dropouts, require vocational education at a lower grade level. Anything modified by the adjective "postsecondary" pertains to postsecondary vocational education as herein defined.

(u) "Recognized occupation" or "new and emerging occupation" means a lawful occupation that has been identified or is identifiable by employers, employee groups and governmental and non-governmental agencies and institutions concerned with the definition and classification of occupations.

(v) "School facilities" means the facilities of an area vocational education school, including:

(1) Instructional and auxiliary rooms and space necessary to operate a program of vocational instruction at normal capacity (in accordance with the State plan and the laws and customs of the State), such as classrooms, libraries,

laboratories, workshops, cafeterias, office space, and utility space. This would not include facilities intended primarily for events for which admission is to be charged to the public such as single-purpose auditoriums, indoor areas, or outdoor stadiums.

(2) Initial equipment of the school facilities described in subparagraph (1) of this paragraph, such as all necessary building fixtures and utilities, furnishings (including conventional classroom and office furniture), and instructional equipment as described in § 102.134 (d)(1).

(i) In connection with the erection of new or the expansion of existing facilities, initial equipment shall include only that equipment which must be placed in the proposed facility to accommodate the type of instruction or other vocational education purpose for which the facility is designed.

(ii) In connection with the acquisition, remodeling, and alteration of existing facilities, initial equipment also may include equipment installed to replace obsolete or worn-out equipment. Any reimbursement for salvage or trade-in value of any such equipment shall be deducted in computing the cost of such replacement equipment to be included in the construction costs of a proposed project.

(3) Interests, whether in fee, leasehold, or otherwise, in land on which such facilities are to be constructed.

(w) "State" means a State of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(x) "State board" means a State board designated or created by State law as the sole State agency responsible for the administration of vocational education, or for supervision of the administration thereof by local educational agencies in the State, and designated pursuant to § 102.32.

(y) "State plan" means that plan submitted by a State board pursuant to the Act and the regulations in this part in order to be eligible to receive Federal funds allotted to the State. Such plan shall include both long-range and annual program plans pursuant to §§ 102.33 and 102.34.

(z) "State research coordination unit" means a unit in a State agency or institution designated by the State board in its State plan pursuant to § 102.71 as the coordination unit for vocational education research and personnel training programs; developmental, experimental, or pilot programs; and dissemination activities in vocational education, including those programs supported with funds under section 131(b) of the Act.

(aa) "Vocational education" means programs, services, or activities related to vocational or technical training or retraining provided under the Act, the regulations in this part, and the State plan. In this part, anything modified by the adjective "vocational" pertains to "vocational education" as herein defined. Such programs, services, and activities shall include:

(1) Vocational instruction meeting the standards and requirements of § 102.4;

(2) Vocational guidance and counseling meeting the standards and requirements of § 102.8; and

(3) Training of teachers and other vocational education personnel meeting the standards and requirements of § 102.9.

§ 102.4 Vocational instruction.

(a) *Arrangements for instruction.* (1) Vocational instruction shall be provided either under public supervision or control meeting the criteria of subparagraph (2) of this paragraph, or under contract with the State board or a local educational agency as provided for in § 102.5.

(2) To be under "public supervision and control," a school or class must be organized and operated under the direction of the State board or a local educational agency responsible for expenditure of public school funds for vocational education in the State.

(b) *Objective of instruction.* (1) Vocational instruction shall be designed to

(i) Prepare individuals for gainful employment as semiskilled or skilled workers or technicians or semiprofessionals in recognized occupations and in new or emerging occupations, or

(ii) Prepare individuals for enrollment in advanced or highly skilled vocational and technical education programs, or

(iii) Assist individuals in the making of informed and meaningful occupational choices, or

(iv) Achieve any combination of the above objectives.

(2) Vocational instruction with the objective specified in subparagraph (1) (i) of this paragraph shall include

(i) Instruction related to the occupation or occupations for which the students are in training; that is, instruction which is designed upon its completion to fit individuals for employment in a specific occupation or a cluster of closely related occupations in an occupational field, and which is especially and particularly suited to the needs of those engaged in or preparing to engage in such occupation or occupations. Such instruction shall include classroom related academic and technical instruction and field, shop, laboratory, cooperative work, apprenticeship, or other occupational experience, and may be provided either to

(a) Those preparing to enter an occupation upon the completion of the instruction, or

(b) Those who have already entered an occupation but desire to upgrade or update their occupational skills and knowledge in order to achieve stability or advancement in employment.

(ii) Instruction necessary for vocational students to benefit from instruction described in subdivision (i) of this subparagraph; that is, remedial or other instruction which is designed to enable individuals to profit from instruction related to the occupation or occupations for which they are being trained by correcting whatever educational deficiencies or handicaps prevent them from benefiting from such instruction.

(3) Pretechnical vocational instruction with the objective specified in subparagraph (1) (ii) of this paragraph shall include instruction of the type described in subparagraph (2) of this paragraph, except that such instruction need not be designed to fit individuals for employment in a specific occupation, but must be primarily designed to prepare individuals for enrollment in advanced or highly skilled postsecondary and technical education programs having the objective specified in subparagraph (1) (i) of this paragraph. It shall not include instruction which is primarily designed to prepare individuals for higher education, or for professional training of the type described in paragraph (c) (2) of this section, and which is only incidentally designed for individuals preparing for technical education.

(4) Prevocational instruction with the objective specified in subparagraph (1) (iii) of this paragraph shall include instruction designed to familiarize individuals with the broad range of occupations for which special skills are required and the requisites for careers in such occupations.

(c) *Noneligible instruction*—(1) *General*. Funds under the Act shall not be available for instruction in general education subjects unless such subjects have objectives specified in paragraph (b) of this section. However, a program of vocational instruction under the State plan may be supplemented with such other general education subjects supported with funds from other sources as may be necessary to develop a well-rounded individual.

(2) *Professional*. Funds under the Act shall not be available for instruction which is designed to fit individuals for employment in recognized occupations which are generally considered to be professional or as requiring a baccalaureate or higher degree. The Commissioner has determined and specified the following as examples of occupations which are generally considered professional or as requiring a baccalaureate or higher degree, and are therefore excluded from those occupations for which instruction may be provided:

- Accountants and auditors.
- Actors and actresses.
- Architects, artists, and sculptors.
- Athletes, professional.
- Authors, editors, and reporters.
- Clergymen.
- Engineers, professional.
- Lawyers.
- Librarians, archivists, and curators.
- Life scientists, including agronomists, biologists, and psychologists.
- Mathematicians.
- Medical and health professions, including physicians, surgeons, dentists, osteopaths, veterinarians, pharmacists, and professional nurses.
- Musicians.
- Physical scientists, including chemists, physicists, and astronomers.
- Social and welfare workers.
- Social scientists, including economists, historians, political scientists, and sociologists.
- Teachers and other educators.

The above is not intended to exclude from vocational instruction those semi-

professional, technical, or other occupations which are related to those listed, but which do not themselves require a baccalaureate degree.

(d) *Access to vocational instruction offered*. (1) In determining which individuals shall have access to programs of vocational instruction offered within the State, consideration will be given to all individuals residing in the State. If it is not economically or administratively feasible to provide each type of program in all areas and communities of the State served by a local educational agency, individuals residing in an area or community served by one local educational agency shall be permitted to enroll, in accordance with policies and procedures established by the State board or the local educational agencies involved, in a program of instruction offered by another local educational agency, so long as—

(i) The local educational agency serving the area or community in which the individual resides does not offer a reasonably comparable type of program.

(ii) Facilities are reasonably available for additional enrollees in the program offered by the receiving local educational agency.

(2) To the extent that facilities are available, each type of program of vocational instruction offered by the State board shall be made available to all individuals residing in the State, and each program of instruction offered by a local educational agency shall be made available to all individuals residing in the district or community served by the local educational agency offering such instruction. The fact that an individual resides in a certain attendance area within such district or community shall not preclude his access to a program of instruction available to other individuals residing in other attendance areas within the district or community, if access to a reasonably comparable program is not otherwise available to him.

(e) *Content of vocational instruction*. The content of vocational instruction shall be developed and conducted in accordance with the following standards to assure soundness and quality in such instruction:

(1) The program of instruction shall be based on a consideration of the skills, attitudes, and knowledge required to achieve the occupational or other objective of such instruction, and includes a planned sequence of those essentials of education or experience (or both) deemed necessary for the individual to achieve such objective.

(2) The program of instruction shall be developed and conducted in consultation with employers and other individuals or groups of individuals (such as local advisory committees) having skills in and substantive knowledge of the occupations or the occupational fields included in the instruction.

(3) The program of instruction shall include the most up-to-date knowledge, attitudes, and skills necessary for competencies required to meet the occupational or other objective of such instruction.

(4) The program of instruction shall be sufficiently extensive in duration and intensive within a scheduled unit of time to enable the student to achieve the occupational or other objective of the instruction.

(5) The program of instruction shall combine and coordinate classroom instruction with field, shop, laboratory, cooperative work, apprenticeship, or other occupational experience which (i) is appropriate to the occupational or other objective of the instruction, (ii) is of sufficient duration to develop competencies necessary for the student to achieve such objective, and (iii) is supervised, directed, or coordinated by persons qualified under the State plan. (See §§ 102.3 (g), 102.96 through 102.104, and 102.141 relating to cooperative vocational education programs.)

(f) *Adequate facilities and materials for instruction*. Classrooms, libraries, shops, laboratories, and other facilities (including instructional equipment, supplies, teaching aids, and other materials) shall be adequate in supply and quality to meet the occupational or other objectives of the vocational instruction offered. If the State board or local educational agency cannot provide such facilities and materials, but they are available in a business, industrial, service, or other establishment, vocational instruction may be provided in such establishments provided that such instruction meets the standards and requirements of the Act, the regulations of this part, and the State plan. See § 102.134(d) (1) for provisions governing the use of funds for instructional equipment, supplies, and teaching aids; § 102.3 (d) and (v), 102.44, and 102.135 for provisions governing the use of funds for construction of area vocational education school facilities.

(g) *Teachers and supervisors*. The vocational instruction shall be conducted and supervised by teachers, teacher aides, supervisors, and other supporting personnel as provided in § 102.38. To the extent necessary to provide for a sufficient supply of teachers, teacher aides, supervisors, and other supporting personnel in the State, the program of instruction shall be accompanied by a teacher-training program as provided for in §§ 102.9 and 102.38(b).

(h) *Vocational guidance and counseling*. The program of instruction shall provide for vocational guidance and counseling personnel and services sufficient to enable such a program to achieve and continue to meet its objectives and the standards and requirements of this section. See § 102.8 for provisions relating to the use of funds for guidance and counseling programs.

(i) *Vocational youth organizations*. The program of instruction may include activities of vocational education youth organizations which are an integral part of the vocational instruction offered and which are supervised by vocational education personnel.

(j) *Evaluation*. Evaluation of the results of the program of instruction will be made periodically on the State level

by the State board and the State advisory council and continuously on the local level with the results being used for necessary change or improvement in the program through experimentation, curriculum development, training of vocational education personnel, or other means. See § 102.36 for specific provisions relating to program evaluation.

§ 102.5 Vocational instruction under contract.

(a) *General.* Arrangements may be made for the provision of any portion of the program of instruction on an individual or group basis by public or non-public agencies or institutions (other than the State board or local educational agency) through a written contract with a State board or a local educational agency. Such contract shall describe the portion of instruction to be provided by such agency or institution and incorporate the standards and requirements of vocational instruction set forth in the regulations in this part and the State plan. Such a contract shall be entered into only upon a determination by the State board or local educational agency of satisfactory assurance that:

- (1) The contract is in accordance with State or local law; and
- (2) The instruction to be provided under contract will be conducted as a part of the vocational education program of the State and will constitute a reasonable and prudent use of funds available under the State plan.

Such contract shall be reviewed at least annually by the parties concerned.

(b) *Arrangements with private postsecondary vocational training institutions.* (1) Postsecondary vocational instruction provided in other than public institutions may be provided only through arrangements with private postsecondary vocational training institutions entered into pursuant to paragraph (a) of this section where the State board or local educational agency determines that such private institutions can make a significant contribution to attaining the objectives of the State plan, and can provide substantially equivalent training at a lesser cost, or can provide equipment or services not available in public agencies or institutions.

(2) For purposes of this paragraph, a "private postsecondary vocational training institution" means a private business or trade school, or technical institution or other technical vocational school providing postsecondary education in any State which meets the requirements set forth in subparagraphs (A) through (D) of section 108(11) of the Act. A list of such institutions meeting the requirements of this subparagraph may be obtained upon request from the Division of Vocational and Technical Education, Office of Education, Washington, D.C. 20202.

§ 102.6 Vocational education for disadvantaged or handicapped persons.

(a) Vocational education for disadvantaged or handicapped persons supported with funds under section 102(a)

of the Act shall include special educational programs and services designed to enable disadvantaged or handicapped persons to achieve vocational education objectives that would otherwise be beyond their reach as a result of their handicapping condition. These programs and services may take the form of modifications of regular programs, special educational services which are supplementary to regular programs, or special vocational education programs designed only for disadvantaged or handicapped persons. Examples of such special educational programs and services include the following: Special instructional programs or prevocational orientation programs where necessary, remedial instruction, guidance, counseling and testing services, employability skills training, communications skills training, special transportation facilities and services, special educational equipment, services, and devices, and reader and interpreter services.

(b) Funds available for vocational education for disadvantaged or handicapped persons may not be used to provide food, lodging, medical and dental services and other services which may be necessary for students enrolled in such programs but which are not directly related to the provision of vocational education to such students. However, the State board or local educational agency conducting such programs shall encourage the provision of such services through arrangements with other agencies responsible for such services. (See § 102.40 (b) and (c) relating to cooperative arrangements.)

