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Agencies in this issue—

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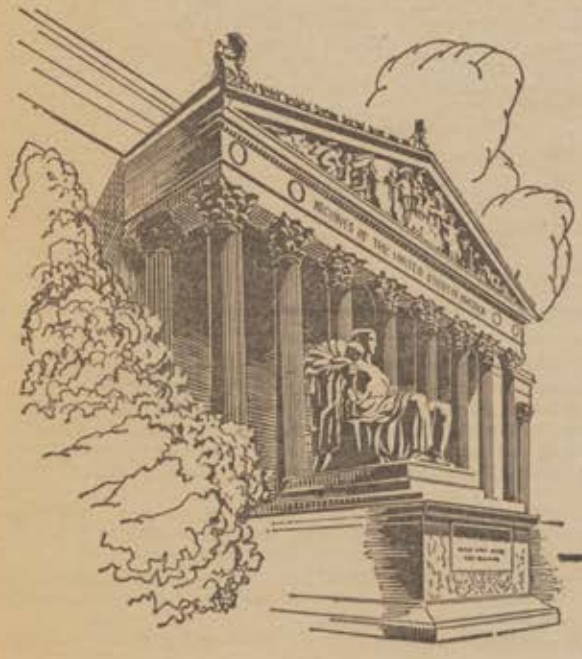

Volume 82

UNITED STATES STATUTES AT LARGE

[90th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1968, reorganization plans, and Presidential proclamations. Also included are: a subject index, tables of prior laws affected, a numerical listing of bills enacted into public and private law, and a guide to the legislative history of bills enacted into public law.

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List of CFR Parts Affected

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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1970, and specifies how they are affected.

Rules and Regulations

Title 7—AGRICULTURE

Chapter II—Food and Nutrition Service, Department of Agriculture

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Appendix—Second Apportionment of Special Milk Program Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1970

Pursuant to section 3 of the Child Nutrition Act of 1966, Public Law 89-642; 80 Stat. 885-6, milk assistance funds available for the fiscal year ending June 30, 1970, are reapportioned among the States as follows:

State	Total apportionment	State agency	Withheld for private schools
Alabama	$1,896,376	$1,830,416	$65,960
Alaska	34,344	34,344	.....
Arizona	441,733	441,733	.....
Arkansas	1,087,605	1,029,712	57,983
California	8,948,698	8,948,698	.....
Colorado	952,001	866,209	85,792
Connecticut	1,774,999	1,774,999	.....
Delaware	356,159	313,487	42,672
Del. St. Dist. Agency	18,129	18,129	.....
District of Columbia	624,441	624,441	.....
Florida	1,999,415	1,823,305	166,110
Georgia	1,662,332	1,632,732	29,600
Hawaii	139,581	101,352	38,229
Idaho	214,860	162,700	52,160
Illinois	6,670,614	6,670,614	.....
Indiana	2,966,839	2,966,839	.....
Iowa	1,534,784	1,345,993	188,791
Kansas	1,108,247	1,108,247	.....
Kentucky	2,151,027	2,151,027	.....
Louisiana	708,274	708,274	.....
Maine	518,479	440,837	77,642
Maryland	2,363,512	2,044,059	319,453
Md. Bud. & Proc	89,244	89,244	.....
Massachusetts	3,529,420	3,529,420	.....
Michigan	5,287,511	4,373,889	913,622
Minnesota	2,697,904	2,397,680	300,224
Mississippi	1,349,010	1,349,010	.....
Missouri	2,436,795	2,389,776	47,019
Montana	206,906	177,053	29,853
Nebraska	658,801	545,850	112,951
Nevada	165,879	143,251	22,628
New Hampshire	543,926	470,155	73,771
New Jersey	3,805,291	3,282,096	523,195
New Mexico	726,992	426,241	300,751
New York	9,456,074	9,456,074	.....
N.Y. Off. Gen. Serv	434,773	434,773	.....
North Carolina	3,545,380	3,545,380	.....
North Dakota	350,295	319,413	30,882
Ohio	6,540,751	5,741,438	799,313
Ohio Dept. Pub. Wel	191,534	191,534	.....
Oklahoma	1,128,371	1,128,371	.....
Oregon	616,384	599,187	17,197
Pennsylvania	5,173,252	4,537,815	635,437
Rhode Island	518,879	518,879	.....
South Carolina	629,956	536,933	93,023
South Dakota	363,942	363,942	.....
Tennessee	1,952,366	1,872,679	79,687
Texas	4,323,506	4,037,444	286,062
Utah	336,487	330,838	5,649
Vermont	273,507	261,884	11,623
Virginia	2,028,659	1,886,696	141,963
Washington	1,396,359	1,180,772	215,587
West Virginia	717,849	684,070	33,779
Wisconsin	3,573,232	2,860,214	713,018
Wyoming	110,226	110,226	.....
Total	103,301,000	96,780,374	6,520,626

(Secs. 2, 3, 6, and 8-16, 80 Stat. 885-890; 42 U.S.C. 1771, 1772, 1775, 1777-1785)

Dated: May 20, 1970.

EDWARD J. HEKMAN,
Administration.

[F.R. Doc. 70-6460; Filed, May 25, 1970; 8:47 a.m.]

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

PART 953—IRISH POTATOES GROWN IN THE SOUTHEASTERN STATES

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 104 and Order No. 953, both as amended (7 CFR Part 953), regulating the handling of Irish potatoes grown in designated counties of Virginia and North Carolina, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.) and upon the basis of the recommendation of the Southeastern Potato Committee, established under the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) The recommendations of the committee reflect its appraisal of the 1970 crop of production area potatoes and of the marketing prospects for this season.

The grade and size requirements provided herein are necessary to prevent potatoes that are of poor quality, or undesirable sizes from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop, and maximize returns to producers for the preferred quality and sizes.

The regulations with respect to special purpose shipments for other than fresh market use are designed to meet the different requirements for such outlets.

(c) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure and that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1970 crop potatoes grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the effective period, (3) the time intervening between the date of the committee's recommendation and the date when this section must become effective in order to effectuate the policy of the act is insufficient, (4) the committee's recommendations were arrived at during an open meeting held for such purpose, after giving due notice and publicity of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting, and (5) compliance with this section will not require any special preparation by handlers which cannot be completed by the effective date.

§ 953.310 Limitation of shipments.

During the period June 1 through July 31, 1970, no person shall ship any lot of potatoes produced in the production area unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c) and (d) of this section.

(a) *Minimum grade and size requirements.* All varieties U.S. No. 2, or better grade, 1½ inches minimum diameter.

(b) *Inspection.* Each first handler shall, prior to making each shipment of potatoes cause each shipment to be inspected by an authorized representative of the Federal-State Inspection Service. No handler shall ship any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto by the Federal-State Inspection Service and the certificate is valid at the time of shipment.

(c) *Special purpose shipments.* The grade, size, and inspection requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for canning, freezing, "other processing" as hereinafter defined, livestock feed, or charity: *Provided,* That the handler thereof complies with the safeguard requirements of paragraph (d) of this section: *Further provided,* That shipments of potatoes for canning, freezing, and "other processing" shall be exempt from inspection requirements specified in § 953.50 and from assessment requirements specified in § 953.34.

(d) *Safeguards.* Each handler making shipments of potatoes for canning, freezing, "other processing," livestock feed, or charity in accordance with paragraph (c) of this section shall:

(1) Notify the committee of his intent to ship potatoes pursuant to paragraph (c) of this section by applying on forms furnished by the committee for a certificate of privilege applicable to such special purpose shipments;

(2) Obtain an approved certificate of privilege;

(3) Prepare on forms furnished by the committee a special purpose shipment report for each such individual shipment; and

(4) Forward copies of such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee's office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for suspension of such handler's certificate of privilege applicable to such special purpose shipments.

(e) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds 5 hundredweight of potatoes.

(f) *Definitions.* The term "U.S. No. 2" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. The term "other processing" has the same meaning as the term appears in the act as recently amended and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing." All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 104 and this part, both as amended.

(g) *Applicability to imports.* Pursuant to section 608e–1 of the act and § 980.1 *Import regulations*, Irish potatoes of the round white type imported during the effective period of this section shall meet the grade, size, quality, and maturity requirements specified in paragraph (a) of this section.

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

Effective date. Dated May 22, 1970, to become effective June 1, 1970.

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

[F.R. Doc. 70–6532; Filed, May 25, 1970; 8:51 a.m.]

[980.1 Potatoes, Amdt. 7]

PART 980—VEGETABLES; IMPORT REGULATIONS

Irish Potatoes

Pursuant to the requirements of 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e–1) § 980.1 *Import regulations, Irish potatoes* (7 CFR Part 980) is hereby amended in the following respects:

1. Subparagraph (2) (ii) of paragraph (a) is amended by deleting the period and adding at the end thereof the following: "*Provided further*, that for the period June 1 through June 4, 1970, imports of all other round type potatoes are in most direct competition with the marketing of the same type potatoes produced in the Southeastern States covered by Order No. 953 (Part 959 of this chapter)."

2. Subparagraph (2) of paragraph (b) is amended by deleting the period and adding at the end thereof the following: "*Provided further*, that for the period June 1 through June 4, 1970, the grade, size, quality, and maturity requirements of Marketing Order No. 953, as amended (Part 953 of this chapter) applicable to potatoes of the round types shall be the respective grade, size, quality, and maturity for imports of other round type potatoes."

Findings. (a) It is hereby found and determined that during the period June 1 through June 4, 1970, all other round varieties of potatoes imported into the United States are in most direct competition with all other round varieties produced in the Southeastern States and that the import regulations shall be based on the regulation in effect for all other round varieties of potatoes regulated under Marketing Order 953 (7 CFR Part 953).

(b) It is hereby found that it is impracticable and unnecessary and contrary to the public interest to give preliminary notice or engage in public rule making procedure and that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the requirements of 8e of the act make this amendment mandatory, (2) compliance with the amendment on and after the effective date of this regulation will not require any special preparation by importers which cannot be completed by the effective date hereof, and (3) the effective date hereof complies with the notice requirement specified in the act and such notice is determined to be reasonable.

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

Dated May 22, 1970, to become effective June 1, 1970.

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

[F.R. Doc. 70–6566; Filed, May 25, 1970; 8:51 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1970 and Subsequent Crops Wheat Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 and Subsequent Crops Wheat Loan and Purchase Program

The General Regulations Governing Price Support for the 1970 and Subsequent Crops (35 F.R. 7363) issued by the Commodity Credit Corporation which contain regulations of a general nature with respect to price support loan and purchase operations are supplemented for the 1970 and subsequent crops of wheat by adding §§ 1421.460–1421.469 to read as follows. The material previously appearing in §§ 1421.2101–1421.2110 remains in full force and effect as to the 1968 and 1969 crops of wheat.

Sec.
1421.460 Purpose.
1421.461 Eligible wheat.
1421.462 Determination of quality.
1421.463 Determination of quantity.
1421.464 Warehouse receipts.
1421.465 Fees and charges.
1421.466 Warehouse charges.
1421.467 Maturity of loans.
1421.468 Settlement.
1421.469 Support rates.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 107, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421.

§ 1421.460 Purpose.

This supplement contains program provisions which, together with the General Regulations Governing Price Support for the 1970 and Subsequent Crops and any amendments thereto or revisions thereof (such regulations are referred to in this subpart as "General Regulations"), and the annual crop year supplement issued with respect to the crop of wheat for which price support is being requested, apply to price support loans and purchases for the 1970 and subsequent crops of wheat.

§ 1421.461 Eligible wheat.

(a) *General.* To be eligible for a loan or for purchase, the wheat (1) may be of any class, (2) must be merchantable for food, feed, or other uses as determined by CCC, (3) must not contain mercurial compounds or other substances poisonous to man or animals, (4) must not contain one or more rodent pellets, or comparable amounts of other excreta, per pint of wheat (liquid measure), or 1 percent or more by weight of kernels visibly damaged by weevils or other insects, and (5) must have been produced in the commercial wheat producing area.

(b) *Warehouse-stored grade loan requirements.* To be eligible for a warehouse storage loan, the wheat must also meet the following requirements:

(1) The wheat must grade No. 5 or better except that it may grade sample on the factors of (i) test weight provided test weight is not less than 40 pounds per bushel, (ii) damaged kernels (total) with not more than 3 percent heat damage, (iii) foreign material, (iv) total defects with not more than 3 percent heat damage, or (v) any combination of subdivisions (i) through (iv) of this subparagraph.

(2) If of the class Mixed wheat, the wheat must consist of mixtures of grades of eligible wheat as specified in subparagraph (1) of this paragraph, provided such mixtures are the natural products of the field.

(3) The wheat may have the special grade designations "Garlicky" or "Smutty", or both.

(4) The wheat must not grade Ergoty or Treated.