(c) To the extent feasible, disadvantaged or handicapped persons shall be enrolled in vocational education programs designed for persons without their handicapping condition. Educational services required to enable them to benefit from such programs may take the form of modifications of such programs or of supplementary special educational services. In either case, funds available for vocational education for disadvantaged or handicapped persons may be used to pay that part of such additional cost of the program modifications or supplementary special educational services as is reasonably attributable to disadvantaged or handicapped persons.

(d) If certain disadvantaged or handicapped persons cannot benefit from regular vocational education programs to any extent, even with modifications thereto or with the provision of supplementary special educational services, then these persons shall be provided with special programs of vocational instruction which meet the standards and requirements of all vocational education programs set forth in § 102.4 and which, in addition, include such special instructional devices and techniques and such supplementary special educational services as are necessary to enable those persons to achieve their vocational objective. In these cases, funds available for vocational education for the disadvantaged or the handicapped may be used to pay that part of the total cost of the instruc-

tional program and supplementary special educational services that are reasonably attributable to the vocational education of disadvantaged or handicapped persons.

(e) Vocational education programs and services for disadvantaged or handicapped persons shall be planned, developed, established, administered, and evaluated by State boards and local educational agencies in consultation with advisory committees which include representatives of such persons; and in cooperation with other public or private agencies, organizations, and institutions having responsibility for the education of disadvantaged or handicapped persons in the area or community served by such programs or services, such as community agencies, vocational rehabilitation agencies, special education departments of State and local educational agencies, and other agencies, organizations, and institutions, public or private, concerned with the problems of such persons. (See § 102.40 (b) and (c) relating to cooperative arrangements.)

§ 102.7 Participation of students in private nonprofit schools.

The participation of students enrolled in private nonprofit schools in vocational education programs or projects under parts D and G of the Act (see §§ 102.79 and 102.101) shall be in accordance with the following requirements:

(a) Each program and project carried out under parts D and G of the Act shall be designed to include, to the extent consistent with the number of students enrolled in private nonprofit schools in the geographic area served by the program or project, vocational education services which will meet the vocational education needs of such students. Such services may be provided through such arrangements as dual enrollment, educational radio and television, or mobile or portable equipment, and may include professional and subprofessional services.

(b) The vocational education needs of students enrolled in private nonprofit schools located within the geographic areas served by the program or project, the number of such students who will participate in the program or project, and the types of vocational education services which will be provided for them shall be determined, after consultation with persons knowledgeable of the needs of those students, on a basis comparable to that used in providing such vocational education services to students enrolled in public schools. Each application submitted by the local educational agency to the State board shall indicate the number of students enrolled in private nonprofit schools who are expected to participate in each program and project proposed by such agency and the degree and manner of their expected participation.

(c) Public school personnel may be made available on other than public school premises only to the extent necessary to provide vocational education services required by the students for whose needs such services were designed,

and only when such services are not normally provided at the private school. The State Board or local educational agency providing such vocational education services to students in private non-profit schools shall maintain administrative control and direction over such services, and each application from a local educational agency providing such services shall so provide. Vocational education services provided with Federal funds shall not include the payment of salaries of teachers or other employees of private schools, except for services performed outside their regular hours of duty and under public supervision and control, nor shall they include the use of equipment, other than mobile or portable equipment, on private school premises or the construction of private school facilities. Mobile or portable equipment may be used on private school premises for such period of time within the life of the current program or project for which the equipment is intended to be used as is necessary for the successful participation in that program or project by students enrolled in private schools.

(d) Any program or project to be carried out on public premises and involving joint participation by students enrolled in private nonprofit schools and students enrolled in public schools shall include such provisions as are necessary to avoid forming classes that are separated by school enrollment or religious affiliation.

§ 102.8 Vocational guidance and counseling.

(a) State boards and local educational agencies conducting programs of instruction shall provide such vocational guidance and counseling services as are required by such instruction pursuant to § 102.4(h). Such vocational guidance and counseling services shall be designed to (1) identify and encourage the enrollment of individuals needing vocational education, (2) provide the individuals with information necessary to make meaningful and informed occupational choices, (3) assist them while pursuing a program of vocational instruction, (4) aid them in vocational placement, and (5) conduct followup procedures to determine the effectiveness of the vocational instruction and guidance and counseling program.

(b) The State board shall make provision for an adequate guidance and counseling supervisory staff to (1) develop, secure, and distribute occupational information, (2) provide consultative services concerning the vocational aspects of guidance, and (3) give leadership to the promotion and supervision of better vocational guidance and counseling services at the local level. In carrying out these responsibilities, the State board shall utilize the resources of the State employment service pursuant to the cooperative arrangements provided for in § 102.40(a).

§ 102.9 Training of personnel.

(a) *General.* The State board shall provide for such training (both pre-

service and inservice) as is necessary to provide qualified personnel meeting the requirements of the State plan pursuant to § 102.38. Such training shall be sufficient to provide an adequate supply of qualified teachers and other personnel, including those capable of meeting the special educational needs of disadvantaged and handicapped persons in the State.

(b) *Arrangements for training of personnel.* (1) Training of personnel pursuant to paragraph (a) of this section may be provided either by (i) the State board or (ii) public or private agencies or institutions.

(2) When such training is provided by an agency or institution other than the State board, the State board shall enter into cooperatively developed written agreements with such agency or institution. These agreements shall describe the training program developed by the State board in cooperation with such agency or institution, and the policies and procedures which the State board and the agency or institution agree to utilize in evaluating the effectiveness of the programs so described.

(c) *Eligibility of enrollees.* Training of personnel pursuant to paragraph (a) of this section shall be offered only to persons who are teaching or are preparing to teach vocational education students or consumer and homemaking students or who are undertaking or are preparing to undertake other professional or semi-professional duties and responsibilities in connection with vocational education programs or consumer and homemaking programs under the State plan to whom such education would be useful professionally.

Subpart B—State Advisory Council

§ 102.21 Establishment and certification.

(a) *Establishment.* Each State which desires to receive funds under the Act and the regulations in this part for any fiscal year shall establish a State advisory council which shall be appointed by the Governor or, in the case of States in which the members of the State board are elected, by such board, and which shall be separate and independent from the State board.

(b) *Appointment by State board.* In order for the appointment power to be vested in the State board pursuant to paragraph (a) of this section, a majority of its members must be individuals elected directly by the eligible voters of the State or of the districts which the individuals represent.

(c) *Certification.* The Governor of each State establishing an advisory council appointed by the Governor or the State board in each State establishing an advisory council appointed by the State board pursuant to paragraph (a) of this section shall certify to the Commissioner the establishment and membership of such advisory council not less than 90 days prior to the beginning of any fiscal year ending after June 30, 1969.

§ 102.22 Membership.

The membership of the State advisory council shall exclude members of the State board, and shall include:

(a) At least one person familiar with the vocational needs and problems of management and labor in the State and at least one person representing State industrial and economic development agencies;

(b) At least one person representative of community and junior colleges and other institutions of higher education, area vocational schools, technical institutes, and postsecondary or adult education agencies or institutions, which may provide programs of vocational or technical education and training;

(c) At least one person familiar with the administration of State and local vocational education programs, and at least one person having special knowledge, experience, or qualifications with respect to vocational education and who is not involved in the administration of State or local vocational education programs;

(d) At least one person familiar with programs of technical and vocational education, including programs in comprehensive secondary schools;

(e) At least one person representative of local educational agencies, and at least one person representative of school boards;

(f) At least one person representative of manpower and vocational education agencies in the State and the Comprehensive Area Manpower Planning System of the State;

(g) At least one person representing school systems with large concentrations of academically, socially, economically, and culturally disadvantaged students;

(h) At least one person with special knowledge, experience, or qualifications, with respect to the special educational needs of physically or mentally handicapped persons; and

(i) Persons representative of the general public, of whom at least one shall be representative of and knowledgeable about the poor and disadvantaged, who are not qualified for membership under any of the preceding categories.

§ 102.23 Functions and responsibilities.

The State advisory council shall—

(a) Advise the State board on the development of the State plan, including the preparation of long-range and annual program plans pursuant to §§ 102.33 and 102.34, and prepare and submit pursuant to § 102.31(e) (2) a statement describing its consultation with the State board on its State plan;

(b) Advise the State board on policy matters arising in the administration of the State plan submitted pursuant to the Act and the regulations in this part;

(c) Evaluate vocational education programs, services, and activities under the State plan, and publish and distribute the results thereof;

(d) Prepare and submit through the State board to the Commissioner and to the National Advisory Council an annual evaluation report, accompanied by

such additional comments of the State board as the State board deems appropriate, which (1) evaluates the effectiveness of vocational education programs, services, and activities carried out in the year under review in meeting the program objectives set forth in the long-range program plan and the annual program plan required by §§ 102.33 and 102.34, and (2) recommends such changes as may be warranted by the evaluations; and

(e) Prepare and submit through the State board (acting as fiscal agent for the State advisory council) within 60 days after the Commissioner's acceptance of certification submitted pursuant to § 102.21(c) an annual budget covering the proposed expenditures of the State advisory council and its staff for the following fiscal year.

§ 102.24 Meetings and rules.

Each State advisory council shall meet within 30 days after certification has been accepted by the Commissioner and select from among its membership a chairman. The time, place, and manner of meeting shall be as provided by the rules of the State advisory council. Such rules shall provide for not less than one public meeting each year at which the public is given opportunity to express views concerning vocational education.

§ 102.25 Staff.

Each State advisory council is authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable the council to carry out its functions described in § 102.23 and to contract for such services as may be necessary to enable it to carry out its evaluation functions. Such personnel shall not include members of the State board, and shall be subject only to the supervision and direction of the State advisory council with respect to all services performed by them for the council.

§ 102.26 Compensation.

Members of the State advisory council and its staff, while serving on the business of the council, may receive subsistence, travel allowances, and compensation in accordance with State law, regulations, and practices applicable to persons performing comparable duties and services.

Subpart C—State Plan Provisions

GENERAL

§ 102.31 State plan.

(a) *General.* Any State desiring to receive funds for any fiscal year under the Act shall submit to the Commissioner, in accordance with such forms, instructions, and guidance as may be furnished by him, a State plan which meets the requirements of the Act and the regulations in this part. Such plan shall be a detailed description of the State's programs, services, and activities under the Act, and shall include the policies and operating procedures which the State board will implement in order to maintain, extend, and improve exist-

ing programs and develop new programs in furtherance of the purposes of the Act. Such procedures shall assure that funds allotted to the State under the Act will be expended only for programs, services, and activities related either to vocational education for gainful employment or consumer and homemaking education. For specific State plan requirements under the Act.

(1) Regarding all programs, services, and activities under the Act, see §§ 102.31 through 102.46;

(2) Regarding programs, services, and activities under each of the parts of the Act, see §§ 102.51 through 102.104; and

(3) Regarding Federal financial participation, see appropriate sections in Subpart D of this part.

(b) *Format.* The State plan shall be composed of three parts:

(1) The administrative plan provisions required in this subpart, which are set forth in the initial State plan and thereafter amended only as necessary to conform with the requirements of the Act, the regulations in this part and applicable State law, rules, and regulations;

(2) The long-range program plan provided for in § 102.33, which shall be revised annually and submitted with the annual program plan;

(3) The annual program plan provided for in § 102.34, which shall be submitted each year at such time as the Commissioner shall specify.

(c) *Amendment.*—(1) *Administrative plan provisions.* The administration of vocational education programs under the State plan must be kept in conformity with the administrative plan provisions. Whenever there is any material change in the content or administration of such program, or in pertinent State Law, or in the organization, policies, and operations of the State board affecting the programs under the plan, the administrative plan provisions shall be appropriately amended by the State board after consultation with the State advisory council, and such amendment shall be submitted to the Commissioner. The effective date of such amendment is the date on which it is received by the Commissioner in substantially approvable form.

(2) *Long-range program plan.* Changes in estimates of present and projected vocational education needs and vocational education objectives set forth in the long-range program plan shall be submitted each year as a part of the annual revision of such plan.

(3) *Annual program plan.* Minor deviations in actual allocations of funds from specific amounts estimated for allocation among programs, services, and activities described in the annual program plan submitted pursuant to § 102.34 shall not constitute such a change in the State plan as to require amendment of the annual program plan in order to be in conformity with Federal requirements if otherwise made in accordance with the Act, the regulations in this part, and other provisions of the State plan. Such minor deviations and the reasons there-

for (such as, for example, a change in the total amount of funds available to the State for programs, services, and activities under the State plan) shall be indicated and explained in the annual report of the State board submitted pursuant to § 102.160.

(d) *Certification of State plan.*—(1) *Certification by State board.* The annual State plan and any amendments thereto required by paragraph (c) of this section shall include as an attachment a certificate of the officer of the State board authorized to submit the State plan to the effect that the plan or amendment has been adopted by the State board and that the plan or plan as amended will constitute the basis for operation and administration of the vocational education program in which Federal financial participation will be made.

(2) *Certification by State Attorney General.* The State plan and any amendment thereto required by paragraph (c) of this section shall also include as an attachment a certificate by the State's Attorney General, or other official designated in accordance with State law to advise the State board on legal matters, to the effect that the State board named in the plan is the State board which has authority under State law to submit the State plan and to administer or supervise the administration of the vocational education programs described therein as the sole agency responsible for administration of the plan; and that all the plan provisions with respect to the use of funds under the Act can be carried out by the State.

(e) *Prerequisites for submission of State plan.*—(1) *General.* The State plan or any amendment thereto required by paragraph (c) of this section shall be submitted to the Commissioner only if the State board has—

(i) Prepared the State plan or amendments thereto in consultation with the State advisory council pursuant to subparagraph (2) of this paragraph;

(ii) Given reasonable notice and afforded reasonable opportunity for a public hearing as described pursuant to subparagraph (3) of this paragraph; and

(iii) Implemented policies and procedures with regard to public information described pursuant to subparagraph (4) of this paragraph.

(2) *Consultation with State advisory council.* The State plan for each fiscal year and any amendment thereto required by paragraph (c) of this section shall be accompanied by a statement of the State advisory council certifying that the State plan or amendment was prepared in consultation with the council.

(3) *Public hearing.* The State plan for each fiscal year and any amendment thereto required by paragraph (c) of this section shall be accompanied by a statement describing the method by which, and the extent to which, reasonable notice and opportunity for a hearing was offered by the State board prior to the adoption of such plan or amendment, including a description of how and to whom notice of public hearings was

given, the manner in which such hearings were conducted, and the results of such hearings.

(4) *Public information.* The State plan shall describe the policies and procedures established by the State board for the purpose of making reasonably available to the public copies of the approved State plan described in paragraph (b) of this section, and amendments thereto, and all statements of general policies, rules, regulations, and procedures issued by the State board concerning the administration of the State plan.

(f) *Approval by Commissioner.* (1) The Commissioner will not approve a State plan or amendment thereto until he has:

- (i) Examined each of its provisions;
- (ii) Made specific findings, on the basis of reports submitted to him pursuant to §§ 102.159 and 102.160 and such other reports and information available to him, that each of its provisions complies with the applicable State plan requirements set forth in the Act and the regulations in this part; and
- (iii) Determined that its provisions are set forth in sufficient detail to insure that such provisions will be carried out.

(2) After reviewing the State plan or amendment pursuant to subparagraph (1) of this paragraph, the Commissioner shall notify the State board of the granting or withholding of approval in each such case. No final action with respect to a State plan or amendment, other than that of approval, will be taken by the Commissioner unless he first notifies the State board of his proposed action and in connection therewith affords a reasonable opportunity for a hearing on whether the affected plan or amendment meets such requirements.

(1) of this paragraph, the Commissioner shall notify the State board of the granting or withholding of approval in each such case. No final action with respect to a State plan or amendment, other than that of approval, will be taken by the Commissioner unless he first notifies the State board of his proposed action and in connection therewith affords a reasonable opportunity for a hearing on whether the affected plan or amendment meets such requirements.

§ 102.32 State board.

(a) *Designation or creation.* Any State desiring to receive Federal funds under the Act shall designate or create by State law a State board which is the sole State agency responsible for the administration of vocational education, or for the supervision of the administration thereof by local educational agencies, in the State. The State plan shall identify the State board so designated or created and the executive officer thereof.

(b) *Authority.* The State plan shall set forth the authority of the State board designated or created pursuant to paragraph (a) of this section and shall set forth the State board's authority under State law to submit the State plan and administer the program contained therein. If local educational agencies have any authority for the administration of State plan programs, the State plan shall also indicate the basis for such authority and for the authority of the State board to supervise such administration. Copies of, or citations to, all pertinent laws and interpretations of laws by appropriate State officials or courts shall be included as a part of the State plan.

§ 102.33 Long-range program plan.

The State plan shall include a long-range program plan (or, as appropriate,

a supplement to or revision of a previously submitted long-range plan) for vocational education in the State. Such plan shall:

(a) Extend over a 5-year period beginning with the fiscal year for which the plan is submitted;

(b) Describe the present and projected vocational education needs of the State; and

(c) Set forth a program of vocational education objectives which affords satisfactory assurance of substantial progress toward meeting the vocational education needs of the potential students in the State.

§ 102.34 Annual program plan.

The State plan shall also include an annual program plan as an explanation and justification of the activities that carry out the objectives of the first year year of the long-range plan. The annual program plan shall describe:

(a) The content of vocational education programs, services, and activities to be carried out during the year for which Federal funds are sought (whether or not supported with Federal funds under the Act);

(b) The allocation of Federal and State vocational education funds to the programs, services, and activities referred to in paragraph (a) of this section;

(c) How and to what extent such programs, services, and activities will carry out the program objectives set forth in the long-range program plan referred to in § 102.33;

(d) How and to what extent the allocations of Federal funds by the State will take into consideration the criteria set forth in §§ 102.53 through 102.57; and

(e) The extent to which consideration was given to the findings and recommendations of (1) the most recent evaluation report of the State advisory council and (2) other evaluation reports and studies.

§ 102.35 State administration and leadership.

(a) *Adequate State board staff.* The State board shall provide for a State staff sufficiently qualified by education and experience and in sufficient numbers to enable the State board to plan, develop, administer, supervise, and evaluate vocational education programs, services, and activities under the State plan to the extent necessary to assure quality in all education programs which are realistic in terms of actual or anticipated employment opportunities and suited to the needs, interests, and abilities of those being trained. Particular consideration shall be given to staff qualifications for leadership in programs, services, and activities for disadvantaged persons, handicapped persons, depressed areas, research and training, exemplary programs and projects, consumer and homemaking, cooperative vocational education, and curriculum development.

(b) *Organization of State board staff.* The State plan shall describe the orga-

nizational structure of the State board staff, including a description of its units, the functions assigned to each unit, the number of professional personnel assigned to each unit, and the relationships among the units within the State board staff and with other State agencies and institutions responsible for conducting programs of vocational and technical education. The titles of all State officials who are to have authority in the administration and supervision of the programs, services, and activities shall be given in the State plan. This description shall be sufficient to enable the Commissioner to find that the State board has an adequate staff to provide requisite administration and supervision of the federally aided vocational education programs. The plan shall provide for a full-time State director or a full-time executive officer who shall have no substantial duties outside the vocational education program.

§ 102.36 Program evaluation.

(a) The State board shall be responsible for assuring that State and local programs, services, and activities carried out under the State plan will be periodically evaluated with sufficient extensiveness and frequency to enable the State board to effectively carry out its functions under the State plan and fulfill the purposes of the Act.

(b) In carrying out its evaluation responsibilities pursuant to paragraph (a) of this section, the State board may utilize the evaluations made by the State advisory council pursuant to § 102.23(c), and such additional evaluations conducted or arranged by the State board and each local educational agency as may be required to carry out such responsibilities. The results of such periodic evaluations shall be described in the annual report submitted by the State board pursuant to § 102.160, and may provide the basis for the State board's comments on the State evaluation report submitted by the State advisory council submitted pursuant to § 102.159.

(c) The State plan shall describe the State's program for evaluating State and local programs, services, and activities carried out under the State plan. This description shall include:

(1) The agencies and institutions (in addition to the State advisory council pursuant to § 102.23(c)) responsible for making periodic evaluations;

(2) The frequency with which each of the agencies and institutions referred to in subparagraph (1) of this paragraph will make periodic evaluations of the various programs, services, and activities under the State plan carried out at both the State and local levels; and

(3) The procedures which the State will follow, or which it will require local educational agencies to follow, in conducting periodic evaluations, including an outline of the types of evaluations planned and of the criteria to be utilized in evaluating the effectiveness of programs, services, and activities under the State plan supported with funds from any of the allotments under the Act.

§ 102.37 Custody of Federal funds.

The State plan shall provide that the State, through its legislative authority, will designate its State treasurer (or, if there is no State treasurer, the officer exercising similar functions for the State) to receive payments of Federal funds pursuant to the Act and Subpart E of this part and provide proper custody of all such Federal funds to be disbursed under applicable State laws and regulations on requisition or order of the State board. The State plan shall identify the official so designated to receive the funds. Copies of, or citations to, all directly pertinent laws and interpretations of laws by appropriate State officials or courts indicating the authority of the State treasurer or other official designated to receive, hold, and disburse funds on requisition or order of the State board shall be furnished as part of the State plan.

§ 102.38 Qualifications of personnel.

(a) *Minimum qualifications.* The State plan shall set forth the minimum qualifications for teachers, teacher trainers, supervisors, directors, and all other personnel (including teacher aides) having responsibilities for vocational education and consumer and homemaking education in the State regardless of whether there is to be Federal financial participation in their salaries. Such qualifications shall contain standards of experience and education and other requirements which are reasonable in relation to the duties to be performed, including recent experience and association with the groups of persons to be served such as disadvantaged persons. Provision shall be made for personnel having unique and relevant experiences in lieu of formal degrees and certifications requiring such degrees.

(b) *Improvement of qualifications.* The State plan shall set forth the State board's policies and procedures which have been developed to improve the qualifications of personnel referred to in paragraph (a) of this section to insure that the personnel needs for programs, services, and activities under the State plan are met. The State plan shall describe the methods by which the State board makes arrangements for pre-service and inservice training of personnel meeting the requirements of § 102.9.

(c) *Modification of personnel standards.* The State plan shall set forth the State board's policies and procedures for reviewing and modifying personnel qualification standards to insure that such qualification standards continue to reflect a direct relationship with the need for personnel in vocational education programs carried out under the State plan. Such modifications shall include those deemed necessary for the employment of personnel necessary to carry out research, experimental, developmental, demonstration, or pilot programs, or exemplary programs or projects.

§ 102.39 State reports.

The State plan shall provide that the State board will make and submit to the

Commissioner on a timely basis the reports described in §§ 102.159 and 102.160, and such other reports in such form and containing such information as the Commissioner may from time to time reasonably require to carry out his functions under the Act; and will keep such records, afford such access thereto, and comply with such other provisions as the Commissioner may find necessary to assure the correctness and verification of such reports.

§ 102.40 Cooperative arrangements.

(a) *With State employment service.* The State plan shall provide for cooperative arrangements with the public employment service system in the State. Such arrangements shall be approved by the State board and by the State head of such system, and a copy of the agreement between the State board and the State head of such system providing for such arrangements shall be submitted as a part of the State-plan. Under such cooperative arrangements:

(1) The employment offices will make available to the State board and local educational agencies occupational information regarding reasonable present and future prospects of employment in the community and elsewhere. The State plan shall provide how such information, along with all other pertinent information available, will be considered by the State board or local educational agencies in providing vocational guidance and counseling to students and prospective students and in determining the occupations for which persons are to be trained, and in providing such training.

(2) Guidance and counseling personnel of the State board and local educational agencies working through the cooperative arrangement will make available to the local public employment offices information regarding the occupational qualifications of persons having completed or completing vocational education courses in schools. The State plan shall provide how such information will be considered in the occupational guidance and placement of such persons.

(b) *With State agencies responsible for education of handicapped persons.* The State plan shall provide for cooperative arrangements with the State special education agency, the State vocational rehabilitation agency, or other State agencies having responsibilities for the education of handicapped persons in the State. Such cooperative arrangements shall provide for—

(1) The joint development of a comprehensive plan for the vocational education of handicapped persons in the State which shall provide the basis for the provisions in the State plan relating to vocational education of handicapped persons; and

(2) Coordination of activities of the State board and the other State agencies in the development and administration of the State plan to the extent that handicapped persons are affected, such as, for example, in the review of applications for funds for programs or projects providing benefits to handicapped

persons. Copies of agreements between the State board and other agencies providing for the arrangements described herein shall be submitted when executed by the State board for filing with the State plan.

(c) *With other agencies, organizations, and institutions.* The State plan shall provide that in the development of vocational education programs, services, and activities there may be, in addition to the cooperative arrangements referred to in paragraphs (a) and (b) of this section, cooperative arrangements with other agencies, organizations, and institutions concerned with manpower needs and job opportunities, such as institutions of higher education, model city, business, labor, and community action organizations. Copies of agreements between the State board and other agencies, organizations, and institutions, providing for such arrangements described herein shall be submitted when executed by the State board for filing with the State plan.

(d) *With other States.* In order to provide all individuals with ready access to suitable vocational education of high quality with offerings which have been developed in light of actual or anticipated opportunities for employment, the State plan may provide that the State enter into a cooperative arrangement with one or more other States for the conduct and administration of programs, services, and activities under the State plan. The State plan shall describe the policies and procedures of the State for approval of and participation in such arrangements. Copies of all such cooperative agreements (including joint fiscal arrangements, if any) shall be submitted when executed by the State board of each participating State to the U.S. Office of Education for filing with the State plan.

§ 102.41 Effective use of program results and experience.

The State plan shall provide that, in planning, developing, and carrying out programs, services, and activities under any part of the Act, effective use will be made of the results and experience of other programs and projects assisted under other parts of the Act, both through allotments to the State under the regulations in this part and its State plan, and through direct grants and contracts by the Commissioner. The State plan shall also describe the policies and procedures to be followed by the State board in assuring such effective use.

§ 102.42 State fiscal and accounting procedures.

(a) *General.* The State plan shall describe the fiscal control and fund accounting procedures which are in accordance with applicable State and local laws, rules, and regulations and which will assure proper disbursement of and accounting for Federal funds paid to the State under each program included in this part, funds paid by the State to participating local educational agencies and other organizations, agencies, and institutions, and all matching funds. (See also State plan requirements in § 102.123(b).)

(b) *Audits of expenditures.* The State plan shall provide that accounts and supporting documents of the State board and participating local educational agencies relating to program expenditures involving Federal financial participation will be adequate to permit an accurate and expeditious audit. All expenditures claimed for Federal financial participation shall be audited either by the State or by appropriate auditors at the local level. The State plan shall provide that the expenditures made under the State plan will be audited by an appropriate State audit agency or by an independent certified public accountant or independent licensed public accountant, certified or licensed by a regulatory authority of a State or other subdivision of the United States. Such State and local audits shall be in accordance with generally accepted auditing standards, which shall be no less in scope and coverage than those standards which may be prescribed by the Department. The State plan shall provide that copies of audit reports will be made available to the State board to assure that proper use has been made of the funds expended.

§ 102.43 Opportunity for hearing on local applications.

The State plan shall provide that any local educational agency dissatisfied with final action with respect to any application for funds under the Act shall be given reasonable notice and opportunity for a hearing before a board or official designated by the State board for this purpose and specified in the State plan. The State plan shall describe the procedures for affording local educational agencies reasonable notice and opportunity for a hearing, for conducting such hearing, for providing a written record of the hearing, and for informing local educational agencies in writing of the decisions and reasons therefor.

§ 102.44 Requirements with respect to construction.