(5) Wheat which grades "Weevily" is not eligible unless the warehouse receipt issued for such wheat is accompanied by a supplemental certificate which provides for the delivery by the warehouseman of wheat which does not grade "Weevily" and which is otherwise of an eligible grade and quality. When

the warehouse receipt shows "Weevily," the grade, grading factors, and the quantity shown on the supplemental certificate must be as specified in § 1421.464(c).

(6) Wheat which contains in excess of 13.5 percent moisture is not eligible unless the warehouse receipt issued for such wheat is accompanied by a supplemental certificate which provides for the delivery by the warehouseman of wheat containing not over 13.5 percent moisture which is otherwise of an eligible grade and quality. The grade, grading factors and the quantity shown on the supplemental certificate must be as specified in § 1421.464(c).

§ 1421.462 Determination of quality.

(a) *Regular grading factors.* The class, grade, grading factors and all other quality factors shall be based on the Official Grain Standards of the United States for wheat whether or not such determinations are made on the basis of an official inspection. The cost of official grade determinations, when made, shall not be for the account of CCC.

(b) *Protein content determinations.* Producers may obtain official protein content determinations or protein content determinations arrived at by mutual agreement between the producer and the warehouseman on wheat of the classes Hard Red Winter, Hard Red Spring, and Hard White of the varieties Baart, Bluestem, and Burt to be placed under warehouse-storage loans or stored in approved warehouses for later purchase by CCC and on wheat delivered from farm storage in satisfaction of a loan or for purchase by CCC. Producers may also obtain official protein determination on wheat of such classes placed under farm-storage loans in accordance with pararaph (c) of this section. The cost of official protein content determinations shall not be for the account of CCC.

(c) *Protein determinations on farm-storage loan wheat.* If a producer at time of request for a farm-storage loan also requests that the premium for protein content be applied to the basic support rate for the classes of wheat specified in paragraph (b) of this section, the county office will draw a representative sample of, and arrange for protein tests on, the wheat to be placed under loan. The premium applicable to the values determined by such test shall be applied to the basic support rate at the time the loan is made, but settlement shall be based on the protein content determined upon delivery of the wheat to CCC. The producer who requests the protein premium on his farm storage wheat to be placed under loan shall be charged a fee of $3.50 for each bin of wheat tested for protein content.

§ 1421.463 Determination of quantity.

When the quantity is determined by weight, a bushel shall be 60 pounds of wheat free of dockage.

(a) *In warehouse.* The quantity of wheat in an approved warehouse on which a warehouse-storage loan may be made and the quantity delivered to or acquired by CCC in an approved warehouse shall be the net weight specified on the warehouse receipt, or on the supplemental certificate, if applicable. If the wheat has been dried or blended to reduce the moisture content, the quantity specified on the warehouse receipt or supplemental certificate, if applicable, shall be the quantity after drying or blending, and such quantity shall reflect a minimum shrink in the receiving weight excluding dockage of 1.2 times the percentage difference between the moisture content of the wheat when received and 13.5 percent.

(b) *On farm.* The quantity of wheat eligible to be placed under a farm storage loan shall be determined in accordance with § 1421.18. The quantity acquired by CCC from farm storage shall be determined by weight.

§ 1421.464 Warehouse receipts.

Warehouse receipts tendered to CCC in connection with a loan or purchase must meet the requirements of this section.

(a) *Separate receipt.* A separate warehouse receipt must be submitted for each grade and quality of wheat.

(b) *Entries.* Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show: (1) Gross weight and net bushels, (2) class and subclass, (3) grade (including special grades), (4) test weight, (5) moisture content if over 13.5 percent, (6) dockage, (7) any other grading factor(s) when such factor(s) and not test weight determine the grade, (8) protein content when applicable, (9) whether the wheat arrived by rail, truck, or barge, and (10) the date the wheat was received or deposited in the warehouse.

(c) *Where warehouse receipt shows "Weevily" or moisture over 13.5 percent or both.* If a warehouse receipt tendered as security for a loan shows that the wheat grades "Weevily" or contains over 13.5 percent moisture, or both, the warehouse receipt must be accompanied by a supplemental certificate as provided in § 1421.461(b) (5) and (6) in order for the wheat to be eligible for price support. The grade, grading factors, and the quantity to be delivered must be shown on the supplemental certificate as follows:

(1) When the warehouse receipt shows "Weevily" and the wheat has been conditioned to correct the "Weevily" condition, the supplemental certificate must show the same grade without the "Weevily" designation and the same grading factors and quantity as shown on the warehouse receipt.

(2) When the warehouse receipt shows a moisture content of over 13.5 percent and the wheat has been dried or blended, the supplemental certificate must show the grade, grading factors, and quantity after drying or blending the wheat to a moisture content of not over 13.5 percent which shall reflect a drying or blending shrink as specified in § 1421.463(a).

(3) The supplemental certificate must state that no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of the warehouse receipt.

(4) In the case of conditions specified in subparagraphs (1) and (2) of this paragraph, the grade, grading factors, and the quantity shown on the supplemental certificate shall supersede the entries for such items on the warehouse receipt.

(d) *Liens.* The warehouse receipts may be subject to liens for warehouse charges only to the extent indicated in § 1421.466.

(e) *Freight certificate requirements.* Warehouse receipts representing wheat which has been shipped by rail, or by barge utilizing combination barge-rail freight rates which are published and on file with the Interstate Commerce Commission, from a country shipping point to be a designated terminal point or to a storage point and stored intransit to a designated terminal point, must be accompanied by supplemental certificates. These certificates must be representative as to origin and date of movement of the wheat and must reflect the rate of freight paid into the storage point and the amount of penalty, if any, for out-of-line haul. The form of the certificates will be prescribed by the ASCS commodity office and shall be signed by the warehouseman.

§ 1421.465 Fees and charges.

The producer shall pay a loan service fee and delivery charge as specified in § 1421.11.

§ 1421.466 Warehouse charges.

(a) *Handling and storage liens.* Warehouse receipts and the wheat represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement (hereinafter called "UGSA") may be subject to liens for warehouse handling and storage charges at not to exceed the UGSA rates from the date the wheat is deposited in the warehouse for storage. Warehouse receipts and the wheat represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the interstate Commerce Commission. In no event shall a warehouseman be entitled to satisfy the lien by sale of the wheat when CCC is holder of the warehouse receipt.

(b) *Deduction of storage charges UGSA warehouses.* The table set forth in the annual crop year supplement will provide the deduction for storage charges to be made from the amount of the loan or purchase price in the case of wheat stored in an approved warehouse operated under the UGSA. Such deduction shall be based on entries shown on the warehouse receipts. If written evidence is submitted with the warehouse receipt that all the warehouse charges except receiving and loading out charges have been prepaid through the applicable loan maturity date, no storage deductions shall be made. If such written evidence is not submitted, the beginning

date to be used for computing the storage deduction on wheat stored in warehouses operating under the UGSA shall be the latest of the following: (1) The date the wheat was received or deposited in the warehouse, (2) the date storage charges start, or (3) the day following the date through which storage charges have been paid.

(c) *Deduction of storage charges—eastern common carriers.* The table set forth in the annual crop year supplement will provide the deduction for storage charges to be made from the amount of the loan or purchase price in the case of wheat stored in an approved warehouse operated by an eastern common carrier. Such deduction shall be based on entries shown on the warehouseman's supplemental certificate and delivery order. If written evidence is submitted with the supplemental certificate and delivery order that all warehouse charges except elevation charges have been prepaid through the applicable loan maturity date, no storage deduction shall be made. Where the producer presents evidence showing that the elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges set forth in the table in the annual crop year supplement.

§ 1421.467 Maturity of loans.

Loans mature on demand but not later than the date specified in the annual crop year supplement to the regulations in this subpart.

§ 1421.468 Settlement.

Notwithstanding the provisions of § 1421.23, if the wheat delivered is of a quality which does not meet the sanitation requirements of § 1421.461(a)(4), the wheat shall be sold for uses other than for human consumption and the settlement value shall be the same as the sales price, except that if CCC is unable to sell the wheat for the use specified above, the settlement value shall be the market value determined by CCC, as of the date of delivery.

§ 1421.469 Support rates.

Basic county support rates for wheat and the schedule of premiums and discounts will be set forth in the annual crop year supplement to the regulations contained in this subpart. Farm-stored wheat loans will be made at the applicable basic county support rate adjusted, where applicable, for the undesirable variety discount, the Weed Control discount and as provided in § 1421.462(c). The support rate for warehouse-storage loans and for wheat acquired under a loan or by purchase shall be the applicable basic support rate adjusted in accordance with the provisions of this section, and the premiums and discounts in the annual crop year supplement on the basis of quality factors on warehouse receipts or supplemental certificates in the case of wheat stored in or delivered to an approved warehouse or on such other form as CCC may prescribe in the case of wheat delivered to other than an approved warehouse. Settlement of loans and purchases shall be made in accordance with the provisions of §§ 1421.23, 1421.462(c), and 1421.468.

(a) *Basic support rates for farm-stored wheat.* The applicable basic support rate for farm-storage loans shall be the basic county support rate established for the county in which the wheat is stored.

(b) *Basic support rates for warehouse-stored wheat received by rail or utilizing combination barge-rail rates*—(1) *When shipped by rail and stored intransit at interior locations.* The applicable basic support rate for warehouse-storage loans on wheat which was received by rail and stored in an approved warehouse at other than a port terminal market shall be determined by adding to the basic support rate established for the county from which the wheat was shipped, the amount of freight cargoes per bushel actually paid in and an amount equal to the truck receiving and rail loading-out charges computed in accordance with the applicable rates of the UGSA in effect at the time the loan is made. The freight rate paid into the storage point shall be the lowest rate which will permit the storage intransit privilege and protect the lowest single car rate applying from origin through point of storage to a terminal market designated in paragraph (c)(2) of this section that would be used in commercial channels of trade. If the wheat is stored in an approved warehouse at a transit point which takes a penalty by reason of backhaul or out-of-line movement when destined to a designated terminal market that would be used in commercial channels of trade, such penalty or cost by reason of such movement shall be deducted from the support rates as determined in this paragraph.

(2) *When shipped by rail and stored at designated port terminal market locations.* The applicable basic support rate for warehouse storage loans on wheat which was received by rail and stored in an approved warehouse at a port terminal market designated in paragraph (c)(2)(iii) of this section shall be determined by adding to the basic support rate established for the county from which the wheat was shipped, the amount of freight charges per bushel actually paid in and an amount equal to the truck receiving and rail loading-out charges computed in accordance with the applicable rates of the UGSA in effect at the time the loan is made. The freight rate paid into the storage point shall be the lowest applicable freight rate to the port terminal market that would be used in commercial channels of trade.

(3) *When shipped utilizing combination barge-rail rates.* The applicable basic support rate for warehouse storage loans on wheat which was shipped utilizing combination barge-rail freight rates which are published and on file with the Interstate Commerce Commission and stored in an approved warehouse shall be determined by adding to the basic support rate established for the county from which the wheat was shipped, the amount of freight charges per bushel actually paid in and an amount equal to the truck receiving and rail loading-out charges computed in accordance with the applicable rates of the UGSA in effect at the time the loan is made. The freight rate paid into the storage point shall be a rate which will permit the storage in transit privilege and protect the lowest single car, or barge freight rate applying from origin through point of storage to one of the interior or port terminal markets designated in paragraph (c)(2) of this section that would be used in commercial channels of trade. If the wheat is stored in an approved warehouse at a transit point which takes a penalty by reason of backhaul or out-of-line movement when destined to the designated interior or port terminal market that would be used in commercial channels of trade, such penalty or cost by reason of such movement shall be deducted from the support rates as determined in this paragraph.

(c) *Basic support rates for warehouse-stored wheat received by truck or nontariff barge*—(1) *Stored at other than terminal markets.* (i) The applicable basic support rate for warehouse-storage loans on wheat which was received by truck, or by barge not utilizing combination barge-rail freight rates, and stored in an approved warehouse located outside the switching limits of terminal markets designated in subparagraph (2) of this paragraph shall be the basic county support rate established for the county in which the wheat is stored.

(ii) If two or more approved warehouses are located in the same or adjoining towns, villages, or cities which have the same freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point and the same basic county support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.

(2) *Stored within the switching limits of designated terminal markets.* (i) The applicable basic county support rate for warehouse-storage loans on wheat which was received by truck, or by barge not utilizing combination barge-rail freight rates, and stored in an approved warehouse located within the switching limits of a terminal market designated in subdivision (ii) or (iii) of this subparagraph shall be determined by adding 4 cents per bushel to the basic county support rate established for the county (or city) in which the terminal market is located.