The State plan shall provide assurance that the following requirements will be complied with on all construction projects assisted under part B of the Act:

(a) *Labor standards.* All laborers and mechanics employed by contractors and subcontractors on all construction projects assisted under the Act will be paid wages at rates not less than those prevailing as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5) and 29 CFR Part 1 (29 F.R. 95), and shall receive overtime compensation in accordance with and subject to the provisions of the Contract Work Hours Standards Act (40 U.S.C. 327-332); that such contractors and subcontractors shall comply with the provisions of 29 CFR Part 3 (29 F.R. 97); and that all construction contracts and subcontracts shall incorporate the contract clauses required by 29 CFR 5.5 (a) and (c) (29 F.R. 100, 101, 13463).

(b) *Equal employment opportunity.* All construction contracts exceeding \$10,000 shall include the employment nondiscrimination clause prescribed by

section 203 of Executive Order No. 11246 of September 24, 1965 (30 F.R. 12319), and the State board or local educational agency shall otherwise comply with the requirements of section 301 of said Executive order.

(c) *Avoidance of flood hazards.* In the planning of the construction of school facilities under the Act, the State board or local educational agency shall, in accordance with the provisions of Executive Order No. 11296 of August 10, 1966 (31 F.R. 10663), and such rules and regulations as may be issued by the Department to carry out those provisions, evaluate flood hazards in connection with such school facilities, and, as far as practicable, avoid the uneconomic, hazardous, or unnecessary use of flood plains in connection with such construction.

(d) *Accessibility to handicapped persons.* Except as otherwise provided for in the regulations issued by the Administrator of General Services (41 CFR Part 101-17) to implement Public Law 90-480 (42 U.S.C. ch. 51), all school facilities shall be designed, constructed, or altered with funds under the Act in accordance with the minimum standards contained in the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped, Number A117.1-1961," approved by the American Standards Association, Inc. (subsequently changed to United States of America Standards Institute).

(e) *Competitive bidding.* All construction contracts shall be awarded to the lowest qualified bidder on the basis of open competitive bidding except that, if one or more items of construction, specified in § 102.135 are covered by an established alternative procedure, consistent with State and local laws and regulations, which is approved by the State agency as designed to assure construction in an economical manner consistent with sound business practice, such alternative procedure shall be described in the State plan.

(f) *Elaborate or extravagant design or materials.* The projects will be undertaken in an economic manner and will not be elaborate or extravagant in design or materials.

§ 102.45 Economically depressed or high unemployment areas.

(a) In determining which areas and communities of the State are "economically depressed areas," "economically depressed communities," or "areas of high unemployment" for the purposes of §§ 102.55(b), 102.70(a)(2), and 102.92(c), the State board may rely upon the determinations made by the Secretary of Commerce of areas eligible for designation as "redevelopment areas" pursuant to section 401 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161). Information on such areas may be obtained from the Economic Development Administration, Department of Commerce, Washington, D.C. 20230, or from its regional offices.

(b) If the State board determines that the use of such determinations by the Secretary of Commerce is imprac-

ticable or undesirable with respect to its State either because the areas so designated are too large in size or too few or many in number, the State board may designate such other areas or communities in the State of smaller size (such as local school districts or school attendance areas therein, urban renewal areas, or model city areas) which, on the basis of the most recent information available to it, meet either of the following criteria (or more strict criteria as the State board may deem appropriate):

(1) The current rate of unemployment is at least 6 percent; or

(2) The median family income in the area is not more than 40 percent of the national median.

(c) The State plan shall describe

(1) The manner in which the State board determines which areas or communities in the State will be designated as economically depressed or high unemployment areas or communities in terms of—

(i) The size or composition of the area to be designated, and

(ii) The criteria to be used by the State board in designating such areas in terms of such factors as the unemployment rate, median family income, or other indices of economic depression; and

(2) The sources of information on unemployment rates, median family income, and other indices of economic depression, and the frequency with which this information is updated.

§ 102.46 Areas of high concentration of unemployed youth or school dropouts.

(a) In determining which areas of the State are "areas of high concentration of youth unemployment or school dropouts" for the purposes of § 102.97(a), the State board, on the basis of the most recent information available to it, shall designate areas of the State (including local school districts or school attendance areas therein, urban renewal areas, or model city areas) which meet the following criteria (or more strict criteria as the State board may deem appropriate):

(1) The current rate of youth unemployment in the area is at least 12 percent.

(2) The current school dropout rate in the area is in excess of the overall State school dropout rate. For the purpose of this section, the term "school dropout" refers to a student who leaves an elementary or secondary school before graduation from secondary school or completion of a program of studies and without transferring to another school.

(b) The State plan shall describe—

(1) The manner in which the State board determines which areas in the State will be designated as areas of high concentrations of youth unemployment and school dropouts in terms of—

(i) The size or composition of the area to be designated, and

(ii) The criteria used by the State board in designating such areas in terms of such factors as rate of youth unemployment or school dropout rate;

(2) The method of computing the overall State school dropout rate and the school dropout rates in the areas to be

designated and the sources of information used in computing such rates; and

(3) The sources of information on youth unemployment rates, the age range of youths included in such information, and the frequency with which this information is updated.

STATE VOCATIONAL EDUCATION PROGRAMS

§ 102.51 Allocation of funds to part B purposes.

(a) Funds appropriated under section 102(a) of the Act and allotted to States for the purposes of part B may be used for vocational education programs, services, and activities for the following groups of persons:

(1) Persons in high school;

(2) Persons who have completed or left high school and who are available for study in preparation for entering the labor market;

(3) Persons who have already entered the labor market and who need training or retraining to achieve stability or advancement in employment (other than persons receiving training allowances under the Manpower Development and Training Act of 1962 (42 U.S.C. 2571-2628) or the Trade Expansion Act of 1962 (19 U.S.C. 1801-1991));

(4) Disadvantaged persons; and

(5) Handicapped persons.

(b) The programs, services, and activities referred to in paragraph (a) of this section shall include:

(1) Programs of vocational education, as defined in § 102.3(aa), including

(i) Vocational instruction as provided in § 102.4;

(ii) Vocational guidance and counseling designed to aid vocational education students in the selection of, and preparation for, employment in all vocational areas, as provided for in § 102.8; and

(iii) Vocational education through arrangements with private post-secondary vocational training institutions, as provided for in § 102.5(b);

(2) Construction of area vocational education schools, as defined in § 102.3(d); and

(3) Ancillary services and activities to assure quality in all vocational education programs described in subparagraph (1) of this paragraph, as defined in § 102.3(c).

(c) The State plan requirements set forth in §§ 102.31 through 102.46 are applicable to State vocational education programs, services, and activities described in paragraphs (a) and (b) of this section. In addition, paragraph (d) of this section and §§ 102.52 through 102.60 require inclusion in the State plan of certain provisions specifically applicable to such programs.

(d) The State plan shall set forth in detail the policies and procedures to be followed by the State board in allocating part B funds in its annual program plan among the programs, services, and activities specified in paragraph (b) of this section, and among the population groups specified in paragraph (a) of this section which are to be served by each of these programs, services, and activities. These policies and procedures shall:

(1) Assure compliance with the percentage requirements specified in § 102.59;

(2) Include the policies and procedures to be followed by the State board and local educational agencies in identifying disadvantaged persons in terms of such factors as those in § 102.3(i);

(3) Include the policies and procedures to be followed by the State board and local educational agencies in identifying handicapped persons of the various types specified in § 102.3(o);

(4) Assure that due consideration will be given to the current and projected manpower needs and job opportunities existing in the State; and

(5) Assure that due consideration will be given to the relative vocational education needs of each of the population groups specified in paragraph (a) of this section, particularly disadvantaged or handicapped persons.

§ 102.52 Allocation of funds among local educational agencies.

(a) The State board shall allocate funds allotted to it under part B of the Act among local educational agencies for the purposes specified in § 102.51 in such a manner as to:

(1) Fulfill (i) the statewide matching requirements of § 102.133, (ii) the maintenance-of-effort requirement of § 102.58, and (iii) the reasonable tax effort requirement of § 102.57; and

(2) Maintain compatibility with (i) the long-range objectives set forth in the long-range program plan pursuant to § 102.33, and (ii) the estimated allocation of funds to program purposes made pursuant to § 102.51 and set forth in the annual program plan pursuant to § 102.34.

(b) No funds made available to States under the Act shall be allocated among local educational agencies by matching local expenditures at a percentage ratio uniform throughout the State or by any other method which fails to take into consideration the criteria for allocation of funds set forth in §§ 102.53 through 102.56.

(c) The State plan shall describe in detail the policies and procedures by which the State board determines how the funds allotted to it under part B of the Act will be allocated among the local educational agencies of the State. This description shall include:

(1) An outline of the procedures by which local applications submitted by local educational agencies pursuant to § 102.60 will be processed, reviewed, and acted upon by the State board;

(2) A statement of any criteria, other than the criteria for allocation of funds set forth in the State plan pursuant to §§ 102.53 through 102.56, which the State board will use in determining the relative priorities of local applications for the purpose of allocating funds; and

(3) A description of the method by which the State board will use the criteria set forth in the State plan pursuant to subparagraph (2) of this paragraph and §§ 102.53 through 102.56, including an explanation of how it will weigh their relative importance in reaching allocation decisions.

§ 102.53 Manpower needs and job opportunities.

(a) In allocating funds among local educational agencies, the State board shall give due consideration to information regarding current and projected manpower needs and job opportunities, particularly new and emerging manpower needs and opportunities on the local, State, and national levels.

(b) In complying with paragraph (a) of this section, the State board shall give particular consideration to those vocational education programs which are best designed to (1) fulfill current or projected manpower needs in existing occupations at the local level by preparing students for current or projected job opportunities in such occupations, or (2) fulfill new and emerging manpower needs at the local, State, and national levels by preparing students for new and emerging job opportunities at such levels.

(c) The State plan shall describe in detail the method by which the State board will give due consideration to the criterion set forth in paragraph (a) of this section in allocating funds among local educational agencies. This description shall include an explanation of:

(1) How the State board will identify current and projected manpower needs and job opportunities, particularly new and emerging needs and opportunities, on the local, State, and national levels;

(2) What use will be made of the information on manpower needs and job opportunities in the long-range program plan submitted pursuant to § 102.33;

(3) What use will be made of the results of the periodic evaluations referred to in § 102.36;

(4) What use will be made of information obtained through cooperative arrangements entered into pursuant to § 102.40; and

(5) What other information will be relied upon in identifying manpower needs and job opportunities, how it will be obtained, and how often it will be updated.

§ 102.54 Differences in vocational education needs.

(a) In allocating funds among local educational agencies, the State board shall give due consideration to the relative vocational education needs of all the population groups referred to in § 102.51 (a) in all geographic areas and communities in the State, particularly disadvantaged persons, handicapped persons, and unemployed youth.

(b) In weighing the relative vocational education needs of the State's various population groups, the State board shall give particular consideration to additional financial burdens (other than those which are to be considered pursuant to § 102.56(b)) which may be placed upon certain local educational agencies by the necessity of providing vocational education students, particularly disadvantaged or handicapped students, with special education programs and services such as compensatory or bilingual education, which are not needed in areas or communities served

by other local educational agencies in the State.

(c) The State plan shall describe in detail the method by which the State board will give due consideration to the criterion set forth in paragraph (a) of this section in allocating funds among local educational agencies. This description shall include an explanation of:

(1) How the State board will identify the vocational education needs, including the need for special education programs and services referred to in paragraph (b) of this section, which must be met by each local educational agency in the State;

(2) What use will be made of the information on vocational education needs in the long-range program plan submitted pursuant to § 102.33;

(3) What use will be made of the results of the periodic evaluations referred to in § 102.36; and

(4) What other information will be relied upon in identifying vocational education needs, how it will be obtained, and how often it will be updated.

§ 102.55 Relative ability to provide resources.

(a) In allocating funds among local educational agencies supported in whole or in part with local tax revenues, the State board shall give due consideration to their relative ability to provide the resources necessary to meet the vocational education needs in the areas or communities served by such agencies.

(b) In determining the relative priority of local educational agencies in terms of their ability to provide the resources referred to in paragraph (a) of this section, local educational agencies serving areas which the State board has designated as economically depressed or high unemployment areas pursuant to § 102.45 shall be given priority over local educational agencies not serving such areas. Within these two classes of local educational agencies, relative ability to provide such resources may be determined by comparing the wealth of the areas or communities served by each of these agencies in relation to the number of students each is educating (see paragraph (c) of this section), or by comparing the per capita incomes of the areas served by each local educational agency, or by some similar measure which the State board considers fair and equitable to all local educational agencies concerned.

(c) If the State board compares the "wealth per student" of local educational agencies in order to determine their relative ability to provide the resources referred to in paragraph (a) of this section, local wealth may be measured by reference to the equalized assessed value of taxable property in the area served by the agency, or the total taxable income of residents in the area served by the agency, or by any similar method which reasonably measures a local educational agency's ability to provide such resources. "Wealth per student" may then be determined by dividing the figure representing the wealth of the local edu-

cational agency by the total number of students that agency educates.

(d) The State plan shall describe in detail the method by which the State board will give due consideration to the criterion set forth in paragraph (a) of this section in allocating funds among local educational agencies. This description shall include an explanation of:

(1) How the State board determines the relative priority of local educational agencies in terms of their ability to provide the resources referred to in paragraph (a) of this section;

(2) What information is to be relied upon in making this determination; and

(3) What the sources of this information are and how often it is updated.

§ 102.56 Relative costs of programs, services, and activities.

(a) In allocating funds among local educational agencies, the State board shall give due consideration to the cost of the programs, services, and activities these local educational agencies provide which is in excess of the cost which may be normally attributed to the cost of education in such local educational agencies.

(b) In determining the relative priority of local educational agencies in terms of costs of education, the State board shall give primary consideration to:

(1) Differences in the cost to local educational agencies of materials and services, such as construction or equipment costs or teachers' salaries, which are due to variations in price and wage levels or other economic conditions existing in the areas served by the local educational agencies; and

(2) Differences in the amount of excess costs accruing to local educational agencies because of the need for supplying special services (other than those necessary to meet the special vocational education needs of certain population groups, such as disadvantaged or handicapped persons, to be considered pursuant to § 102.54), such as bus transportation for students, or unusual and excessive maintenance costs for outdated buildings and facilities, which are not usually part of the cost of education provided by other local educational agencies in the State.

(c) The State plan shall describe in detail the method by which the State board will give due consideration to the criterion set forth in paragraph (a) of this section in allocating funds among local educational agencies. This description shall include an explanation of:

(1) How the State board determines the relative priority of local educational agencies in terms of costs of education;

(2) What kind of information is to be relied upon in making this determination; and

(3) What the sources of this information are and how often it is updated.

§ 102.57 Reasonable tax effort.

(a) In apportioning funds among local educational agencies supported in whole or in part with local tax revenues,

the State board shall assure that no local educational agency which is making a reasonable tax effort, as determined pursuant to paragraphs (b) and (c) of this section, will be denied funds for establishing new vocational education programs solely because it is unable to pay the non-Federal share of the cost of such programs.

(b) For purposes of this section, the tax effort of a local educational agency shall be represented by the ratio between the total annual local tax revenues available to the local area or community served by the agency and the total wealth of such area or community (calculated on the basis of the equalized assessed value of real property, income, or similar measures, as appropriate). In computing local tax effort each State may use whatever means, including reference to an existing tax effort index, it considers fair and equitable to all local educational agencies in the State.

(c) A local educational agency's tax effort may be considered reasonable whenever it is at least equal to the average local tax effort in the State. The average local tax effort in the State shall be represented by the ratio between total annual local tax revenues in the State and total aggregate wealth in the State. However, in States where local educational agencies have been divided into different legal classifications with different taxing authorities, the State may choose to determine the reasonableness of a local educational agency's tax effort by comparing it with the average tax effort of local educational agencies of the same legal class rather than with the overall average local tax effort in the State.

(d) The State plan shall describe in detail the manner in which the State board assures that paragraph (a) of this section will be complied with in allocating funds among local educational agencies. This description shall include a statement of—

(1) How local tax effort and how each of the factors used in computing local tax effort (e.g., local revenues and local wealth) are measured;

(2) How often the data concerning local revenues and local wealth are updated, or, in the case of States which compile and rely upon a tax effort index, how often the index is updated;

(3) The level of local tax effort which the State board shall consider reasonable and which meets the minimum requirement in the first sentence of paragraph (c) of this section; and

(4) Whether the reasonableness of local tax effort is to be determined by comparing it with the average local tax effort in the State or with the average tax effort of local educational agencies in the same legal class.

§ 102.58 Maintenance of effort.

(a) The State plan shall provide assurance that Federal funds made available under part B of the Act will not supplant State or local funds, but will be so used as to supplement and, to the extent practical, increase the amount of

State and local funds that would in the absence of such Federal funds be made available for all of the purposes set forth in section 122(a) of the Act, and for each of the purposes set forth in section 122(a)(2), section 122(a)(4)(A), and section 122(a)(4)(B) of the Act, so that all persons in all communities of the State will as soon as possible have ready access to vocational education suited to their needs, interests, and ability to benefit therefrom.

(b) The State plan shall also provide that no payments of Federal funds under the Act will be made in any fiscal year to any local educational agency unless the State board finds that the combined fiscal effort of that agency and the State with respect to the provision of vocational education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year. For the purpose of this paragraph, "combined fiscal effort" means total expenditures of State and local funds with respect to the provision of vocational education by the local educational agency. A combined fiscal effort in the preceding fiscal year shall not be deemed to be a reduction from that in a second preceding fiscal year unless the per student expenditure for vocational education and ancillary services and activities from State and local funds in the preceding fiscal year is less than that in the second preceding fiscal year by more than 5 percent. Any such reduction in combined fiscal effort for any fiscal year by more than 5 percent will disqualify a local educational agency unless the local educational agency is able to demonstrate to the satisfaction of the State board that such a reduction was occasioned by unusual circumstances that could not have been fully anticipated or reasonably compensated for by the local educational agency and that the fiscal effort of the local educational agency does not otherwise indicate a diminished fiscal effort. Such unusual circumstances may include in the first preceding fiscal year unforeseen decreases in revenues due to the removal of a large segment of property from the tax rolls or other causes, or transfers to, or combinations with, other local educational agencies of responsibility for the conduct of some or all vocational education activities or services; or, in the second preceding fiscal year, contributions of large sums of money from outside sources on a short-term basis, or unusually large amounts of funds expended for such long-term purposes as the construction and acquisition of school facilities or the acquisition of equipment.

§ 102.59 Percentage requirements with respect to uses of Federal funds.

(a) *Application of percentage requirements.* The State plan shall provide that allocations of Federal funds pursuant to § 102.52 shall comply with the following requirements with respect to the use of Federal funds:

(1) *Vocational education for disadvantaged persons.* At least 15 percent

of the total allotment for any fiscal year to a State of funds appropriated under section 102(a) of the Act, or 25 percent of that portion of the State's allotment which is in excess of its base allotment, whichever is greater, shall be used only for vocational education for disadvantaged persons.

(2) *Postsecondary vocational education.* At least 15 percent of the total allotment for any fiscal year to a State of funds appropriated under section 102(a) of the Act, or 25 percent of that portion of the State's allotment which is in excess of its base allotment, whichever is greater, shall be used only for postsecondary vocational education.

(3) *Vocational education for handicapped persons.* At least 10 percent of the total allotment for any fiscal year to a State of funds appropriated under section 102(a) of the Act shall be used only for vocational education for handicapped persons.

(b) *Definition of base allotment.* As used in this section, the term "base allotment" means the sum of the allotments to a State for fiscal year 1969 from sums appropriated under (1) section 2 of the Vocational Education Act of 1963 before its amendment by the Vocational Education Amendments of 1968 (20 U.S.C. 35-35n), (2) the Smith-Hughes Act (20 U.S.C. 11-15-16-28), (3) the Vocational Education Act of 1946 (20 U.S.C. 151-15m, 150-15q, 15aa-15jj, 15aaa-15ggg), and (4) the Act of March 3, 1931, relating to vocational education in Puerto Rico (20 U.S.C. 30), the Act of March 18, 1950, relating to vocational education in the Virgin Islands (20 U.S.C. 31-33), section 9 of the Act of August 1, 1956, relating to vocational education in Guam (20 U.S.C. 34), and section 2 of the Act of September 25, 1962, relating to vocational education in American Samoa (48 U.S.C. 1667).

(c) *Waiver of percentage requirements.* The percentage requirements in subparagraphs (1) and (2) of paragraph (a) of this section may be waived for any State by the Commissioner for any fiscal year upon his finding that the requirements impose a hardship or are impractical in their application with respect to that State. Such a finding will be made only upon the request of the State submitted through its State board as a part of its annual program plan or amendment thereto.

(d) *Vocational education meeting more than one percentage requirement.* If an expenditure for vocational education falls within more than one of the categories for which there is a percentage requirement, the total amount of the expenditure may be counted as an expenditure for vocational education in one of the categories, or prorated to each of the categories in any manner which the State board deems reasonable and proper so long as the aggregate amount prorated to the categories in which the expenditure falls does not exceed the total amount of the expenditure.

§ 102.60 Content of local applications.

(a) Applications from local educational agencies shall include the following:

(1) A description of the proposed programs, services, and activities (including evaluation activities) for which funds under the State plan are being requested;

(2) A justification of the amount of Federal and State funds requested, and information on the amounts and sources of other funds available for the programs, services, and activities;

(3) Information indicating that the application has been developed in consultation with the educational and training resources available in the area to be served by the applicant local educational agency;

(4) Information indicating that the programs, services, and activities proposed in the application will make substantial progress toward preparing the persons to be served for a career;

(5) A plan, extending 5 years from the date of the application, for meeting the vocational education needs of potential students in the area or community to be served by the local educational agency, which plan shall be related to the comprehensive area manpower plan, if any, in that area; and

(6) Information indicating the means by which the programs, services, and activities proposed in the application will make substantial progress toward meeting the needs set forth in the application pursuant to subparagraph (5) of this paragraph.

(b) The application shall also contain such other information as may be required by the State board in determining allocations of funds pursuant to §§ 102.51 and 102.52, and in determining whether the programs, services, and activities proposed therein will otherwise meet all other applicable requirements in the Act, the regulations in this part, and the State plan.

(c) The State plan shall describe in detail the information which the State board will require local applications to contain in order to meet the requirements of paragraphs (a) and (b) of this section.

VOCATIONAL EDUCATION RESEARCH AND PERSONNEL TRAINING

§ 102.70 State plan provisions—general.

(a) Funds available to the State board pursuant to section 131(b) of part C of the Act shall be used for the establishment and operation of the State research coordination unit; and for making grants to any college, university, local educational agency, or other public or non-profit private agency or institution, and entering into contracts with any private agency, organization, or institution, for—

(1) Vocational education research and personnel training programs;

(2) Developmental, experimental, or pilot programs developed by such institutions and agencies and designed to meet the special vocational needs of youths, particularly disadvantaged youths in economically depressed com-

munities as determined pursuant to § 102.45; and

(3) The dissemination of information derived from the foregoing programs or from research and demonstrations in the field of vocational education, such as those reported in products of the Educational Resources Information Center (ERIC) and related agencies.

(b) The State plan requirements set forth in §§ 102.31 through 102.46 are also applicable to programs and activities assisted with Federal funds under section 131(b) of the Act. In addition, §§ 102.71 through 102.73 require the inclusion in the State plan of certain provisions specifically applicable to such programs and activities.

§ 102.71 State research coordination unit.

(a) The State plan shall provide for the establishment or designation in the State of a State research coordination unit. The State plan shall indicate the name of the unit and shall describe its staff, organization, and functions with respect to vocational education research and personnel training programs, developmental, experimental, or pilot programs, and dissemination activities.

(b) In describing the organization of the unit the State plan shall indicate the place of the unit in the organizational structure of the State government and the relationship of the unit with other State board units and other State agencies and institutions responsible for conducting programs of vocational education research and dissemination. When the functions of the research coordination unit are carried out by an agency or institution other than the State board, the State plan will provide for cooperatively developed written agreements between the State board and the agency or institution which is carrying out such functions.

§ 102.72 Application procedures.

(a) *Submittal of applications.* The State plan shall describe the policies and procedures to be followed in submitting applications to the State board for grants and contracts under part C of the Act. Such policies and procedures will assure that

(1) Applications will describe the nature, duration, purpose, and plan of the project, the use to be made of the results in regular programs of vocational education, the qualifications of the personnel staff who will be responsible for the program or project, a justification of the amount of grant or contract funds requested, the portion of the cost to be borne by the applicant, and such other pertinent information as the State board may require; and

(2) Applications will be executed and submitted to the State board by an individual authorized to act for the applicant.

(b) *Review of applications.* The State plan shall describe the policies and procedures to be used by the State board in reviewing applications for grants and contracts which have been recommended by the State research coordination unit

or the State advisory council. Such policies and procedures shall assure that the applications will be reviewed in terms of such pertinent factors as—

(1) Relevance to priority areas in vocational education specified in the long-range program plan and to vocational education programs, services, and activities described in the annual plan;

(2) Adequacy and competence of personnel designated to carry out the program or project;

(3) Adequacy of facilities;

(4) Reasonableness of cost estimates;

(5) Expected potential of the proposed program or project being made a part of the regular vocational education program; and

(6) The expected potential for utilizing the results of the proposed program or project in exemplary or regular vocational education programs.

(c) *Action on applications.* The State plan shall describe the policies and procedures to be followed by the State board in acting on applications. Such policies and procedures shall assure that the State board will—

(1) Either (i) approve the application in whole or in part, (ii) disapprove the application, or (iii) defer action on the application for such reasons as lack of funds or a need for further evaluation;

(2) Provide that any deferral or disapproval of an application will not preclude its reconsideration or resubmission;

(3) Notify the applicant in writing of the disposition of the application; and

(4) Include, in the award letter for any State board grant or contract award, the approved budget and grant or contract award conditions which the applicant will accept in accordance with State law.

§ 102.73 Notification to Commissioner.

The State plan shall provide that, within 15 days after the State board's approval of a grant or contract, the State board shall forward to the Commissioner an information copy of the approved proposal for which the grant or contract was made.

EXEMPLARY PROGRAMS AND PROJECTS

§ 102.76 State plan provisions—general.

(a) In order to stimulate, through Federal financial support, new ways to create a bridge between school and earning a living for young people who are still in school, who have left school either by graduation or by dropping out, or who are in postsecondary programs of vocational preparation, and to promote cooperation between public education and manpower agencies, funds available to the State board pursuant to section 142(d) of part D of the Act may be used for making grants or contracts to develop, establish, and operate exemplary and innovative occupational programs or projects which are designed to broaden occupational aspirations and opportunities for youths, particularly disadvantaged youths, and to serve as models for use in vocational education programs. Such programs or projects may, among others, include—

(1) Those designed to familiarize elementary and secondary school students with the broad range of occupations for which special skills are required and the requisites for careers in such occupations;

(2) Programs or projects for students providing educational experiences through work during the school year or in the summer;

(3) Programs or projects for intensive occupational guidance and counseling during the last years of school and for initial job placement;

(4) Programs or projects designed to broaden or improve vocational education curriculums;

(5) Exchanges of personnel between schools and other agencies, institutions, or organizations participating in activities to achieve the purposes of this part, including manpower agencies and industry;

(6) Programs or projects for young workers released from their jobs on a part-time basis for the purpose of increasing their educational attainment; and

(7) Programs or projects at the secondary level to motivate and provide preprofessional preparation for potential teachers for vocational education.

(b) Grants for such programs or projects may be made to local educational agencies, or other or nonprofit private agencies, organizations, or institutions; and contracts for such programs and projects may be entered into with public or private agencies, organizations, or institutions, including business and industrial concerns.

(c) The State plan requirements set forth in §§ 102.31 through 102.46 are also applicable to exemplary programs and projects in vocational education assisted with funds under section 142(d) of the Act. In addition, §§ 102.77 through 102.81 require the inclusion in the State plan of certain provisions specifically applicable to such programs and projects.