(ii) Designated interior terminal markets are as follows:

Interior terminal market	*County in which located*
Atchison, Kans.	Atchison.
Cairo, Ill.	Alexander.
Chicago, Ill.	Cook.
Council Bluffs, Iowa	Pottawattamie.
East St. Louis, Ill.	St. Clair.
Kansas City, Kans.	Wyandotte.
Kansas City, Mo.	Jackson.
Louisville, Ky.	Jefferson.
Memphis, Tenn.	Shelby.
Milwaukee, Wis.	Milwaukee.
Minneapolis, Minn.	Hennepin.
Omaha, Nebr.	Douglas.
St. Joseph, Mo.	Buchanan.
St. Louis, Mo.	St. Louis.
St. Paul, Minn.	Ramsey.
Sioux City, Iowa	Woodbury.

(iii) Designated port terminal markets are as follows:

Port terminal markets	*County or city in which located*
Albany, N.Y.	Albany.
Ama, La.	St. Charles.
Astoria, Oreg.	Clatsop.
Baltimore, Md.	Baltimore City.
Baton Rouge, La.	East Baton Rouge.
Beaumont, Tex.	Jefferson.
Charleston, S.C.	Charleston.
Corpus Christi, Tex.	Nueces.
Destrahan, La.	St. Charles.
Duluth, Minn.	St. Louis.
Galveston, Tex.	Galveston.
Gulfport, Miss.	Harrison.
Houston, Tex.	Harris.
Kalama, Wash.	Cowlitz.
Long Beach, Calif.	Los Angeles.
Longview, Wash.	Cowlitz.
Los Angeles, Calif.	Los Angeles.
Mobile, Ala.	Mobile.
New Orleans, La.	Orleans.
New York, N.Y.	New York City.
Norfolk, Va.	Chesapeake (Norfolk).
Oakland, Calif.	Alameda.
Pascagoula, Miss.	Jackson.
Philadelphia, Pa.	Philadelphia City.
Port Allen, La.	West Baton Rouge.
Port Arthur, Tex.	Jefferson.
Portland, Oreg.	Multnomah.
Sacramento, Calif.	Sacramento.
San Diego, Calif.	San Diego.
San Francisco, Calif.	San Francisco City.
Seattle, Wash.	King.
Stockton, Calif.	San Joaquin.
Superior, Wis.	Douglas.
Tacoma, Wash.	Pierce.
Toledo, Ohio	Lucas.
Vancouver, Wash.	Clark.
Westwego, La.	Jefferson.
Wilmington, Calif.	Los Angeles.

(d) *Storing warehouseman's responsibilities.* The storing warehouseman in the case of wheat received by rail or utilizing combination barge-rail freight rates which are published and on file with the Interstate Commerce Commission shall be responsible for determining the in-line routes via the storing warehouse that will protect the lowest freight rate to the designated interior or port terminal market designated in paragraph (c)(2) (ii) or (iii) of this section, whichever the case may be, that would be used in commercial channels of trade, and for protecting such routes. The storing warehouseman shall also execute supplemental certificates showing (1) the rate of freight paid into the storage point, (2) amount of penalty, if any, for backhaul or out-of-line penalty, (3) the applicable interior or port terminal market that would be used in commercial channels of trade, and (4) any other information which may be prescribed by CCC. The warehouseman is responsible to CCC for the accuracy or omissions of information on the supplemental certificate. His liability, if any, for his failure to comply with the provisions of this paragraph (d) will be determined in accordance with the provisions of the UGSA after acquisition of the warehouse receipt by CCC.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 20, 1970.

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

[F.R. Doc. 70-6457; Filed, May 25, 1970; 8:47 a.m.]

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. 111–113, 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:

In § 76.2 in paragraph (e)(16) relating to the State of Virginia, subdivision (iii) relating to King William and Hanover Counties, and subdivision (vi) relating to Surry, Isle of Wight, Southampton, and Sussex Counties are amended to read:

(16) *Virginia.* * * *

(iii) That portion of King William and Hanover Counties bounded by a line beginning at the junction of Secondary Highway 604 and State Highway 30 in King William County; thence, following State Highway 30 in a generally southeasterly direction to U.S. Highway 360; thence, following U.S. Highway 360 in a southwesterly direction to Secondary Highway 605 in Hanover County; thence, following Secondary Highway 605 in a northwesterly direction to Secondary Highway 615; thence, following Secondary Highway 615 in a northeasterly direction to Secondary Highway 604; thence, following Secondary Highway 604 in a northwesterly direction to its junction with State Highway 30 in King William County.

* * * * *

(vi) The adjacent portions of Surry, Isle of Wight, Southampton, and Sussex Counties bounded by a line beginning at the junction of Secondary Highways 611 and 616 in Surry County; thence, following Secondary Highway 616 in a southwesterly direction to Secondary Highway 615; thence, following Secondary Highway 615 in a generally southeasterly direction to Primary State Highway 31; thence, following Primary State Highway 31 in a northeasterly direction to Secondary Highway 616; thence, following Secondary Highway 616 in a generally northeasterly direction to Secondary Highway 626; thence, following Secondary Highway 626 in a generally southeasterly direction to Secondary Highway 621; thence, following Secondary Highway 621 in a southwesterly direction to Secondary Highway 680; thence, following Secondary Highway 680 in a southeasterly direction to Secondary Highway 683, thence, following Secondary Highway 683 in a southerly direction to Secondary Highway 623; thence, following Secondary Highway 623 in a westerly direction to Secondary Highway 621; thence, following Secondary Highway 621 in a southwesterly direction to Secondary Highway 637; thence, following Secondary Highway 637 in a southeasterly direction to Secondary Road 620; thence, following Secondary Road 620 in a generally southwesterly direction to Secondary Highway 646; thence, following Secondary Highway 646 in a southeasterly direction to Secondary Highway 644; thence, following Secondary Highway 644 in a southwesterly direction to Secondary Highway 646; thence following Secondary Highway 646 in a southeasterly direction to Secondary Highway 638; thence, following Secondary Highway 638 in a southwesterly direction to U.S. Highway 460; thence, following U.S. Highway 460 in a southeasterly direction to Secondary Highway 610; thence, following Secondary Highway 610 in a generally southerly direction to Secondary Highway 687; thence, following Secondary Highway 687 in a southwesterly direction to Secondary Highway 611; thence, following Secondary Highway 611 in a generally westerly direction to Secondary Highway 641; thence, following Secondary Highway 641 in a generally northeasterly direction to Secondary Highway 603; thence, following Secondary Highway 603 in a generally southwesterly direction to Secondary Highway 635; thence, following Secondary Highway 635 in a northeasterly direction to Secondary Highway 600; thence, following Secondary Highway 600 in a northwesterly direction to Secondary Highway 623; thence, following Secondary Highway 623 in a southwesterly direction to Secondary Highway 626; thence, following Secondary Highway 626 in a generally northwesterly direction to Secondary Highway 631; thence, following Secondary Highway 631 in a northerly direction to Secondary Highway 614; thence, following Secondary Highway 614 in a generally northeasterly direction to Secondary Highway 605; thence, following Secondary Highway 605 in a northwesterly direction to Secondary Highway 616; thence, following Secondary Highway 616 in a northeasterly direction to U.S. Highway 460; thence, following U.S. Highway 460 in a northwesterly direction to Primary State Highway 40; thence, following Primary State Highway 40 in a southwesterly direction to

Secondary Highway 651; thence, following Secondary Highway 651 in a generally northwesterly direction to Secondary Highway 626; thence, following Secondary Highway 626 in a generally northwesterly direction to Secondary Highway 602; thence, following Secondary Highway 602 in a generally northeasterly direction to Secondary Highway 601; thence, following Secondary Highway 601 in a generally southeasterly direction to Secondary Highway 607; thence, following Secondary Highway 607 in a northeasterly direction to Secondary Highway 608; thence, following Secondary Highway 608 in a southeasterly direction to Primary State Highway 40; thence, following Primary State Highway 40 in a northeasterly direction to Secondary Highway 611; thence, following Secondary Highway 611 in a southeasterly direction to its junction with Secondary Highway 616.

(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 Southampton, Isle of Wight, and King William Counties in Virginia 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 impose certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish their purpose in the public interest. 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 and contrary to the public interest and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of May 1970.

F. R. MANGHAM,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 70-6455; Filed, May 25, 1970; 8:47 a.m.]

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. 111–113, 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, the introductory portion of paragraph (e) is amended by adding the name of the State of Ohio thereto and a new paragraph (e)(20) relating to the State of Ohio is added to read:

(20) *Ohio.* That portion of Darke County comprised of Brown Township.

2. In § 76.2, in paragraph (e)(4) relating to the State of Illinois, a new subdivision (iii) relating to Clay County is added to read:

(4) *Illinois.* * * *

(iii) That portion of Clay County comprised of Sanger, Harter, and Xenia Townships.

3. In § 76.2, in paragraph (e)(8) relating to the State of Mississippi, a new subdivision (vi) relating to Warren County, and a new subdivision (vii) relating to Copiah County are added to read:

(8) *Mississippi.* * * *

(vi) That portion of Warren County bounded by a line beginning at the junction of the west bank of the Big Black River and State Highway 27; thence, following State Highway 27 in a northwesterly direction to U.S. Highway 80; thence, following U.S. Highway 80 in a southwesterly direction to U.S. Highway 61; thence, following U.S. Highway 61 in a generally southerly direction to the Big Black River; thence, following the west bank of the Big Black River in a generally northeasterly direction to its junction with State Highway 27.

(vii) That portion of Copiah County bounded by a line beginning at the junction of State Highways 27 and 28; thence, following State Highway 28 in a generally westerly direction to the Dentville, Hazlehurst Road; thence, following the Dentville, Hazlehurst Road in a northwesterly direction to the Mississippi Power & Light Co. electrical transmission line right-of-way; thence, following the Mississippi Power & Light Co. electrical transmission line right-of-way in a northeasterly direction to the Copiah-Hinds County line; thence, following the Copiah-Hinds County line in an easterly direction to State Highway 27; thence, following State Highway 27 in a southeasterly direction to its junction with State Highway 28.

4. In § 76.2, in paragraph (e)(15) relating to the State of Texas, subdivision (ii) relating to Comanche, Erath, and Hamilton Counties, and subdivision (viii) relating to Limestone, Navarro, and Freestone Counties are deleted.

(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 a portion of Clay County, Ill.; portions of Warren and Copiah Counties in Mississippi; and a portion of Darke County, Ohio, 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 such counties.

The amendments also exclude portions of Comanche, Erath, Hamilton, Limestone, Navarro, and Freestone Counties in Texas 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 in § 76.2. Further, the restrictions pertaining to the interstate movement from nonquarantined areas contained in said Part 76 will apply to the areas excluded from quarantine.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons.

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 them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of May 1970.

F. R. MANGHAM,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 70-6456; Filed, May 25, 1970; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 24,085]

PART 571—STATEMENTS OF POLICY

Audits of Insured Institutions

MAY 5, 1970.

Resolved that the Federal Home Loan Bank Board, upon the basis of its consideration of the advisability of revising and codifying its statement of policy concerning audits of insured institutions adopted by the Board by Resolution No. FSLIC-2,523 on April 7, 1966, and duly

published in the FEDERAL REGISTER on April 15, 1966 (31 F.R. 5821), and for the purpose of effecting such revision and such codification, hereby rescinds said Resolution No. FSLIC-2,523 and amends Part 571 of the Rules and Regulations for Insurance of Accounts (12 CFR Part 571) by adding a new § 571.2, to read as follows:

§ 571.2 Audits of insured institutions.

(a) *Introduction.* (1) Section 563.17-1 (a)(2) of this subchapter requires each insured institution to be audited at least once in each calendar year by auditors and in a manner satisfactory to the Corporation. This audit requirement subjects the accounting policies, procedures, and records and the internal control of each institution to periodic, independent, critical review and evaluation, thus enhancing the probability that financial statements and reports to the Corporation will be proper and that conditions that could affect adversely the institution, other institutions, the Corporation, or the public will be detected. This statement sets forth the policies and criteria for determining that an auditor or an audit is satisfactory to the Corporation.

(2) The provisions of this statement of policy shall not in any manner modify or limit the Corporation's authority, as set out in § 563.17-1(a) of this subchapter, to make, or cause to be made, at any time, an audit of an insured institution (including appraisals when deemed advisable) or to assess against such institution the cost of any audit made pursuant to such authority.

(3) As used in this section, the title "Chief Examiner" refers to the Federal Home Loan Bank Board's Chief Examiner for the Federal Home Loan Bank district in which the home office of an institution is located.

(b) *General policy.* Except as provided in paragraph (e) of this section, each institution must satisfy the audit requirement of § 563.17-1(a) of this subchapter by means of an audit by a public accountant or internal auditor. To be acceptable to the Corporation, auditors must be qualified and independent and must follow recognized rules of ethics and conduct; reports of audits must meet the requirements of this section and comply with such additional requirements as may be contained in bulletins issued by the Federal Home Loan Bank Board's Office of Examination and supervision or instructions issued by a Chief Examiner.