§ 102.77 Application procedures.

(a) *Submittal of applications.* The State plan shall describe the policies and procedures to be required by the State board in submitting applications to it for grants and contracts under part D of the Act for exemplary programs and projects meeting the requirements of §§ 102.78 through 102.80. Such policies and procedures shall assure that

(1) Applications will describe the nature, duration, purpose, and plan of the project, the use to be made of the results in regular programs of vocational education, the qualifications of the personnel staff who will be responsible for the program or project, a justification of the amount of grant or contract funds requested, the portion of the cost (if any) to be borne by the applicant, and such other pertinent information as the State board may require; and

(2) Applications will be executed and submitted to the State board by an individual authorized to act for the applicant.

(b) *Review of applications.* The State plan shall describe the policies and procedures to be used by the State board

in reviewing applications for grants and contracts. Such policies and procedures shall assure that the applications will be reviewed in terms of such pertinent factors as

- (1) Impact on meeting vocational education needs of disadvantaged youth;
- (2) Impact on reducing youth unemployment;
- (3) Extent to which the project promotes cooperation between public education and manpower agencies;
- (4) Relevance to priority areas in vocational education specified in the long-range program plan and to vocational education programs, services, and activities described in the annual plan;
- (5) Adequacy and competence of personnel designated to carry out the program or project;
- (6) Adequacy of facilities;
- (7) Reasonableness of cost estimates;
- (8) Expected potential of the proposed program or project being made a part of the regular vocational education program;
- (9) Extent to which the project is of sufficient scope and duration to make a significant contribution to vocational education; and
- (10) Adequacy of project evaluation plans.

(c) *Action on applications.* The State plan shall describe the policies and procedures to be followed by the State board in acting on applications. Such policies and procedures shall assure that the State board will

- (1) Either (i) approve the application in whole or in part, (ii) disapprove the application, or (iii) defer action on the application for such reasons as lack of funds or a need for further evaluation;
- (2) Provide that any deferral or disapproval of an application will not preclude its reconsideration or resubmission;
- (3) Notify the applicant in writing of the disposition of the application; and
- (4) Include, in the award letter for any State board grant or contract award, the approved budget and grant or contract award conditions which the applicant will accept in accordance with State law.

§ 102.78 Coordination with other programs.

The State plan shall provide that grants or contracts for exemplary programs or projects under part D of the Act will be made only if the State board determines, on the basis of information in the application, that effective procedures will be followed by grantees and contractors to assure that the planning, development, and operation of such programs and projects are coordinated with other programs and projects carried out under grants or contracts pursuant to this part and with other publicly and privately operated programs having the same or similar purpose as such programs or projects, such as those supported under titles I and III of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. ch. 24).

§ 102.79 Participation of students in private nonprofit schools.

The State plan shall set forth the policies and procedures to be followed with respect to grants or contracts for exemplary programs or projects approved and funded under part D of the Act which assure that, to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served whose educational needs are of the type which such a program or project is designed to meet, provision has been made for the participation of such students in accordance with the requirements in § 102.7.

§ 102.80 Noncommingling of funds.

The State plan shall set forth the policies and procedures to be followed with respect to grants or contracts for exemplary programs or projects approved and funded under part D of the Act which assure that funds from Federal sources will not be commingled with State or local funds so as to lose their identity as such. In developing such policies and procedures, it shall not be necessary to require separate bank accounts for funds from Federal sources, so long as accounting methods will be established which assure that expenditures of such funds can be separately identified from other expenditures.

§ 102.81 Notification to Commissioner.

The State plan shall provide that, within 15 days after the State board's approval of a grant or contract, the State board shall forward to the Commissioner an information copy of the approved proposal for which the grant or contract was made.

CONSUMER AND HOMEMAKING EDUCATION

§ 102.91 State plan provisions—general.

Funds allotted to the States for the purpose of part F of the Act may be used for consumer and homemaking programs, and for ancillary services and activities to assure quality in such programs. The State plan requirements set forth in §§ 102.31 through 102.46 are also applicable to consumer and homemaking education programs assisted under part F of the Act. In addition, §§ 102.92 and 102.93 require the inclusion in the State plan of certain provisions specifically applicable to such programs.

§ 102.92 Procedures for establishing and operating consumer and homemaking programs.

The State plan shall describe the policies and procedures to be followed by the State for the establishing and operating of consumer and homemaking programs which meet the requirements in § 102.93 and which are administered either directly by the State board or by local educational agencies pursuant to applications approved by the State board. Such description shall include:

- (a) The procedures to be followed by the State board in initiating and undertaking consumer and homemaking pro-

grams over which it will have direct administrative responsibility;

(b) The procedures to be followed by the State board in receiving, reviewing, and acting upon local applications for allocation of funds to such programs; and

(c) An assurance that at least one-third of the Federal funds allotted to the State under part F of the Act shall be used for consumer and homemaking programs in economically depressed areas or areas with high rates of unemployment, as determined pursuant to § 102.45.

§ 102.93 Requirements.

The State plan shall provide that the State board will approve a consumer and homemaking program only if it meets the following requirements:

- (a) The program will encourage greater consideration to the social and cultural conditions and needs, especially in economically depressed areas;
- (b) The program will encourage preparation for professional leadership in home economics and consumer education;
- (c) The program will be designed for youth and adults who have entered or are preparing to enter the work of the home;
- (d) The program will be designed to prepare such youth and adults for the role of homemaker or to contribute to their employability in the dual role of homemaker and wage earner; and
- (e) The program will include consumer education as an integral part thereof.

§ 102.94 Ancillary services and activities.

In addition to the general provisions in the State plan with regard to State administration and leadership pursuant to § 102.35, program evaluation pursuant to § 102.36 and teacher training pursuant to § 102.38(b), the State plan shall describe its procedures for providing or making arrangements for the provision of the other ancillary services and activities necessary to assure quality in all consumer and homemaking education programs, such as curriculum development, research, special demonstration and experimental programs, development of instructional materials, and provision of equipment.

COOPERATIVE VOCATIONAL EDUCATION PROGRAMS

§ 102.96 State plan provisions—general.

In order to prepare young people for employment through (a) providing meaningful work experience combined with formal education enabling students to acquire knowledge, skills, and appropriate attitudes, (b) removing the artificial barriers which separate work and education, and (c) involving educators with employers, creating interaction whereby the needs and problems of both are made known, thereby making it possible for occupational curricula to be revised to reflect current needs in various occupations, funds allotted to the States for the purpose of part G of the Act may

be used for the expansion of cooperative vocational education programs, and for ancillary services and activities which are necessary to assure quality in such programs. The State plan requirements set forth in §§ 102.31 through 102.46 are also applicable to cooperative vocational education programs assisted under part G of the Act. In addition, the State board shall include provisions in its State plan for the establishment of cooperative vocational education programs through local educational agencies, with participation of public and private employers, as required by §§ 102.97 through 102.104.

§ 102.97 Approval of cooperative vocational education programs.

The State plan shall describe the policies and procedures to be followed by the State board in receiving, reviewing, and approving applications for the development and operation of cooperative vocational education programs submitted by local educational agencies which meet the requirements of § 102.98. Such description shall—

(a) Set forth the principles for determining the priority to be accorded applications from local educational agencies for cooperative vocational education programs, with preference being given to applications submitted by local educational agencies serving areas of high concentrations of youth unemployment or school dropouts, as determined pursuant to § 102.46; and

(b) Provide, insofar as financial resources are available, for the undertaking of programs in the order determined by the application of such principles.

§ 102.98 Requirements of cooperative vocational education programs.

The State plan shall provide that the State board will approve a cooperative vocational education program only if it meets the following requirements:

(a) *Purpose.* The program meets the definition of a cooperative vocational education program in § 102.3(g), and will be administered by the local educational agency with the participation of public or private employers providing on-the-job training opportunities that would not otherwise be available.

(b) *On-the-job training standards.* The program provides on-the-job training that (1) is related to existing career opportunities susceptible of promotion and advancement, (2) does not displace other workers who perform such work, (3) employs and compensates student-learners in conformity with Federal, State, and local laws and regulations and in a manner not resulting in exploitation of the student-learner for private gain; and (4) is conducted in accordance with written training agreements between local educational agencies and employers, copies of which shall be submitted to the State for filing with the local application.

(c) *Other requirements.* The program will be carried out in a manner consistent with the provisions set forth in the State plan pursuant to §§ 102.99 through 102.104.

§ 102.99 Identification of jobs.

The State plan shall provide that cooperative vocational education programs will be approved only if the State board determines, on the basis of information in local applications, that necessary procedures have been established for cooperation with employment agencies, labor groups, employers, and other community agencies in identifying suitable jobs for persons who enroll in cooperative vocational education programs.

§ 102.100 Additional costs to employers and students.

(a) *Additional costs to employers.* The State plan shall set forth the policies and procedures which the State board will require local educational agencies with approved cooperative vocational education programs to follow in determining the added costs to employers for on-the-job training of students, and shall identify the categories of eligible costs for reimbursement to employers. Such policies and procedures shall be designed to assure

(1) That the payment of added employer costs will be made only when it is apparent that, without such reimbursement, employers will not be able to provide quality on-the-job training;

(2) That such added employer costs will include only that part of the compensation of students which represents the difference between the compensation to be paid and the fair dollar value of services rendered by the student, as determined by negotiation between local educational agencies and employers;

(3) That such added employer costs will not include the cost of construction of facilities, purchases of equipment, and other capital costs which would inure to the benefit of employers; and

(4) That such added employer costs shall be set forth in training agreements required by § 102.98(b)(4), identifying and justifying the cost factors applied, the amount of funds to be paid, and the duration of reimbursement.

(b) *Costs to students.* The State plan shall set forth policies and procedures which the State board will require local educational agencies with approved vocational education programs to follow in reimbursing students or paying on behalf of students unusual costs resulting from their participation in a cooperative vocational education program. The State plan shall also identify such costs, and shall specify when and under what circumstances payments for such costs will be made either to the student as reimbursement or directly to a vendor as payment for goods and services. Such policies and procedures will be designed to assure that payments will be made only for those costs which

(1) Are not usually required of students preparing for the field of employment for which cooperative vocational education is being provided, such as, special tools, equipment and clothing, transportation, and safety and other protective devices; and

(2) Do not have the effect of underwriting personal obligations and expenses which students in similar cir-

cumstances are usually expected to assume.

§ 102.101 Participation of students in nonprofit private schools.

The State plan shall set forth the policies and procedures to be followed in cooperative vocational education programs approved and funded under part G of the Act which assure that, to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served whose educational needs are of the type which such a program is designed to meet, provision has been made for the participation of such students in accordance with the requirements of § 102.7.

§ 102.102 Noncommingling of funds.

The State plan shall set forth the policies and procedures to be followed in cooperative vocational education programs approved and funded under part G of the Act which assure that funds from Federal sources will not be commingled with State or local funds so as to lose their identity as such. In developing such policies and procedures, it shall not be necessary to require separate bank accounts for funds from Federal sources, so long as accounting methods will be established which assure that expenditures of such funds can be separately identified from other expenditures.

§ 102.103 Evaluation and follow-up procedures.

The State plan shall set forth the policies and procedures which the State board will require local educational agencies with approved cooperative vocational education programs to follow in providing for continuous supervision and evaluation of on-the-job training programs, and for followup of students who have participated in such programs.

§ 102.104 Ancillary services and activities.

In addition to the general provisions in the State plan with regard to State administration and leadership pursuant to § 102.35, program evaluation pursuant to § 102.36, and teacher training pursuant to § 102.38(b), the State plan shall describe its procedures for providing or making arrangements for the provisions of other ancillary services necessary to assure quality in all cooperative vocational education programs, such as preservice and inservice training of teacher coordinators and development of instructional materials.

Subpart D—Federal Financial Participation

GENERAL

§ 102.121 Application of Federal requirements.

Federal funds may be used to share only in expenditures which are made in accordance with the State plan and which meet the requirements of the Act and the regulations in this part. State and local funds used to match the Federal funds must also meet such requirements. As used in these regulations,

phrases such as "expenditures may be made under the plan * * *" or "funds may be expended * * *" mean that the Federal allotments are available for payment of the Federal share thereof during the applicable period specified in § 102.123 (a).

§ 102.122 Effective date of allowable expenditures under State plan.

(a) Except with respect to expenditures for development of State plans pursuant to § 102.143, and as provided in paragraph (b) of this section, Federal financial participation under the Act shall be available only with respect to amounts expended after the effective date of the State plan, which shall be the date on which the State plan is submitted in substantially approvable form, but in no case earlier than July 1 of the fiscal year for which it is submitted.

(b) In fiscal year 1970, the effective date of that part of the State plan applicable to programs, services, and activities under part B of the Act shall be the date established by the Commissioner after his review of the State plan but in no case earlier than July 1, 1969.

§ 102.123 Allotment availability.

(a) Funds allotted to States under the Act for each fiscal year shall be available for use by State boards and local educational agencies only during such fiscal year, except that the following allotments shall also be available for use during the succeeding fiscal year:

(1) Funds allotted to States from appropriations under section 102(a) of the Act for each fiscal year for the purposes of parts B and C of the Act and which are either transferred to other allotments pursuant to § 102.156 or reallocated to other States pursuant to § 102.157; and

(2) Funds allotted to States under part D of the Act.

(b) A use of funds under parts C and D of the Act for grants or contracts for programs or projects shall be the awarding of such grants or contracts by the State board. Otherwise, a use of funds under the Act by a State board or local educational agency shall be determined as that prescribed by State and local laws and regulations which govern the allocation of uses of State and local funds to a particular time period (such as a fiscal year or biennium); or, if there is no State or local law governing a particular use of funds, a basis which is not inconsistent with State and local laws, rules, regulations, and customs. The State plan shall indicate precisely the acts or occurrences necessary to charge the use of funds to a particular time period for personal services, utilities, travel, acquisition, and rental of facilities and equipment, and the construction of facilities. If the State board or local educational agency uses other than a cash basis of accounting, the State plan shall indicate the time period or other factors governing the incurring and liquidating of obligations. If the State board or local educational agency uses an accounting basis in connection with construction which results in the charging of the cost of construction of school

facilities to a date prior to that of entering into a construction contract, the State plan shall also indicate within which reasonable period of time after the date of charging the Federal allotment such construction contract must be entered into.