(c) *Audits by public accountants or internal auditors*—(1) *Procedure.* (i) When the board of directors of an institution elects to have an audit performed by a public accountant, an officer of the institution, with 15 days following such action, shall notify the Chief Examiner of such action and of the public accountant engaged to perform such service. The Chief Examiner also shall be notified within 15 days following any action terminating the services of a public accountant.

(ii) When the board of directors of an institution elects to satisfy the regulatory audit requirements by means of an audit by an internal auditor, it shall, by resolution, disclose its intention to establish an internal audit program, outline the objectives and the basic minimum requirements of the program, specify the date when the program will commence and designate a full-time salaried employee or officer of the institution, who shall report and be accountable directly to the board of directors, to perform the function of internal auditor. A certified copy of such resolution shall be filed with the Chief Examiner at least 90 days prior to commencement of such internal audit program. Any changes in the objectives and minimum requirements of the program or in the person responsible for implementation of such program shall be accomplished by appropriate resolution of the board of directors. A certified copy of each such resolution shall be filed with the Chief Examiner.

(2) *Qualification of public accountant or internal auditor.* (i) The term "qualified public accountant" refers to a person who is a certified public accountant or licensed public accountant, certified or licensed by a regulatory authority of a State or other political subdivision of the United States and who is in good standing as such under the laws of the State or other political subdivision of the United States in which is located the home office of the institution that is to be audited. Any other person will not be deemed to be a qualified public accountant unless, as of April 15, 1966, such person had an established client relationship with an insured institution and had filed with the Chief Examiner a report of audit that was acceptable under then existing requirements.

(ii) The term "qualified internal auditor" refers to a person who has had adequate technical training as an auditor and who has proficiency as an auditor, an understanding of audit objectives, and a working knowledge of savings and loan operations. When a board of directors designates a person as an internal auditor, that person's qualifications shall be submitted to the Chief Examiner, who shall make an initial review of and decision as to the acceptability of that person as an internal auditor. Such initial review and acceptance shall not be final; continuing acceptance will depend on the internal auditor's ability to carry out the internal audit program in a manner which meets the requirements of the Corporation.

(3) *Independence of public accountant or internal auditor.* (i) To be acceptable, an audit must be made by a qualified public accountant or internal auditor who is in fact independent. While it is not feasible to identify or to state categorically or inflexibly all of the criteria for judging the independence of an auditor, the most common conditions that contribute to a lack of independence are set out hereafter.

(ii) A public accountant will not be considered to be independent if he:

(*a*) Is connected with the institution or any of its subsidiaries or affiliates as an officer, director, attorney, or employee, or is a member of the immediate family of an officer, director, attorney, or employee of the institution or any of its subsidiaries or affiliates;

(*b*) Is the beneficial owner, directly or indirectly, of any shares of permanent, reserve, or guaranty stock of the institution;

(*c*) Has any proprietary interest in any partnership, corporation, syndicate, or other business or legal entity which, directly or indirectly, controls the institution or any of its subsidiaries or affiliates;

(*d*) Is borrower from the institution or any of its subsidiaries or affiliates except with respect to:

(*1*) A loan on the security of his residence;

(*2*) A loan to make alterations, repairs, or improvements to his residence; or

(*3*) A loan secured solely by his savings credits in the institution;

(*e*) Makes entries or postings on the books of account or performs any other operating functions for the institution or any of its subsidiaries or affiliates, except such functions for which prior approval was requested and obtained, in writing, from the Chief Examiner;

(*f*) Receives any special consideration in any transaction with the institution or its subsidiaries or affiliates, or has any interest, direct or indirect, financial or otherwise, in any real property owned by, or securing any loan made by, the institution or any of its subsidiaries or affiliates, except as provided in (*d*) of this subdivision (ii), or in any other operating activity or function of the institution or of any of its subsidiaries or affiliates; or

(*g*) Has any conflict of interest, or the appearance thereof, by reason of business or personal relationships with management or those individuals who, by ownership of stock, control of proxies, or otherwise, are in a position to influence management or its decisions or functions.

(iii) An internal auditor is subject to the same tests of independence as are applicable to a public account, except that an internal auditor must be a full-time salaried employee or officer of the institution. In addition, an internal auditor will be considered to be independent of operating responsibilities and able to function properly as an internal auditor only if he has, and is able to exercise, authority to audit any department of the institution without notice and has complete and unrestricted access to all records of such institution.

(iv) The requirements as to independence are applicable to those members and employees of a firm of public accountants who, in any way, are in a position to influence or control the conduct of an audit of an institution or to influence or control the presentation of facts and other information in the report of such audit.

(v) It is the responsibility of the public accountant or internal auditor to disclose to the Chief Examiner any unusual relationships or affiliations he may have with the institution, any affiliate or

subsidiary of the institution, or any persons closely connected with the institution, and to have resolved any question as to independence before proceeding with the audit.

(4) *Reports of audit.* Section 563.17-1(a)(2) of this subchapter requires an insured institution to "promptly" file with the Corporation, through the Chief Examiner, a copy of the report of each audit. Pursuant to this requirement, an institution shall file such copy, or cause it to be filed, with the Chief Examiner, no later than 15 days following the receipt thereof. For the purpose of this filing requirement, the term "report of audit" includes, in addition to the audit report itself, any special or supplemental reports, letters or reports to management, or any other documents which are related to the audit or the report thereof. An institution shall file, or cause to be filed, with the Chief Examiner, a copy of any such special or supplemental material no later than 15 days following the receipt thereof.

(d) *Authority of Chief Examiner.* (1) The Chief Examiner shall determine whether an auditor is satisfactory to the Corporation, whether an audit was conducted in a manner satisfactory to the Corporation, and whether a report of audit is to be accepted. If, at any time, it is found that a public accountant or internal auditor has not followed recognized rules of ethics or conduct, was not in fact independent, has knowingly made any material misstatement of fact or circumstance or any material misrepresentation of any kind, or has otherwise failed to meet any of the requirements set out in this statement, in bulletins issued by the Office of Examinations and Supervision, or in instructions issued by the Chief Examiner, the Chief Examiner may reject the audit and may determine that, for such time period as he may set, reports of audit by the public accountant or internal auditor who made such rejected audit shall not be acceptable to the Corporation. Upon request by such, such public accountant or internal auditor, such determination shall be reviewed by the Director, Office of Examinations and Supervision.

(2) In the event of the rejection of an audit or the failure of an institution to arrange to be audited either by an auditor or in a manner satisfactory to the Corporation, the Chief Examiner is authorized to have an audit made by an auditor in a manner satisfactory to the Corporation.

(3) Upon proper application made by an institution in conformity with paragraph (e) of this section, the Chief Examiner may waive or modify for 1 fiscal year, and to such extent as he may deem appropriate, the general policy requiring an audit by a public accountant.

(e) *Waiver or modification of general policy requiring audit by public accountant*—(1) *General.* An institution which is located in an area where audit services by a qualified public accountant are not readily available, or where the costs of such services are beyond the means of the institution, may make application to the Chief Examiner for waiver or modification of the general policy requiring an audit by a public accountant.

(2) *Application form; supporting information.* An application made pursuant to subparagraph (1) of this paragraph shall be in the form of a letter addressed to the Chief Examiner and signed by the chief executive officer of the institution upon the express authorization of its board of directors. Such application shall request the waiver or modification of the general policy requiring an audit by a public accountant for the succeeding fiscal year and shall set forth factual data supporting the institution's representations that it is located in an area where audit services by a qualified public accountant are not readily available or the cost of such services is beyond its means. Such factual data should include, but need not be limited to, the actual or estimated cost (whichever is appropriate) of an acceptable audit of the institution by an independent public accountant, including per-diem rates, the number of man-days required to make such audit at such rates, and any extra charges made for travel or other out-of-pocket expenses. If the institution is State-chartered and the State has requirements as to audits by independent public accountants, the application shall be accompanied by a written statement by the State supervisory authority that it is willing to waive or modify its requirements if such application is approved by the Chief Examiner.

(3) *Basis for waiver or modification by Chief Examiner.* An application submitted pursuant to subparagraphs (1) and (2) of this paragraph shall be approved by the Chief Examiner unless, in his opinion:

(i) The institution is located in an area where audit services by a qualified public accountant are readily available, or can be obtained, at a cost within its means;

(ii) The report of the most recent supervisory examination or audit discloses inadequate internal controls or accounting records as to which the institution has not taken satisfactory corrective action;

(iii) The report of the most recent supervisory examination or audit discloses overvalued assets for which the institution has not provided adequate valuation allowances or discloses any other adverse matter of substance; or

(iv) The institution has a history of, or a trend toward, marginal operations or has problems requiring other than routine supervisory effort.

(4) *Procedure.* (i) An application for waiver or modification of the general policy requiring an audit by a public accountant shall be filed with the Chief Examiner no later than 90 days before the close of the fiscal year preceding that for which such waiver or modification is sought. An application applicable to the calendar year 1970, or to a fiscal year commencing in the 60-day period following the date of publication of this statement, shall be filed with the Chief Examiner no later than 45 days following the date of publication of this statement.

(ii) An institution which has applied for waiver or modification of audit requirements shall be notified, in writing, of the Chief Examiner's approval or rejection of such application and, if it is rejected, the reasons therefor. Upon request by the applicant institution, any such rejection shall be reviewed by the Director, Office of Examinations and Supervision. Approval by the Chief Examiner may be conditioned upon the institution's agreement to specified conditions, such as an agreement to have an independent accountant make a periodic review of internal control or verify certain assets.

(iii) During any fiscal year in which a waiver or modification of audit requirements is effective, the scope of any examination shall be expanded to include such audit procedures as the Chief Examiner may deem necessary or appropriate.

(iv) An institution may apply for waiver or modification of audit requirements for 1 fiscal year only. If an institution wishes waiver or modification of audit requirements in subsequent years, a separate application for each year must be filed in conformity with this paragraph. Each such application shall be considered on its own merits and without regard to whether previous applications have been approved or denied.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 70-6488; Filed, May 25, 1970; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 70-EA-27; Amdt. 39-993]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Pratt & Whitney type JT8D aircraft engines.

There have been reports of failures of the sixth stage compressor discs of the JT8D engine which have been attributed to galled areas on the face of the disc rim due to blade retention tang rub.

Since this deficiency may exist in other engines of a similar type design, an airworthiness directive is being issued requiring an inspection and replacement where necessary of the sixth stage disc.

In view of the foregoing, a situation

exists which requires expeditious adoption of this regulation and thus notice and public procedure hereon are impractical and the rule may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.87 (31 F.R. 13697), § 13.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PRATT AND WHITNEY AIRCRAFT JT8D SERIES TURBOFAN ENGINES. Applies to Pratt and Whitney JT8D series turbofan engines, incorporating sixth stage compressor discs P/N 586906 (wide rim) which have encountered previous sixth stage blade failures and were not subsequently reworked in accordance with P&WA Service telegram SE:RWJ: 9-6-24-1 dated June 24, 1969.

Compliance required as indicated. To preclude sixth stage compressor rotor disc failures as the result of disc rim front face galling caused by blade retention tangs, accomplish the following:

a. For engines incorporating any of the previously listed sixth stage compressor rotor disc:

1. With 1,200 hours or more in service since a sixth stage compressor blade failure, within the next 600 hours in service after the effective date of this AD replace the suspect sixth stage compressor disc with a new, used, or a disc reworked in a manner approved by Chief, Engineering and Manufacturing Branch, Eastern Region, New York.

2. With 1,200 hours or less in service since a sixth stage compressor blade failure, prior to accumulation of 1,800 hours' time in service since sixth stage blade failure replace the suspect sixth stage compressor disc with a new, used, or disc reworked in a manner approved by Chief, Engineering Branch, Eastern Region, N.Y.

b. For the purposes of this AD a blade failure is defined as one in which any portion of the blade root is separated from the blade.

c. Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Eastern Region, may adjust the compliance time.

This amendment is effective June 12, 1970.

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

Issued in Jamaica, New York on May 14, 1970.

GEORGE M. GARY,
Director, Eastern Region.

[F.R. Doc. 70-6472; Filed, May 25, 1970; 8:49 a.m.]

[Docket No. 70-CE-6-AD; Amdt. 39-994]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna T310, 320, 401, and 402 Series Airplanes

There have been failures of the engine exhaust system components on Cessna Models T310, 320, 401, and 402 series airplanes. These failures are in the form of cracks, breaks, bulging, and joint separation which, if not corrected, will allow hot exhaust gases to discharge into the engine compartment resulting in possible hazardous heat damage to adjacent powerplant components. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued requiring a visual inspection and a test for leakage of the engine exhaust system on these model airplanes within 25 hours' time in service after the effective date of this AD, unless already accomplished within the last 25 hours' time in service, and thereafter at intervals not to exceed 50 hours' time in service from the last inspection and test. Airplanes with less than 25 hours' total time in service need not be inspected or tested until they have accumulated 50 hours' time in service. Defective exhaust system components must be replaced prior to further flight.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

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

CESSNA. Applies to Models T310 Series, 320D, 320E, 320F, 401 Series and 402 Series Airplanes.

Compliance: To detect incipient failure of the engine exhaust system installed in the above airplanes, within 25 hours' time in service after the effective date of this AD, unless already accomplished within the last 25 hours' time in service, and thereafter at intervals not to exceed 50 hours' time in service from the last inspection, except that airplanes with less than 25 hours' total time in service need not be inspected or tested before 50 hours' time in service, accomplish the following:

(A) Remove the engine cowling and heat shields that shroud the exhaust manifold and joints.

(B) Visually inspect the complete exhaust manifold and joints for cracks or breaks.

(C) Test the complete exhaust manifold and joints for leakage in accordance with the following procedures as outlined in Cessna Models T310, 320 or 401/402 Series Service Manuals, or any other equivalent method approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region:

1. Plug either the waste gate overboard tube or the turbine overboard tube with a rubber plug.

2. Attach the pressure side of an industrial vacuum cleaner to the open overboard tube using a rubber plug to affect a seal as required.

3. With vacuum cleaner operating, check complete exhaust manifold and joints manually by feel or by using a soap solution and watching for bubbles. All joints must be free of air leaks, with the exception of the wastegate bearings, the ball joints at the bellows assembly, and the joint of the turbocharger turbine and bearing housing, which will show some bubbling.

(D) If cracks, breaks or any leakage along the manifold pipes and any excess leakage at the joints are found during the inspections and tests required by either paragraphs B or C of this AD, before further flight, replace any defective part with an airworthy part.

This amendment becomes effective May 26, 1970.

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

Issued in Kansas City, Mo., on May 15, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-6473; Filed, May 25, 1970; 8:49 a.m.]

[Airspace Docket No. 69-CE-115]

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

Alteration of Transition Area

On page 19080 of the FEDERAL REGISTER dated December 2, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Fergus Falls, Minn.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., April 30, 1970.

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

Issued in Kansas City, Mo., on February 2, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

FERGUS FALLS, MINN.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Fergus Falls Municipal Airport (lat. 46°17'10" N., long. 96°09'35" W.); and within 3 miles each side of the 187° bearing from Fergus Falls Municipal Airport, extending from the 6½-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1200 feet above the surface within 4½ miles west and 9½ miles east of the 187° and 007° bearings from Fergus Falls Municipal Airport, extending from 6 miles north to 18½ miles south of the airport; and within 5 miles each side of the 007° bearing from Fergus Falls Municipal Airport, extending from the airport to 12 miles north of the airport.

[F.R. Doc. 70-6474; Filed, May 25, 1970; 8:49 a.m.]

[Airspace Docket No. 70-CE-1]

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

Alteration of Control Zone and Transition Area

On page 2793 of the FEDERAL REGISTER dated February 10, 1970, the Federal

Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Glasgow, Mont.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 G.m.t., July 23, 1970.

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

Issued in Kansas City, Mo., on May 1, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

1. In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

GLASGOW, MONT.

Within a 5-mile radius of Glasgow International Airport (latitude 48°12'50" N., longitude 106°37'10" W.); within 2½ miles each side of the 342° bearing from Glasgow International Airport, extending from the 5-mile radius zone to 5½ miles north of the airport; within 2½ miles each side of the Glasgow VOR 327° radial, extending from the 5-mile radius zone to 5½ miles northwest of the VOR; and within 2½ miles each side of the Glasgow VOR 127° radial, extending from the 5-mile radius zone to 5½ miles southeast of the VOR.

2. In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

GLASGOW, MONT.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Glasgow International Airport (latitude 48°12'50" N., longitude 106°37'10" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the Glasgow VOR 327° radial, extending from the VOR to 18½ miles northwest of the VOR; within 4 miles east and 9½ miles west of the 342° bearing from Glasgow International Airport, extending from the airport to 18½ miles north of the airport; within 4½ miles southwest and 9½ miles northeast of the Glasgow VOR 127° radial, extending from the VOR to 18½ miles southeast of the VOR; and within 4½ miles south and 9½ miles north of the 112° bearing from Glasgow International Airport, extending from the airport to 18½ miles east of the airport.

[F.R. Doc. 70-6475; Filed, May 25, 1970; 8:49 a.m.]

[Airspace Docket No. 70-WE-7]

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

Alteration of Federal Airway Segments

On March 28, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 5264) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would revise the floors of segments of V-26, V-101, and V-187W in the vicinity of Vernal, Utah.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 23, 1970, as hereinafter set forth.

Section 71.123 (35 F.R. 2009 and 6006) is amended as follows:

1. In V-26 the phrase "Vernal, Utah, 19 miles," is deleted and the phrase "Vernal, Utah, 25 miles," is substituted therefore.

2. In V-101 the phrase "From Vernal, Utah, 22 miles, 50 miles 145 MSL," is deleted and the phrase, "From Vernal, Utah, 25 miles, 25 miles 120 MSL, 22 miles 145 MSL," is substituted therefor.

3. In V-187 the phrase "Vernal, Utah, 15 miles," is deleted and the phrase "Vernal, Utah, 20 miles," is substituted therefor.

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

Issued in Washington, D.C., on May 20, 1970.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 70-6476; Filed, May 25, 1970; 8:49 a.m.]

[Airspace Docket No. 70-WA-16]

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

Alteration of Reporting Point

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Croaker Intersection.

The geographic coordinate of the Croaker Intersection is presently shown as lat. 36°57'30" N., long. 73°00'00" W., in § 71.209 of the Federal Aviation Regulations. Recent mathematical computations have determined that a more precise site of the intersection is lat. 36°57'20" N., long. 73°00'00" W. Action is taken herein to reflect this refined site.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

Section 71.209 (35 F.R. 2303) is amended as follows: In the Croaker Intersection the phrase "lat. 36°57'30" N., long. 73°00'00" W." is deleted and the phrase "lat. 36°57'20" N., long. 73°00'00" W." is substituted therefor.

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

Issued in Washington, D.C., on May 20, 1970.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 70-6477; Filed, May 25, 1970; 8:49 a.m.]

[Docket No. 10320; Amdt. 101-3]

PART 101—MOORED BALLOONS, KITES, UNMANNED ROCKETS AND UNMANNED FREE BALLOONS

Hazardous Operations

The purpose of these amendments to Part 101 of the Federal Aviation Regulations is to prescribe additional regulations governing moored balloon and kite operations currently excepted from the application of Part 101 by virtue of size, capacity, or weight.

At the present time, Part 101 is applicable only to (1) moored balloons that exceed 6 feet in diameter or contain a gas capacity in excess of 115 cubic feet; (2) kites that weigh more than 5 pounds and which are intended to be flown at the end of a rope or cable; (3) all unmanned rockets except aerial fireworks displays and certain small rockets; and (4) certain unmanned free balloons.

Recently, the FAA has been made aware of certain developments and uses of moored balloons and kites, that are not within the scope of the present regulations, but which, nevertheless, impose an immediate danger to the operation of aircraft and a hazard to persons and property.

An airplane kite company is presently manufacturing kites that are capable of flights at altitudes ranging from 1,000 to 1,500 feet AGL. These kites do not come within the purview of Part 101 since each kite weighs less than 5 pounds.

Another manufacturer produces a multiple kite train weighing less than 2 pounds capable of reaching heights in excess of 1 mile and distances greater than 3 miles from where the operator is standing.

As recently as December 1969, it was reported to the FAA that 70 jet aircraft were forced to detour from the path of a high flying kite at San Francisco International Airport. Because of this, it became necessary to request a change in the airport traffic pattern so that the kite would not be ingested into a jet engine.

Of even greater moment is the effect certain moored balloons, currently excepted from the provisions of Part 101, are having upon the safety of aircraft in flight.

At Inglewood, Calif, a balloon operation was conducted for the purpose of interfering with air navigation to protest noise caused by "low-flying aircraft" utilizing the Los Angeles International

Airport. After being prevented from using a balloon of 6 feet, or greater in diameter, the operator resorted to the use of a smaller balloon to avoid the applicability of Part 101. The FAA has been advised that legally it is extremely difficult to prevent balloon operations such as this, even though they present an immediate danger to aircraft in flight, unless appropriate amendments are made to Part 101.

Even though a moored balloon is less than 6 feet in diameter or has a gas capacity less than 115 cubic feet, the derogation to safety may be as great as if the moored balloon falls within the present regulation.

Although moored balloons may be operated free from regulatory constraint if less than 6 feet in diameter or 115 cubic feet gas capacity, the limited size of these objects makes it all the more difficult for a pilot to either detect the balloon and avoid striking it, or to see it in sufficient time to avoid the necessity of taking radical evasive action. In the latter case, injuries could result to passengers and crew, as well as placing excessive stresses upon the aircraft structure. Possible loss of control of the aircraft by the pilot is also a potential hazard. The latter possibility involves a major safety problem, since an incident of this type will occur during the approach or take-off phase of flight when the aircraft is being operated much closer to stalling speeds and relatively close to the ground.

By reason of the foregoing, a situation exists that demands immediate regulatory action involving moored balloons and kites. Because this regulatory action is needed immediately to correct an unsafe condition, it has been determined that in the public interest, notice and public procedure hereon are impracticable and for this reason good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, Part 101 of the Federal Aviation Regulations is amended, effective May 26, 1970, as follows:

1. By amending § 101.1(a) (1) and (2), and the introductory language of § 101.1(a) (4), to read as follows:

§ 101.1 Applicability.

(a) * * *

(1) Except as provided for in § 101.7, any balloon that is moored to the surface of the earth or an object thereon and that has a diameter of more than 6 feet or a gas capacity of more than 115 cubic feet.

(2) Except as provided for in § 101.7, any kite that weighs more than 5 pounds and is intended to be flown at the end of a rope or cable.

* * * * *

(4) Except as provided for in § 101.7, any unmanned free balloon that—

* * * * *

2. By inserting a new § 101.7 following § 101.5, to read as follows:

§ 101.7 Hazardous operations.

No person may operate any moored balloon, kite, unmanned rocket, or unmanned free balloon in a manner that creates a hazard to persons, property, or other aircraft.

(Secs. 307(a), 313(a), Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 19, 1970.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 70-6478; Filed, May 25, 1970; 8:49 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-623; Amdt. 29]

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

Reporting of Ferry Flight Statistics

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of May 1970.

By circulation of notice of proposed rule making EDR-172, dated October 24, 1969, Docket 21556, and publication at 34 F.R. 17528, the Board gave notice that it had under consideration an amendment to Part 241 which would change the manner of reporting ferry flight statistics. The amendment was designed to achieve uniformity in reporting statistics related to flights made to position aircraft, by establishing three classes of positioning flights: (1) "Ferry" flights for which no separate identifiable rate is set out in a tariff or contract would be reported as nonrevenue flights; (2) empty backhaul flights to MAC one-way charters, for which a higher rate is charged than for round-trip charters, would be reported as "other" nonrevenue flights; and (3) "paid positioning" flights for which a specific separate charge is set out in a tariff or contract would be reported as revenue flights.

Comments were filed by Continental Air Lines, Inc.; Modern Air Transport, Inc.; Pan American World Airways, Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.; and the Department of Defense. After careful consideration of all comments, the Board has decided to adopt the rule with modifications. As modified, the tentative findings made in EDR-172 are incorporated herein and made final.

The Department of Defense contends that empty backhaul flights to MAC one-way charters should be considered revenue flights because the minimum one-way rates set by the Board under Part 288 are fully compensatory for the entire trip including the empty return leg. DOD maintains that treating the empty backhaul miles as nonrevenue could have a distorting effect on the rate reviews under Part 288 and recommends that "paid positioning" flights be defined to include the empty backhaul flights to MAC one-way charters as revenue flights. Continental agrees with DOD that the higher one-way charter rates take into account the empty backhauls and are set at a figure that will reimburse the carrier for the empty backhaul miles. Continental urges that the empty backhauls be classified as paid ferry flights and be included in revenue statistics. This carrier also states that classifying empty backhauls as nonrevenue operations would create yield data and statistics that would not be comparable between carriers since figures would vary depending on whether carriers had a preponderance of one-way or round-trip MAC charters. On the other hand, TWA states that it presently reports nonrevenue positioning flights in connection with civilian charters as ferry flights and that MAC empty backhauls should be included in this classification.