§ 102.124 Application of State rules.

Subject to the provisions and limitations of the Act and regulations in this part, Federal financial participation under the State plan shall be available only for expenditures made in accordance with applicable State and local laws, rules, regulations, and standards governing expenditures by the States and their political subdivisions, or agencies thereof.

§ 102.125 Payments by State boards to local educational agencies.

Payments may be made by the State board to local educational agencies for activities approved under the State plan in installments and in advance or by way of reimbursement with necessary adjustments on account of overpayments or underpayments.

§ 102.126 Proration of costs.

Only costs attributable to the carrying out of the provisions of the State plan are allowable costs. To cover situations where an expenditure is only partly attributable to an eligible purpose or activity under the State plan or where an expenditure is attributable to two or more eligible purposes or activities, each State board and local educational agency shall maintain records, documented on an after-the-fact basis, to substantiate the proration of expenditures for applicable items such as salaries, travel, rent, supplies, equipment, and construction.

§ 102.127 Adjustments.

The State board shall adjust its accounts, records, and reports to reflect refunds, credits, underpayments, or overpayments resulting from Federal or State administrative reviews and audits. Such adjustments shall be set forth in the State's financial reports filed with the Commissioner.

§ 102.128 Federal audits.

Audit agencies representing the Department will audit the State agency's program records available at the State board to determine whether the program funds have been properly accounted for and administered. Audit reports of the participating local educational agencies and the State review and other control procedures will be evaluated to determine the adequacy of information upon which to base the audit findings. Only where the available information is deemed to be inadequate will the auditor arrange, through the State board, to audit the records of the participating local educational agencies.

§ 102.129 Retention of records.

(a) *General rule.* The State board shall provide for keeping accessible and intact all (1) records identified as to individual program allotments to which they relate supporting claims for Federal

grants or relating to the accountability of the State board or any local educational agency participating under the plan for the expenditure of such grants and matching funds; and (2) records supporting compliance with maintenance of effort and other requirements of the Act, the regulations in this part, and the State plan.

(b) *Time period.* Records referred to in paragraph (a) of this section shall be retained for 3 years after the close of the fiscal year in which the expenditure was made under the State plan; or, if a Federal audit has not occurred within 3 years, (1) for 5 years after the close of the fiscal year in which the expenditure was made under the State plan; or (2) until the State board is notified of the completion of the Federal audit, whichever is earlier.

(c) *Questioned expenditures.* The records involved in any claim or expenditure which has been questioned by the Federal audit shall be maintained until necessary adjustments have been made and the adjustments have been approved by the Commissioner.

§ 102.130 Disposition of facilities and equipment.

Whenever area vocational education school facilities or items of equipment, in which cost the Federal Government has participated, are no longer used for a purpose permitted under the Act, or are sold and the proceeds from such sale are not used for such a purpose, the Federal Government shall be credited with its proportionate share of the value of such facilities or equipment at the time of such diversion or sale, the value being determined on the basis of the sale price in the case of a bona fide sale or on the fair market value in the case of discontinuance of use or diversion for other than vocational education purposes.

§ 102.131 Inventories.

Each State board and each local educational agency shall maintain inventories of items of equipment acquired by it with funds under the Act, and costing more than \$200 per unit. These inventories shall be maintained at least until depreciation of such equipment results in a fair market value of less than \$200 per unit or until its disposition in accordance with § 102.130. The records of inventories required by this section shall be subject to the records retention requirements of § 102.129.

§ 102.132 Federal share of expenditures under State plan.

The Federal share of expenditures incurred for the following purposes under the State plan and payable to the States from their allotments shall not exceed—

(a) 50 percent of State and local expenditures for State vocational education programs under part B of the Act except that the Federal share shall be 100 percent for all programs under part B of the Act undertaken in the Trust Territory of the Pacific Islands and in American Samoa;

(b) 75 percent of expenditures for State research coordination units under part C of the Act;

(c) 90 percent of expenditures for vocational education research and personnel training programs, developmental, experimental, and pilot programs, and dissemination activities under part C of the Act;

(d) 100 percent of expenditures for exemplary programs and projects under part D of the Act;

(e) 50 percent of expenditures for consumer and homemaking programs under part F of the Act except that the Federal share shall be 90 percent for such programs in economically depressed or high unemployment areas, as determined pursuant to § 102.45; and

(f) 100 percent of expenditures for cooperative vocational education programs under part G of the Act.

§ 102.133 Non-Federal share of expenditures under State plan.

(a) *Amount.* The non-Federal share of State and local expenditures under the State plan shall be the difference between the Federal share meeting the requirements of § 102.132 and the total expenditures for the purposes for which the Federal share is paid.

(b) *Statewide application.* The non-Federal share of expenditures under the State plan may be on a statewide basis. It is not necessary that Federal funds be matched by non-Federal funds for each school, class, program, or activity or, in the case of funds allotted under part B, for each of the purposes in section 122(a) of the Act. Only the total expenditures from each allotment to the State (or portion thereof subject to the same Federal share percentage limitation) will be considered in determining the required non-Federal share of such expenditures.

(c) *Federal conditions and requirements.* The non-Federal share of expenditures under the State plan shall be made only for programs, services, and activities which meet all of the conditions and requirements of the Act, the regulations in this part, and the State plan. This means that every school, class, program, or activity supported in whole or in part by non-Federal funds required to match Federal funds must meet the same conditions and requirements as those supported by Federal funds.

(d) *Sources of non-Federal share.* (1) Except as provided in subparagraph (2) of this paragraph, the non-Federal share of expenditures under the State plan may come from any source other than Federal assistance for a specific purpose so long as such expenditures are made in furtherance of the purposes of the Act and do not inure to the personal benefit of any donor.

(2) The non-Federal share of expenditures under that part of the State plan relating to part B of the Act may come only from public funds at the State or local level. In addition to tax revenues and appropriated funds, such funds may include funds derived from donations by private organizations or individuals which are deposited in accordance with State or local law to the account of the State board or local educational agency without such conditions or restrictions

on their use as would negate their character as public funds.

§ 102.134 Allowable expenditures for State vocational education programs and services.

(a) *General.* Funds appropriated under section 102(a) of the Act and allotted to States for the purposes of part B of the Act may be applied to expenditures in categories such as the following which are reasonably attributable to the vocational education programs, services, and activities described in § 102.51 (except construction):

(1) Salaries, wages, and other personnel service costs of permanent and temporary staff employees, members of advisory groups and consultants for the performance of services reasonably related to programs, services, and activities under the State plan, including (i) the costs of regular contributions of employers and employees to retirement, workmen's compensation, and other welfare funds, and (ii) payments for leave earned with respect to such services, including sabbatical or educational leave to the extent provided for in paragraph (b) of this section;

(2) Fees, tuition charges, or other payments for the education or training of employees whether or not on educational leave, while attending courses, workshops, conferences, or seminars, approved in advance by the State board for the benefit of programs, services, and activities under the State plan;

(3) Travel and transportation expenses to the extent provided in paragraph (c) of this section;

(4) Acquisition, maintenance (including insurance), and repair of equipment, supplies, teaching aids, and other materials to the extent provided for in paragraph (d) of this section;

(5) Rental of space to the extent provided for in paragraph (e) of this section;

(6) Production and acquisition of printed and published materials, including records, films, tapes, and other media material;

(7) Communications, utilities, and custodial services;

(8) Minor remodeling and alterations in previously completed building space; and

(9) Accident and liability insurance for trainees and employees to the extent that such insurance is otherwise provided for trainees and employees in similar programs and circumstances.

(b) *Sabbatical and educational leave.*

(1) Funds used under the State plan for salaries paid to nonclerical employees under the State plan may include that part of the salary paid for time spent on (i) sabbatical leave, or (ii) educational or other leave needed to obtain additional education, training, or experience of benefit to programs, services, and activities under the State plan, provided in either case that such leave is in conformity with the policy of the employing board, agency, or institution applicable also to other employees of similar rank and grade.

(2) The fact that funds are used for the salary of an employee on such leave does not preclude Federal financial participation in the salary of the person employed to replace him, as long as the replacement is otherwise eligible.

(3) In the case of sabbatical leave earned by the employee on the basis of time of service, Federal financial participation will be based on the prorated portion of the employee's time that was given to programs, services, and activities under the State plan during the period in which the leave was earned.

(4) In the case of education or other leave not earned on the basis of time of service, Federal financial participation will be based on the relative benefit of such leave to programs, services, and activities under the State plan. Prorations required under this section will be made in accordance with the principles set forth in § 102.126.

(c) *Travel and transportation expenses.* Funds under the State plan may be used for travel and transportation expenses necessary for and attributable to programs, services, and activities under the State plan. Such expenses shall be in accordance with State laws and regulations as required in § 102.124, but in no case shall exceed the costs of transportation by common carrier, or in the absence of suitable transportation by common carrier, in excess of reasonable rates established by the State for transportation by official or private conveyance. Included in allowable travel and transportation expenses are the following:

(1) Travel expenses of employees, advisory committee members, and other consultants whose personnel service costs are supported with funds under the State plan;

(2) Travel expenses of members of the State board;

(3) Transportation expenses of prospective teachers enrolled in an approved teacher-training program when they are sent to serve as student teachers in approved vocational education schools or classes so located as to require transportation expense;

(4) Transportation expenses of vocational education students which include only—

(i) Transportation for one round trip per semester or shorter period determined by the duration of the program from the student's home to the place where he will reside while enrolled in the program;

(ii) Transportation for one round trip daily between a student's place of residence and the school;

(iii) Transportation between classes in which the student is enrolled;

(iv) Transportation between a school and the place where work experience for students is being provided;

(v) Transportation of students for field work.

(d) *Equipment, supplies, teaching aids, and other materials.* (1) Funds used for instruction may be expended for the acquisition (by purchase or lease),

maintenance, and repair of equipment, supplies, and teaching aids (including reference materials and textbooks to be retained by the local educational agency) used by instructional personnel in teaching, or by their students in learning, in an instructional situation such as a classroom, library, laboratory, shop, or field. Such funds may not be used for supplies to be made into equipment or products to be sold, or to be used by students, teachers, or other persons; except that supplies made into equipment for use under the State plan may be regarded as equipment eligible for Federal financial participation to the same extent as purchased equipment.

(2) Funds under the State plan may also be used for the acquisition (by purchase or lease), maintenance, and repair of office or other equipment, consumable supplies, or other materials which are reasonably attributable to programs, services, and activities under the State plan.

(e) *Rental of space.* Funds under the State plan may be used for rental of space (including the cost of utilities and janitorial services) in privately or publicly owned buildings if:

(1) The expenditures for the space are necessary, reasonable, and properly related to the efficient administration of the program;

(2) The State board or local educational agency will receive the benefits of the expenditures during the period of occupancy commensurate with such expenditures;

(3) The amounts paid by the State board or local educational agency are not in excess of comparable rental in a particular locality;

(4) Expenditures represent a current cost to the State board or local educational agency; and

(5) In publicly owned buildings like charges are made to other agencies occupying similar space for similar purposes.

§ 102.135 Allowable expenditures for construction of area vocational education schools.

(a) Funds appropriated under section 102(a) of the Act and allotted to States for the purposes of part B of the Act may be used for the construction of area vocational education schools undertaken by the State board, or by local educational agencies with the approval of the State board in accordance with the requirements of § 102.44. There can be no Federal financial participation in any expenditures for construction of such school facilities prior to the approval of such construction by the State board except expenditures for the acquisition of land pursuant to subparagraph (3) of this paragraph and expenditures for architectural, engineering, and inspection services pursuant to subparagraph (5) of this paragraph. Such funds may be used for expenditures in the following categories:

(1) Erection of new buildings to the extent they will include such school facilities and initial equipment as defined in § 102.3(v)(2)(i);

(2) Acquisition, expansion, alteration, and remodeling (as distinguished from the maintenance and repair) of existing buildings to the extent they will include such school facilities and initial equipment as defined in § 102.3(v)(2)(ii);

(3) Acquisition, within 1 year prior to approval of construction by the State board, of the fee, leasehold, or other interest in land on which there is to be construction of new buildings or expansion of existing buildings;

(4) Site grading and improvement of land on which there is to be construction of new buildings and expansion of existing buildings; and

(5) Architectural, engineering, and inspection services rendered subsequent to the date of site selection.

(b) For the purposes of paragraph (a) of this section, "acquisition" includes all expenses (other than interest and carrying charges on bonds) related to the acquisition of land or school facilities (from sources other than the State board or local educational agency) if such expenses constitute an actual disbursement or transfer of public funds in accordance with usual procedures generally applicable to all State and local agencies and institutions, as provided for in § 102.124.

§ 102.136 [Reserved]

§ 102.137 Allowable expenditures for research and training programs.

Funds appropriated under section 102 of the Act and allotted to the States for use by State boards for the purposes of part C of the Act may be applied to expenditures in categories such as those enumerated in § 102.134 that are reasonably attributable to the establishment and operation of State research coordination units, and to programs or projects for which grants or contracts as described in § 102.70(a) are made.

§ 102.138 Allowable expenditures for exemplary programs and projects.

Funds appropriated under section 142 of the Act and allotted to States for use by State boards for the purposes of part D of the Act may be applied to expenditures in categories such as those enumerated in §§ 102.134 and 102.141 that are reasonably attributable to the exemplary programs or projects for which grants or contracts as described in § 102.76(a) are made.

§ 102.139 [Reserved]

§ 102.140 Allowable expenditures for consumer and homemaking education.