Pan American agrees that paid positioning flights should be reported under revenue miles and revenue hours, which the carrier has been doing. United agrees that revenue hours, miles, and departures should be separately reported for paid positioning flights, but objects to inclusion of available seat-miles and ton-miles in revenue capacity statistics. United argues that its charter tariffs define a ferry charge as "the charge for mileage without payload" and since the rate is applicable only to movement of empty aircraft on which traffic cannot be carried, such flights do not generate available capacity. Therefore, the carrier contends, the statistical information used to measure performance against available capacity would be distorted by inclusion of available capacity statistics for paid positioning flights. United also contends that cost allocations to MAC charter operations will be increased if available capacity statistics are included for "paid ferry miles" as defined in § 288.9.[1]

It is true, as urged by DOD and Continental, that MAC one-way charter rates are set at a level to compensate for the fact that return flights may constitute empty backhauls. However, carriers are not paid to operate empty MAC backhauls, and the revenue for a one-way charter pertains only to the charter miles operated, not to the backhaul portion. Indeed the carriers are free to charter the backhaul to commercial customers and any revenues received are for the carriers' account. In fact, the one-way charter rate has generally been based on the assumption that revenues will be realized by the carrier on some backhaul flights, and such estimated revenues are offset against the backhaul operating costs. Accordingly, we adhere to the view that empty backhaul flights performed in connection with one-way charters for MAC shall be considered nonrevenue flights.

As noted above, United contends that available capacity should not be reported with respect to paid positioning flights, since they do not generate available capacity. However, paid positioning flights are revenue flights, with the capacity paid for by ferry charges. If capacity is

[1] Paid ferry miles are positioning flights, performed in the course of round-trip MAC charters, not to exceed 1,500 statute miles and to be paid for at the rate of 75 percent of the applicable round-trip rate.

not reported, the statistics would be distorted because the revenue received in connection with operating the aircraft would be spread over a number of units that are fewer than the number to which the revenue relates. In addition, we are not persuaded that requiring reports of revenue and nonrevenue positioning flights on a consistent basis by carriers performing charters will materially affect reviews of MAC rates under Part 288, which are primarily predicated on data reported under Part 243 and special carrier submissions.

Modern suggests that the monthly summarized traffic and capacity statistics of Schedule T–1 be modified to include total nonrevenue aircraft departures performed. Since an analysis of the relationship of nonrevenue to revenue operations can be obtained from other reported statistical data, such as nonrevenue aircraft hours and nonrevenue aircraft miles on Schedule T–3, Modern's suggestion would serve no useful purpose and, therefore, has not been adopted in this rule.

Although we find it desirable that revenue aircraft hours, miles and departures be separately reported for paid positioning flights, we shall not amend Schedule T–1 as proposed to provide for such reports. The proposed amendment conflicts with the format and coding system of revised Schedule T–1 outlined in Regulation ER–586, which becomes effective July 1, 1970. Instead, the carriers performing paid positioning flights will report on Schedule P–2 (Notes to Income Statement) separate data, by months, for aircraft departures, miles, and hours, using the following format:

PAID POSITIONING FLIGHTS

	Aircraft departures	Aircraft miles	Airborne hours
Civilian charters:			
Passenger-cargo...			
All-cargo.....			
Military charters:			
Passenger-cargo...			
All-cargo.....			

Although an effective date of January 1, 1970, had been proposed and no carrier objected, we have decided that the amendment should be made effective July 1, 1970. This will coincide with the implementation of ER–586, which provides for the modernization of the traffic and capacity data collection system.

Accordingly, the Board hereby amends Part 241 (14 CFR Part 241), effective July 1, 1970, as follows:

1. Amend section 03 by adding a definition for "Flight, paid positioning" immediately following "Flight ferry," and amending the definition of "Miles flown, nonrevenue aircraft" to read:

Flight, paid positioning. A flight for the purpose of positioning an empty aircraft in connection with a charter flight for which a specific charge is set forth in a tariff or contract for application directly to the positioning miles operated. Such flights are considered revenue flights for Form 41 reporting purposes.

* * * * *

Miles flown, nonrevenue aircraft. The aircraft miles flown on nonrevenue flights, such as ferry (including empty backhauls to MAC one-way charters), personnel training, extension and development, and abortive revenue flights.

2. Amend Section 24—Profit and Loss Elements by adding new paragraph (g) to schedule P–2, to read as follows:

Schedule P–2—Notes to Income Statement

* * * * *

(g) Each air carrier performing paid positioning flights shall report with respect thereto, by months, aircraft departures, aircraft miles, and airborne hours for civilian passenger-cargo, civilian all-cargo, military passenger-cargo, and military all-cargo charters.

3. Amend section 25 by revising paragraph (d) of schedule T–41 to read as follows:

Schedule T–41—Charter and Special Service Revenue Aircraft Miles Flown

* * * * *

(d) Charter and special service revenue aircraft miles flown shall be separately reported as operations between the carrier's certificated points and operations not between its certificated points. Any point to which the reporting carrier may perform scheduled route service by exemption shall be considered a "certificated point" for purposes of reporting on this schedule. Differentiation for classifying mileage "between certificated points" and "not between certificated points" shall be on the basis of each flight stage operated with technical stops being disregarded. Under the heading of operations between certificated points the reported data shall reflect revenue aircraft miles involving (1) passengers exclusively, (2) cargo exclusively, (3) passengers and cargo jointly, and (4) paid positioning mileage. Under the heading of operations not between certificated points the revenue aircraft miles flown between foreign points shall first be segregated and reported on lines 10 and 25 for combination and all-cargo carriers, respectively. (Flights between foreign points are those which operate between and which serve traffic originating and terminating at points outside the United States, its territories or possessions.) The remaining reported data shall reflect revenue aircraft miles involving (1) passengers exclusively, (2) cargo exclusively, (3) passengers and cargo jointly, and (4) paid positioning mileage. In the case of charters performed for the Department of Defense by an all-cargo carrier between its certificated points, the passenger legs of trips on which the legs in the other direction involved transportation of cargo shall be shown separately as a subtotal. Also, in the case of an all-cargo carrier, cargo charter revenue aircraft miles flown which are not between points certificated to such carrier shall be broken down to reflect those within and those outside the carrier's "area of operations" as defined in § 207.6 of the Board's economic regulations. In the event special services are performed by any reporting carrier, the revenue aircraft miles in such services shall be separately identified.

4. Amend CAB Form 41 by revising Schedule T–41, in pertinent part, as attached hereto and incorporated herein by reference.[1]

(Secs. 204(a) and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70–6486; Filed, May 25, 1970; 8:50 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 70–121]

CUSTOMS RELATIONS WITH CANADA AND MEXICO

On January 20, 1970, notice of proposed rule making regarding revision of Part 5 of Title 19 of the Code of Federal Regulations was published in the FEDERAL REGISTER (35 F.R. 767). Interested persons were given 60 days in which to submit written comments, suggestions, or objections regarding the proposed revision. No objections were received.

The revision of Part 5 is a part of the general revision of the Customs Regulations which includes a rearrangement of the sequence of parts in Chapter I of Title 19 of the Code of Federal Regulations. As part of this rearrangement Part 5 is redesignated as Part 123.

The proposed revision of Part 5 and the conforming amendments to Parts 4, 10, 18, 23, and 24, are hereby adopted, subject to the following changes:

1. Part 5 of Chapter I of Title 19 of the Code of Federal Regulations is redesignated as Part 123.

2. The conforming amendments to Parts 4, 10, 18, 23, and 24 are changed to reflect the redesignation.

As part of the revision there is included a parallel reference table showing the relationship between the newly adopted sections and those which they supersede in 19 CFR Parts 5, 10, and 18.

The revision and conforming amendments are set forth below.

Effective date. This revision and the conforming amendments shall become effective 30 days after the date of publication in the FEDERAL REGISTER.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: May 12, 1970.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[1] Filed as part of the original document.

PART 123—CUSTOMS RELATIONS WITH CANADA AND MEXICO

1. Part 5 of Chapter I of Title 19 of the Code of Federal Regulations is redesignated as Part 123 and revised.

AUTHORITY: The provisions of this Part 123 issued under R.S. 251, sec. 624, 46 Stat. 759, 77A Stat. 14; 5 U.S.C. 301, 19 U.S.C. 66, 1202 (Gen. Hdnte. 11), 1624. Additional authority is cited in the text or following the sections affected.

§ 123.0 Scope.

This part contains special regulations pertaining to customs procedures at the Canadian and Mexican borders. Included are provisions governing report of arrival, manifesting, unlading and lading, instruments of international traffic, shipments in transit through Canada or Mexico or through the United States, commercial traveler's samples transiting the United States or Canada, and baggage arriving from Canada or Mexico including baggage transiting the United States or Canada or Mexico. Aircraft arriving from or departing for Canada or Mexico are governed by the provisions of Part 6 of this chapter. The arrival of vessels of less than 5 net tons by sea and of all vessels 5 net tons or over, and the clearance of all vessels departing for Canada or Mexico are governed by the provisions of Part 4 of this chapter.

Subpart A—General Provisions

§ 123.1 Report of arrival from Canada or Mexico and permission to proceed.

(a) *Persons.* Any person arriving otherwise than in a vessel or vehicle from Canada or Mexico, who is importing or bringing in baggage or merchandise with him, shall immediately report his arrival to the customs officer at the port of entry or customhouse nearest the place at which the boundary was crossed and shall not proceed until permission to proceed is granted.

(b) *Vehicles.* The person in charge of every vehicle arriving in the United States from Canada or Mexico, whether or not the vehicle is carrying passengers, baggage, or merchandise, shall immediately report arrival to the customs officer at the port of entry or customhouse nearest the place at which the boundary was crossed and shall not proceed until permission to proceed is granted.

(c) *Vessels—(1) Less than 5 net tons arriving otherwise than by sea.* The master of every vessel of less than 5 net tons arriving from Canada or Mexico otherwise than by sea, if carrying baggage or other merchandise, shall immediately report arrival to the customs officer at the port of entry or customhouse nearest the point at which the vessel entered the territorial waters of the United States and shall not proceed until permission to proceed is granted.

(2) *Other vessels.* For requirements applicable to vessels of less than 5 net tons arriving by sea, and to vessels of 5 net tons or over, see §§ 4.2 and 4.3 of this chapter.

(Sec. 459, 46 Stat. 717, as amended; 19 U.S.C. 1459)

§ 123.2 Penalty for failure to report arrival or for proceeding without a permit.

(a) *Vehicles.* Whether or not a vehicle is carrying passengers, baggage, or merchandise, the penalty of $100 imposed by section 460, Tariff Act of 1930, as amended (19 U.S.C. 1460), for failure to report or for proceeding inland without a permit applies.

(b) *Vessels of less than 5 net tons.* The penalty imposed by section 460, Tariff Act of 1930, as amended (19 U.S.C. 1460), for failure to report or for proceeding inland without a permit applies only when such vessels are carrying baggage or merchandise.

(Sec. 460, 46 Stat. 717, as amended; 19 U.S.C. 1460)

§ 123.3 Inward foreign manifest required.

(a) *General requirement.* Baggage or other merchandise carried on a vehicle or on a vessel of less than 5 net tons arriving otherwise than by sea from Canada or Mexico shall be listed on a manifest as prescribed by § 123.4. Vessels which are required to make entry under § 4.3 of this chapter because they are arriving by sea or are 5 net tons or over shall have manifests on board as provided in § 4.7(a) of this chapter.

(b) *Exception where in possession of traveler.* When baggage arrives in the actual possession of a traveler, his declaration will be accepted in lieu of a manifest. Merchandise imported by a person otherwise than in a vessel or vehicle need not be covered by a manifest but shall be presented for inspection, and entry shall be made in accordance with the applicable laws and regulations.

(Sec. 459, 46 Stat. 717, as amended; 19 U.S.C. 1459)

§ 123.4 Inward foreign manifest forms to be used.

The inward foreign manifest required by § 123.3 for a vehicle or a vessel of less than 5 net tons arriving in the United States from Canada or Mexico otherwise

than by sea with baggage or merchandise, shall be on customs Form 7533, except as provided for shipments in transit in Subparts C, D, E, F, and G of this part, and in the following special cases:

(a) For merchandise free of duty entered on customs Form 7523, the same form may be used as a manifest in lieu of other forms. (See § 8.51a of this chapter.)

(b) For dutiable merchandise not exceeding $250 in value entered on customs Form 5119–A, the same form may be used as a manifest in lieu of other forms. (See § 8.51 of this chapter.)

(c) For a shipment not exceeding $250 in value consisting of articles of American origin entered free of duty under the provisions of § 10.1(f) of this chapter and imported in a vehicle, customs Form 3311 used in entering the goods, in duplicate, may be accepted in lieu of a manifest.

(d) For baggage arriving in baggage cars, customs Form 7533–A shall be used. (See Subpart G of this part.)

§ 123.5 Certification and filing of inward foreign manifest.

The manifest listing baggage and other merchandise, certified by the master of the vessel or the person in charge of the vehicle, shall be presented to the customs officer at the time the report of arrival is made. It shall be filed in the original only, unless additional copies are required in this part.