Funds appropriated and allotted to States under part F of the Act may be applied to expenditures in categories such as those enumerated in § 102.134 that are reasonably attributable to consumer and homemaking programs, and ancillary services and activities necessary to assure quality in such programs.

§ 102.141 Allowable expenditures for cooperative vocational education.

Funds appropriated and allotted to States under part G of the Act may be

applied to expenditures in categories such as the following which are reasonably attributable to cooperative vocational education programs and ancillary services and activities necessary to assure quality in such programs:

(a) Those enumerated in § 102.134;

(b) Reimbursement of employers for necessary added costs incurred by them in providing cooperative work experience to vocational education students as provided for in § 102.100(a); and

(c) Payment of unusual expenses incurred by students as a result of their enrollment in a cooperative vocational education program as provided for in § 102.100(b).

§ 102.142 [Reserved]

§ 102.143 Allowable expenditures for State planning, administration, and evaluation.

Funds appropriated and paid to States under section 102(c) of the Act may be used for the development and administration of State plans under all parts of the Act pursuant to Subpart C of this part, the activities of State advisory councils pursuant to Subpart B of this part, the evaluation of programs, services, and activities under the State plan pursuant to § 102.36, and dissemination of the results of such evaluations. Such funds may be applied to expenditures in the categories such as those enumerated in § 102.134 which are reasonably attributable to such activities.

§ 102.144 Computation of allowable expenditures.

Allowable expenditures referred to in §§ 102.134 through 102.143 shall be computed in accordance with plans submitted by States and approved by the Department pursuant to Bureau of the Budget Circular No. A-87 and implementing instructions of the Department.

§ 102.145 Allowable expenditures under more than one State allotment.

The availability of funds appropriated and allotted under one part or section of the Act for a particular purpose or for a particular category of expenditures pursuant to §§ 102.134 through 102.143 shall not preclude the use of funds appropriated and allotted under other parts or sections of the Act for the same purpose or category of expenditure. *Provided*, That all of the conditions and requirements applicable to the use of funds appropriated and allotted under all such parts and sections of the Act are met.

§ 102.146 Use of funds for religious worship or instruction.

Funds allotted under the Act shall not be used for the making of any payment for religious, worship or instruction, or for the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

§ 102.147 Tuition and fees.

Tuition and fees collected from students enrolled in courses may not be

included as part of the Federal or non-Federal share of expenditures under the State plan.

Subpart E—Payments and Reports

§ 102.151 Conditions for payments to States.

Payments to States under the Act will be made only after the Commissioner determines that:

(a) The State has on file in the Office of Education a State plan (including the long-range and annual program plan for the fiscal year of the allotment from which payment is to be made) which was adopted by the State board after consultation with the State advisory council and approved by the Commissioner;

(b) The State has certified to the Commissioner the establishment and membership of a State advisory council pursuant to § 102.21(c); and

(c) Total State and local expenditures for "vocational education" (as defined in § 102.3(aa)) in that State for the preceding fiscal year were not less than total State and local expenditures for vocational education in the second preceding fiscal year. Total State and local expenditures for vocational education in the preceding fiscal year shall not be deemed to be reduced from those in the second preceding fiscal year unless the per-student expenditure for vocational education within the State in the preceding fiscal year is less than that in the second preceding fiscal year by more than 5 percent.

§ 102.152 Withholding of payments.

Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State board, determines on the basis of information available to him that (a) the State plan has been so changed that it no longer complies with any State plan requirements in the Act and the regulations in this part, or (b) in the administration of the State plan, there is a failure to comply substantially with any such requirement, the Commissioner will notify such State board that no further payments will be made to the State until he is satisfied that the State has complied with such requirements. At his discretion, the Commissioner may notify the State board that payment of Federal funds will be limited to support of programs under the State plan or portions of the State plan not affected by the State's failure to comply with such requirements.

§ 102.153 Payment to State advisory council.

Upon his approval of the budget submitted by the State advisory council pursuant to § 102.23(e), the Commissioner will pay to the State board, acting on behalf of the State advisory council as its fiscal agent, the amount requested by the State advisory council in its approved budget: *Provided*, That such amount does not exceed the maximum entitlement of the State advisory council determined pursuant to section 104(c) of the Act and applicable appropriation acts.

§ 102.154 Method of payment.

(a) Payment of Federal funds to States having approved State plans will ordinarily be accomplished through the DHEW-OE letter-of-credit procedures. (See "Instructions to Recipient Organizations for Use of Letter-of-Credit," issued by the Department of Health, Education, and Welfare; "Letter-of-Credit," Supplement No. 1, Revised August 30, 1968, issued by the Office of Education, DHEW, plus supplemental special memos concerning the payment system.) Payment vouchers may be issued by the States as often as necessary to procure cash to meet current disbursement needs only, and under no circumstances in such amounts that will result in the accumulation of large cash balances at either the State or local educational agency levels.

(b) Continued authorization for a State to utilize the letter-of-credit payment method is dependent upon the appropriate use thereof and the furnishing of accurate report data on a timely basis.

§ 102.155 Effect of Federal payments.

(a) *No waiver.* Neither the approval of the State plan, the issuance of a letter of credit, the approval of withdrawals thereunder, nor the making of any direct payments to the State shall be deemed to waive the right or duty of the Commissioner to withhold funds by reason of failure of the State to observe any Federal requirements set out in the Act or regulations related thereto or any other relevant Federal Act or order, either before or after such administrative action respecting payment.

(b) *Settlement of accounts.* The final amount to which a State is entitled for any period is determined on the basis of expenditures under the State plan with respect to which Federal financial participation is authorized.

§ 102.156 Transfer of allotments.

(a) Any portion of the amount allotted to any State for any fiscal year from funds appropriated under section 102(a) of the Act for the purposes of part B or part C of the Act which the Commissioner determines will not be required for such purposes for that fiscal year may, upon the approval of the Commissioner pursuant to paragraph (c) of this section, be transferred to or combined with one or more of the other allotments to the State for the same fiscal year under the Act. The amount so transferred is subject to the same conditions and requirements as the allotment to which it is transferred, and is no longer subject to the conditions and requirements as the allotment from which it was transferred. Thus, any reference in this part to "funds allotted under the Act" refers also to transferred funds included as a part of an allotment under the Act.

(b) A State board desiring to transfer funds from its allotment of funds appropriated under section 102(a) of the Act to another allotment under the Act shall submit as part of its annual State plan

or amendment thereto a request for such a transfer. Such request shall indicate how the annual plan will be affected by the transfer and will provide information to permit application of the following criteria:

(1) The need for the funds to be transferred is substantially greater for the purpose of the allotment to which the transfer will be made than for the purposes of part B or part C of the Act, as the case may be;

(2) The transfer will permit a use of funds for a purpose or in a manner which would not be permitted under part B or part C of the Act;

(3) The funds to be transferred will be used effectively for the purpose of the allotment to which they are to be transferred; and

(4) The transfer of funds will result in the most effective use of such funds.

(c) The Commissioner will approve the State board's request for transfer of funds if he is satisfied that the transfer will meet the criteria set forth in paragraph (b) of this section; otherwise, he will disapprove such request. Such approval or disapproval will be based on information submitted by the State board with its request pursuant to paragraph (b) of this section, or on any other estimates, reports, and information available to the Commissioner which have been submitted by the State board or obtained by the Commissioner through independent investigation.

§ 102.157 Reallotment.

(a) (1) Any amount of any State's allotment under any part of the Act except part D which the Commissioner determines is not required for carrying out the State's plan under that part and which has not been transferred to another allotment within the State pursuant to § 102.156 will be available for reallotment to other States on such dates as the Commissioner may fix for the purpose for which the amount was originally allotted.

(2) Any amount of any State's allotment under parts B and F of the Act which the State is required by §§ 102.59 and 102.92(c) to expend for a particular purpose (i.e., vocational education for disadvantaged persons, vocational education for handicapped persons, postsecondary vocational education, or consumer and homemaking education in economically depressed and high unemployment areas) and which the Commissioner determines will not be expended for such purpose shall be available for reallotment to other States only for such purpose.

(3) The amount of any reallotment pursuant to subparagraphs (1) and (2) of this paragraph shall be deemed to be part of the State's allotment for such fiscal year. Thus, any reference in this part to "funds allotted under the Act" refers also to reallotted funds included as a part of an allotment under the Act.

(b) Any determination by the Commissioner pursuant to paragraph (a) of this section will be made on the basis of (1) a certified statement submitted by the State affirming that the State does

not require the full amount of one or more of its original allotment(s) to carry out its plan, (2) reports and information acquired by the Commissioner either from the State or from independent investigation indicating that the State does not require the full amount of one or more of its original allotment(s), or (3) both. Within a reasonable time prior to the date fixed for reallocation of funds, the Commissioner will notify the State of his determination affecting the State's allotment(s) and either modify the amount certified for payment to the State or, if payment has already been made, direct the State to return to the United States whatever amount the Commissioner determines the State does not need.

(c) Reallocations will be made to other States in proportion to their original allotment for the fiscal year in which the original allotment was made; except that, subject to the provisions in paragraph (d) of this section, such reallocations to such other States will be reduced to the extent which the Commissioner estimates such State needs and will be able to use under its plan without delay for such fiscal year. The total of such reductions will then be reallocated among those States not suffering such a reduction in proportion to their original allotment except to the extent specified in the preceding sentence, and then reallocated as many times as necessary to exhaust such amount. Such estimate by the Commissioner will be made on the basis of (1) the certified statement submitted by the State pursuant to paragraph (b) of this section affirming that the State does not require the full amount of its original allotment to carry out its plan, (2) a request for reallocation by the State and its supporting certified statement indicating the amount of additional funds it needs and will be able to use effectively to carry out its plan, (3) reports and information acquired by the Commissioner either from the State board or from independent investigation, or (4) any or all of the above. Within a reasonable time before the date fixed for reallocation, the Commissioner will notify the State of the amount of reallocated funds (if any) the State shall receive.

(d) Any State which the Commissioner has determined, either on the basis of certified statements from the State or from other reports or information available to him, (1) does not require the full amount of its original allotment to carry out its plan, or (2) does not need or will not be able to use effectively the full amount of its proportionate share of funds to be reallocated, may, on or before the date fixed for reallocation, request that the Commissioner reconsider his determination affecting the original allotment or anticipated reallocation to such State, and submit with its request additional supporting information and data.

If the Commissioner's determination is based in whole or in part on certified statements submitted by the State itself, the State may submit to the Commissioner an amendment to such certification on or before the date fixed for reallocation. The Commissioner, in making his reallocation of funds to the States, will take into consideration all such amendments and additional information furnished by the State with its request for reconsideration of the Commissioner's determination. All decisions made by the Commissioner regarding the reallocation of funds are final once reallocation is made.

§ 102.158 Disposition of unexpended Federal funds.

Whenever any portion of any allotment to any State under the Act has not been expended in the State for the purpose provided for in the Act, regulations, and State plan with respect to that allotment, and has not been transferred to another allotment pursuant to § 102.156 or reallocated to other States pursuant to § 102.157 during the fiscal year in which such allotment was made, a sum equal to such portion will be deducted from the next payment of funds allotted to such State for the following fiscal year.

§ 102.159 Annual evaluation report.

(a) The State board shall submit to the Commissioner and the National Advisory Council on or before October 1 of each year an annual evaluation report prepared by the State advisory council pursuant to § 102.23(c) in accordance with procedures established by the Commissioner. This report shall contain (1) the results of the evaluations by the State advisory council of the effectiveness of programs, services, and activities carried out under the State plan in the year under review in meeting the program objectives set forth in the long-range and annual program plans required by §§ 102.33 and 102.34; and (2) such recommended changes in the content and administration of the State's programs, services, and activities as may be deemed by the State advisory council to be warranted by its evaluation results.

(b) The annual evaluation report of the State advisory council may be accompanied by such comments of the State board as it deems appropriate. These comments may include, among other matters, the results of evaluations by the State board, local educational agencies, and other agencies and institutions of programs, services, and activities under the State plan which support, supplement, or differ with the evaluation results of the State advisory council.

§ 102.160 Annual report of program activities.

The State Board shall submit on or before October 1 of each year in accordance with procedures established by the Commissioner an annual report concern-

ing the conduct of activities described in the annual plan pursuant to § 102.34(a) and the extent to which these activities carried out the objectives set forth in the long-range program plan pursuant to § 102.34(c) for the preceding fiscal year. The annual report shall also set forth the total receipts and expenditures of Federal funds for that year. This report shall consist of three parts: Fiscal, statistical, and descriptive.

(a) The fiscal report shall show the expenditures of each of the several allotments made to the State under the Act, that the Federal funds expended from each of the allotments in the States have been matched by the non-Federal share, if any, required for such allotment, that the maintenance-of-effort requirement set forth in § 102.151(c) has been met, and that all other conditions and requirements of the Act of a fiscal nature have been satisfied. All expenditures of non-Federal funds which meet the requirements of the Act, the regulations in this part, and the State plan and eligible for Federal financial participation under the Act shall be included, whether or not such expenditures are required for inclusion in the non-Federal share under any one of the allotments under the Act. Such information shall be compiled and submitted to the Commissioner on forms furnished to the State board by the Commissioner.

(b) The statistical report shall include supporting data with respect to programs, services, and activities under the State plan for which expenditures of funds are reported in the fiscal report. Such data shall be compiled and submitted to the Commissioner on forms furnished to the State board by the Commissioner.

(c) The descriptive report shall be a narrative account of the programs, services, and activities under the State plan for which expenditures of funds are reported in the fiscal report. Such information shall be compiled and submitted to the Commissioner in accordance with such forms and instructions as may be furnished to the State board by the Commissioner.

§ 102.161 Final reports of programs or projects.

The State board shall submit to the Commissioner copies of final reports of programs or projects conducted by grantees or contractors under parts C and D of the Act.

JAMES E. ALLEN, JR.,
U.S. Commissioner of Education.

OCTOBER 6, 1969.

Approved: December 30, 1969.

ROBERT H. FINCH,
Secretary of Health,
Education, and Welfare.

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