§ 123.6 Train sheet for arriving railroad trains.

The conductor of a railroad train arriving from Canada or Mexico shall present to the customs officer at the port of arrival individual car manifests and a train sheet, sometimes called a consist, bridge sheet, or trip sheet, listing each car and showing the car numbers and initials.

§ 123.7 Manifest used as an entry for unconditionally free merchandise value not over $250.

When a shipment not exceeding $250 in value which is unconditionally free of duty and not subject to quota or to internal revenue tax arrives on a vessel of less than 5 net tons arriving otherwise than by sea, the inward foreign manifest on customs Form 7533 may be presented in duplicate and used as an entry if:

(a) No merchandise for a different entrant is listed on the same page of the manifest,

(b) The country of exportation of the merchandise, its value, and the provision of law under which free entry is claimed are noted thereon, and

(c) Evidence of the right to make entry is furnished as required by § 8.6 of this chapter.

(Sec. 498(a), 46 Stat. 728, as amended; 19 U.S.C. 1498(a))

§ 123.8 Permit or special license to unlade or lade a vessel or vehicle.

(a) *Permission to unlade or lade.* Before any passenger or merchandise, including baggage, may be landed or discharged from any vessel of less than 5 net tons arriving from Canada or Mexico by any route, or from a vehicle, permission to unlade shall be obtained from a customs officer. Permission to unlade at night, on a Sunday or holiday, or to lade at night on a Sunday or holiday merchandise requiring customs supervision, shall be obtained from the district director of customs. Permission to unlade is not required for a vessel of less than 5 net tons arriving otherwise than by sea carrying no baggage or other merchandise. For permission to unlade or lade for vessels of 5 net tons or over, see § 4.30 of this chapter.

(b) *Application for permit or special license to unlade or lade*—(1) *Permit to unlade during regular hours.* Application for a permit to unlade any vehicle or a vessel of less than 5 net tons may be made and permission may be granted orally. The district director of customs may require that the application and permission to unlade be on customs Form 3171.

(2) *Special license to unlade or lade at night, on a Sunday or holiday.* Application for permission to unlade passengers or merchandise from, or lade any merchandise requiring customs supervision on, a vessel of less than 5 net tons or a vehicle arriving from or departing for Canada or Mexico by any route at night, on a Sunday or holiday, and requests for any reimbursable overtime services shall be made on customs Form 3171. In the discretion of the district director of customs and under such condition as he may deem advisable the application may be made orally for vessels of less than 5 net tons and vehicles not carrying persons or property for hire, but requests for reimbursable overtime services shall be on customs Form 3171. The district director may authorize customs inspectors to approve the request for overtime services and to grant oral permission to unlade or lade.

(c) *Cash deposit or bond for overtime services.* A request for reimbursable overtime services shall not be approved unless the required cash deposit or bond on customs Form 7567, 7569, or 7597 shall have been received. However, when a carrier has on file a bond on customs Form 3587, no further bond shall be required if the merchandise, including baggage, is covered by an entry for transportation in bond.

(d) *Term permit or special license.* A permit or special license required by this section may be issued on a term basis in the manner, and under the conditions applicable, described in § 4.30 (f) or (g) of this chapter.

(Secs. 448, 450, 451, 452, 453, 454, 459, 46 Stat. 714, 715, as amended, 716, 717, as amended; 19 U.S.C. 1448, 1450, 1451, 1452, 1453, 1454, 1459)

Subpart B—International Traffic

§ 123.11 Supplies on international trains.

(a) *Articles acquired abroad.* Articles subject to internal revenue tax and other merchandise acquired abroad constituting supplies arriving on international trains crossing and recrossing the boundary line, for which the train crew elects not to file an inventory as provided for in paragraph (b) of this section, shall be subject to duty and tax unless locked or sealed in a separate compartment or locker upon arrival, and the lock or seal remains unbroken until the train departs from the United States at the final port of exit.

(b) *Inventory procedure.* Supplies acquired abroad for which internal revenue stamps are not required may be used in the United States under the following procedure:

(1) *Port of arrival.* An inventory executed in duplicate consisting of an itemized list showing the kind and quantity of each class of supplies on hand in the car with space for a parallel column in which to show at the port of exit the quantity used, shall be certified by the person in charge of the car and furnished to the customs officer upon arrival. The customs officer shall certify the correctness of both copies of the inventory, return the original to the person in charge of the car, and retain the duplicate, or forward it to the port of exit if this differs from the port of arrival.

(2) *Port of exit.* Upon arrival at the port of exit, the inventory returned at the port of arrival to the person in charge of the car shall be submitted to the customs officer after completion by showing the quantity of each item used in the United States, and being certified by the person in charge of the car. Entries must be filed and applicable duties and taxes paid at the port of exit on the quantity of supplies consumed in the United States.

(c) *Supplies purchased in the United States.* Supplies purchased in the United States shall be passed free of duty without inventory or entry.

(Sec. 465, 46 Stat. 718; 19 U.S.C. 1465)

§ 123.12 Entry of foreign locomotives and equipment in international traffic.

(a) *Use on a continuous route.* Foreign locomotives or other foreign railroad equipment in use on a continuous route crossing the boundary into the United States shall be admitted without formal entry or the payment of duty to proceed to and return from the end of the run, in accordance with the following:

(1) *On inward trip.* Unless formally entered and cleared through customs into the United States, a foreign locomotive shall be used on the inward trip only in connection with taking the inbound train to the last place in a continuous haul, including the switching of cars which it has hauled into the United States. Other foreign railroad equipment may proceed to the place of complete unloading for any merchandise imported therein.

(2) *On outward trip.* Foreign locomotives may be used on the outward trip only in connection with through trains crossing the boundary, including switching to make up such trains. Other foreign railroad equipment may be used in such trains or for such local traffic as is reasonably incidental to its economical and prompt return to the country from which it entered the United States.

(b) *Admission of empty equipment.* Empty foreign railroad equipment shall be admitted to the United States without formal entry and payment of duty only if the passengers or goods to be loaded are to be transported directly to or through the country from which the equipment entered the United States.

(c) *Use in violation of regulations.* Any foreign locomotive and other foreign railroad equipment used in violation of this section shall be subject to forfeiture under the provisions of section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592).

§ 123.13 Foreign repairs to domestic locomotives and other domestic railroad equipment.

(a) *Domestic locomotives and other railroad equipment defined.* For the purpose of this section, locomotives or other railroad equipment manufactured in, or regularly imported into the United States, shall be considered "domestic" if not subsequently formally entered and cleared through foreign customs into another country, nor used in foreign local traffic otherwise than as an incident of the return of the equipment to the United States.

(b) *Report of arrival and payment of duty on repairs.* A report of the first arrival in the United States of a domestic locomotive or other railroad equipment after repairs have been made in a foreign country other than those required to restore it to the condition in which it last left the United States ("running repairs"), shall be made promptly, in writing, to the customs officer at the port of reentry. The report shall state the time and place of arrival, and the nature and value of the repairs. Each such locomotive or other piece of railroad equipment when withdrawn from international traffic shall be subject to duty upon the value of the repairs (other than "running repairs") made abroad at the rate at which the repaired article would be dutiable if imported.

(Sec. 14, 67 Stat. 516, 77A Stat. 14; 19 U.S.C. 1202 (Gen. Hdnte 11), 1322)

§ 123.14 Entry of foreign-based trucks, busses, and taxicabs in international traffic.

(a) *Admission without entry or payment of duty.* Trucks, busses, and taxicabs, however owned, which have their principal base of operations in a foreign country and which are engaged in international traffic, arriving with merchandise or passengers destined to points in the United States, or arriving empty or loaded for the purpose of taking out merchandise or passengers, may be admitted without formal entry or the payment of duty. Such vehicles shall not engage in local traffic except as provided in paragraph (c) of this section.

(b) *Deposit or registration by vehicle not on regular trip.* In any case in which a foreign-based truck, bus, or taxicab admitted under this section is not in use on a regularly scheduled trip, the district director may require that the registration card for the vehicle be deposited pending the return of the vehicle for departure to the country from which it arrived, or the district director may take other appropriate measures to assure the proper use and departure of the vehicle.

(c) *Use in local traffic.* Foreign-based trucks, busses, and taxicabs admitted under this section shall not engage in local traffic in the United States unless the vehicle comes within one of the following exceptions:

(1) The vehicle may carry merchandise or passengers between points in the United States while in use on a regularly scheduled trip if such carriage is directly incidental to the international schedule.

(2) A foreign-based truck trailer may carry merchandise between points in the United States on the return trip to the country from which it entered the United States under the same conditions as are prescribed for "other equipment" in § 123.12(a)(2).

(d) *Penalty for use without proper entry.* Any such vehicle used in violation of this section shall be subject to forfeiture under the provisions of section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592).

(Sec. 14, 67 Stat. 516; 19 U.S.C. 1322)

§ 123.15 Vehicles of foreign origin used between communities of the United States and Canada or Mexico.

Vehicles of foreign origin which are used for commercial purposes between adjoining or neighboring communities of the United States and Canada or Mexico, such as delivery, peddlers', and service trucks, or wagons, are subject to duty on first arrival, but may thereafter be admitted without formal entry or the payment of duty so long as they are continuously employed in such service.

(Sec. 14, 67 Stat. 516, 19 U.S.C. 1322)

§ 123.16 Entry of returning trucks, busses, or taxicabs in international traffic.

(a) *Admission without entry or payment of duty.* Trucks, busses, and taxicabs, whether of foreign or domestic origin, taking out merchandise or passengers for hire or leaving empty for the purpose of bringing back merchandise or passengers for hire shall on their return to the United States be admitted without formal entry or the payment of duty upon their identity being established by State registration cards.

(b) *Use in local traffic.* Trucks, busses, and taxicabs in use on regularly scheduled trips in international traffic, which may include the incidental carrying of merchandise or passengers for hire between points in a foreign country, or between points in this country, shall be admitted under this section. However, such vehicles taken abroad for commercial use between points in a foreign country, otherwise than in the course of a regularly scheduled trip in international traffic shall be considered to have been exported and must be regularly entered on return.

(Sec. 14, 67 Stat. 516; 19 U.S.C. 1322)

§ 123.17 Foreign repairs to domestic trucks, busses, taxicabs and their equipment.

(a) *Domestic trucks, busses, and taxicabs and their equipment defined.* For the purpose of this section, trucks, busses, and taxicabs and their equipment manufactured in, or regularly imported into the United States, shall be considered "domestic" if not subsequently formally entered and cleared through foreign customs into another country, nor used in foreign local traffic otherwise than as an incident of their return to the United States.

(b) *Report of arrival and payment of duty on repairs.* A report of the first arrival in the United States of domestic trucks, busses, and taxicabs and their equipment after repairs have been made in a foreign country, other than those required to restore such vehicle or equipment to the condition in which it last left the United States ("running repairs"), shall be made by the driver or person in charge of the vehicle promptly, in writing, to the customs officer at the port of reentry. The report shall state the time and place of arrival and the nature and value of the repairs. Each such vehicle or its equipment when withdrawn from international traffic shall be subject to duty upon the value of the repairs (other than "running repairs") made abroad at the rate at which the repaired article would be dutiable if imported.

(Sec. 14, 67 Stat. 516, 77A Stat. 14; 19 U.S.C. 1202 (Gen. Hdnote 11), 1322)

§ 123.18 Equipment and materials for constructing bridges or tunnels between the United States and Canada or Mexico.

(a) *Admission of equipment and materials.* Equipment for use in construction of bridges or tunnels between the United States and Canada or Mexico shall be admitted without entry or the payment of duty. Materials for such use shall be admitted without entry or payment of duty only for installation in the bridge or tunnel proper, and not in the approaches on land at the United States end of such bridge or tunnel.

(b) *Customs supervision.* All articles admitted under paragraph (a) of this section shall be subject to customs supervision at the expense of the builder until installed, entered, or exported.

(Sec. 14, 67 Stat. 516, 19 U.S.C. 1322)

Subpart C—Shipments in Transit Through Canada or Mexico

§ 123.21 Merchandise in transit.

(a) *Status.* Merchandise may be transported from one port to another in the United States through Canada or Mexico in accordance with the regulations in this subpart or Subparts E for trucks transiting Canada, F for commercial traveler's samples, or G for baggage. Merchandise so transported is not subject to treatment as an importation when returned to the United States, and no inward foreign manifest is required for merchandise returned under an in-transit manifest. In-transit merchandise returned to the United States shall be treated as an importation as are shipments made from Canada or Mexico if:

(1) An in-transit manifest is not furnished for the merchandise upon its return to the United States;

(2) The merchandise has been transshipped in foreign territory without customs supervision when the transshipment required the breaking of customs seals; or

(3) The customs inspector finds any of the customs seals applied to the conveyance or compartment unlocked or missing.

(b) *Use of certain vessels prohibited.* Merchandise shall not be transported from port to port in the United States through Canada or Mexico by vessel in violation of the provisions of section 27, Merchant Marine Act of 1920, as amended (46 U.S.C. 883), or section 588, Tariff Act of 1930, as amended (19 U.S.C. 1588). (See § 4.80 of this chapter.)

(c) *Regulations applicable.* The provisions of this subpart shall govern all merchandise transported from one port to another in the United States through Canada or Mexico under in-transit procedures, except as otherwise provided in this subpart or in Subpart E for truck shipments transiting Canada, Subpart F for commercial traveler's samples transiting Canada, and Subpart G for baggage transiting Canada or Mexico.

(Sec. 554, 46 Stat. 743; 19 U.S.C. 1554)

§ 123.22 In-transit manifest.

(a) *Manifest required.* A manifest in duplicate covering the in-transit merchandise which is to proceed under the provisions of this subpart shall be presented by the carrier to the customs officer at each port of lading of a vessel, or at the port of exit of a vehicle. Where the merchandise is transported under customs red in-bond seals and is accompanied by a transportation in-bond manifest, a separate in-transit manifest is not required.

(b) *Additional copies.* In the following cases additional copies of the manifest shall be presented:

(1) When the merchandise is to be transshipped in foreign territory under customs supervision, a copy of the manifest for each place of transshipment shall be presented.

(2) When a customs officer requests an extra copy of the manifest as a record of the transaction.

(c) *Manifest forms to be used.* The in-transit manifest forms to be used are:

(1) For trucks, railroad cars or other overland carriers transiting Mexico a manifest on customs Form 7533–B shall be presented.

(2) For vessels of less than 5 net tons departing and arriving otherwise than by sea, a manifest on customs Form 7533–B shall be presented. All other vessels are subject to the manifesting requirements contained in § 4.82 of this chapter.

(3) For rail cars transiting Canada, a manifest on customs Form 7533–C (Canada A4–1/2) shall be presented. For trains which will remain intact while transiting Canadian territory, a consolidated train manifest containing all the information included in the individual car manifests and the train sheet required by § 123.23 may be used in lieu of individual car manifests. For a number of cars which will transit Canada as a group, a consolidated manifest may be used, but a train sheet shall also be presented.

(4) In all other cases where no in-transit manifest form is specified in this subpart, or in Subpart E relating to truck shipments on the Canadian border, Subpart F relating to commercial traveler's samples, and Subpart G relating to baggage, customs Form 7533–B shall be presented.

(d) *Contents of in-transit manifest.* The information contained in the manifest shall correspond to the information contained in the waybill accompanying the shipment, except that:

(1) The conveyance shall be identified in a suitable manner in the place provided for such identification.

(2) The description of ladings made up of several shipments which are to go forward in a conveyance or compartment sealed with customs seals shall be "miscellaneous shipments."

(3) When an in-transit rail shipment will enter and reenter Canada in a continuing movement en route to a final destination in the United States, only the final United States port of reentry shall be shown on the manifest.

(Sec. 554, 46 Stat. 743; 19 U.S.C. 1554)

§ 123.23 Train sheet for in-transit rail shipments.

Before an in-transit train proceeding under the provisions of this subpart departs from the United States, the carrier shall furnish to the customs officer at the port of exit a train sheet, sometimes called a consist, bridge sheet or trip sheet, listing each car of the train and specifically identifying the in-transit cars, unless a consolidated manifest containing this information has been presented for a train which will remain intact.

(Sec 554, 46 Stat. 743; 19 U.S.C. 1554)

§ 123.24 Sealing of conveyances or compartments.

(a) *Sealing required.* Merchandise in transit proceeding under the provisions of this subpart shall be transported in sealed conveyances or compartments, except that:

(1) Less than load or compartment lots may be forwarded in unsealed conveyances or compartments, without cording and sealing;

(2) The Commissioner of Customs may authorize treatment of full loads or lots in the same manner as less than load or compartment lots;

(3) Live animals identifiable by specific description in the manifest may be transported in the care of an attendant or customs inspector at the expense of the parties in interest, in unsealed conveyances or compartments.

(b) *Seals to be affixed.* The carrier shall affix blue in-transit seals to all openings of conveyances and compartments containing in-transit merchandise except that:

(1) Sealable carload shipments on the Canadian border shall be sealed with yellow in-transit seals.

(2) Conveyances or compartments sealed with U.S. Customs red in-bound seals may go forward without additional seals.

(c) *Carrier relieved of responsibility.* The district director of customs may relieve the carrier of the responsibility of affixing in-transit seals by notification in writing that customs inspectors will assume it.

(Sec. 554, 46 Stat. 743; 19 U.S.C. 1551)

§ 123.25 Certification and disposition of manifests.

(a) *Certification.* Conveyances proceeding under the provisions of this subpart shall not proceed until the customs inspector has certified the in-transit manifest or verified its certification by the carrier. The district director may require the carrier to execute the certificate as an alternative to certification by the customs officer. When the carrier is to execute the certificate, and the merchandise will be forwarded without being under customs seals, the agent of the carrier shall carefully examine the packages covered by the manifests to satisfy himself that the merchandise agrees with the manifest as to quantity and description.

(b) *Disposition of manifest.* The original manifest, after certification, shall accompany the merchandise. Additional copies required when the merchandise is to be transshipped in Canada or Mexico under customs supervision shall be given to the person in charge of the conveyance for delivery to the customs officers who will supervise transshipment.

(Sec. 554, 46 Stat. 743; 19 U.S.C. 1554)

§ 123.26 Transshipment of merchandise moving through Canada or Mexico.

(a) *General.* Merchandise in transit proceeding under the provisions of this subpart may be transshipped from one conveyance to another in foreign territory. When transshipment requires the breaking of customs seals, the breaking of the seals, transshipment and sealing of the conveyance or compartment to which the merchandise is transshipped shall be under the supervision of a customs officer. He shall note his action on both the additional copy of the manifest presented to him, in accordance with § 123.25(b), and on the original copy, which shall be returned to the person in charge of the conveyance to accompany the merchandise. Merchandise transshipped in foreign territory without customs supervision when customs seals were broken shall be treated upon return to the United States as imported merchandise.

(b) *Storage awaiting transshipment.* Merchandise moving under in-transit manifests and customs seals which is to be stored in foreign territory awaiting transshipment shall be checked into a storehouse by the customs officer at the place of transshipment. It shall remain under customs locks and seals until transshipment is completed under customs supervision.

(c) *Manifests where contents broken up.* When transshipment involves the breaking up of the in-transit contents of a conveyance or compartment, in such a

manner as to require separate manifests for articles previously covered by a single manifest, the customs officer supervising the transshipment shall take up the carrier's copy of the manifest and require the carrier to prepare a new manifest, in duplicate, for each conveyance to which the merchandise is transshipped. If there is to be further transshipment, an additional copy of each new manifest shall be presented by the carrier, and shall be returned to the person in charge of the carrier for delivery to the customs officer at the point of further transshipment in accordance with § 123.25(b). After the transshipment and sealing of the conveyances and compartments has been supervised and the new manifests certified the originals of the new manifests shall be returned to the carrier to accompany the merchandise to the point of reentry into the United States.

(Sec. 554, 46 Stat. 743; 19 U.S.C. 1554)

§ 123.27 Feeding and watering animals in Canada.

If animals in sealed conveyances or compartments cannot be fed and watered in Canada without breaking customs seals, the seals shall be broken and the animals fed and watered under the supervision of a United States or Canadian customs officer. The supervising officer shall reseal the conveyance or compartment, and make notation as to the resealing on the manifest.

(Sec. 554, 46 Stat. 743; 19 U.S.C. 1554)

§ 123.28 Merchandise remaining in or exported to Canada or Mexico.

(a) *In transit status abandoned.* When the in-transit status of merchandise transiting Canada or Mexico is abandoned and the merchandise is entered for consumption or other disposition in Canada or Mexico, the carrier shall send the in-transit seals and manifests to the port where the manifests were first filed with U.S. Customs, or in the case of trucks under Subpart E, the port of exit, with an endorsement by the carrier's agent on each manifest showing that the merchandise was so entered. The carriers shall comply with the export control regulations, 15 CFR Part 370.

(b) *In-transit merchandise exported to Canada or Mexico.* Merchandise to be exported to Canada or Mexico after moving in-transit through a contiguous country shall be treated as exported when it has passed through the last port of exit from the United States. This paragraph shall control whether or not the merchandise to be exported is domestic or foreign and whether or not it is exported with benefit of drawback. The manifest, shipper's export declaration, and the notice of exportation, if any, shall be filed at the last port of exit from the United States.

(Sec. 554, 46 Stat. 743; 19 U.S.C. 1554)

§ 123.29 Procedure on arrival at port of reentry.

(a) *Presentation of documents.* At the first port in the United States after transportation through Canada or Mexico under the provisions of this subpart, the carrier shall present to customs the in-transit manifest or manifests for each loaded conveyance. For mixed ladings, that is, ladings made up of several shipments, the waybills shall be available at the port of return or discharge for use by customs officers. For a railroad train for which a consolidated manifest was not used the conductor shall also present a train sheet showing the car numbers and initials.

(b) *Vessels and rail shipments continuing in-transit movement*—(1) *Vessels.* In the case of a vessel carrying in-transit merchandise, the master's copies of the in-transit or in-bond manifest covering the merchandise given final customs release at that port shall be retained by customs at that port and the manifests covering merchandise to be discharged at subsequent ports of arrival shall be returned to the master of the vessel for presentation to customs at the next port.

(2) *Rail shipments.* An in-transit rail shipment arriving at an intermediate port of reentry or exit intended for further in-transit movement through Canada may be permitted to go forward under the accompanying in-transit manifest after verification by customs that the manifest satisfactorily identifies the shipment.

(c) *Checking and breaking of seals*—(1) *Checking seals.* The customs officer at the port of arrival shall check customs seals applied to the conveyance or compartment for unlocked or missing seals. Where the seals are unlocked or missing, the merchandise shall be treated as having been imported from the transited country.

(2) *Breaking seals.* In-bond seals shall be broken only by a customs officer or by a person acting under the direction of a customs officer. In-transit seals may be broken by any carrier's employee, or by a consignee at any time or place after the merchandise under such seals has been released by customs.

(d) *Proper manifest.* In-transit merchandise shall not be released until proper in-transit manifests are received except that it may be treated as imported merchandise.

(e) *Substitution of merchandise.* Any instance of substitution of merchandise shall be reported to the Commissioner of Customs, and the merchandise shall be detained.

(Sec. 554, 46 Stat. 743; 19 U.S.C. 1554)

Subpart D—Shipments in Transit Through the United States

§ 123.31 Merchandise in transit.

(a) *From one contiguous country to another.* Merchandise may be transported in transit across the United States between Canada and Mexico under the procedures set forth in Part 18 of this chapter for merchandise entered for transportation and exportation.

(b) *From one point in a contiguous country to another through the United States.* Merchandise may be transported from point to point in Canada or in Mexico through the United States in bond in accordance with the procedures set forth in §§ 18.20 to 18.24 of this chapter except where those procedures are modified by this subpart or Subparts E for trucks transiting the United States, F for commercial traveler's samples, or G for baggage.

(Sec. 553, 46 Stat. 742, as amended; 19 U.S.C. 1553)

§ 123.32 Manifests.

(a) *Form and number of copies required.* Three copies of the transportation entry and manifest on customs Form 7512 shall be presented upon arrival of merchandise which is to proceed under the provisions of this subpart.

(b) *Consolidated train manifest.* When the route is such that a train will remain intact while proceeding through the United States, a consolidated train manifest containing the same information as is required on individual manifests may be used.

(c) *Disposition of manifest form.* One copy of the manifest shall be delivered to the person in charge of the carrier to accompany the conveyance and be delivered to the customs officer at the final port of exit.

(Sec. 553, 46 Stat. 742, as amended; 19 U.S.C. 1553)

§ 123.33 Sealable rail shipments at Canadian border.

No seals other than the green in-transit seals placed on cars prior to departure from Canada shall be required for sealable carload shipments arriving at frontier ports for in-bond movement through the United States and return to Canada if:

(a) The sealing has been verified by Canadian customs officers, and

(b) The seals are found to be properly attached and locked.

(Sec. 553, 46 Stat. 742, as amended; 19 U.S.C. 1553)

§ 123.34 Certain vehicle and vessel shipments.

In the following circumstances, the copy of customs Form 7512 to be retained at the port of first arrival may be adapted for use as a combined inward foreign manifest and in-bond transportation or direct exportation entry:

(a) When all the merchandise arriving on one vehicle (except on trucks on the Canadian border) is to move in bond in the importing vehicle in a continuing movement through the United States; or

(b) When all the merchandise arriving on one vessel or on one vehicle (except on trucks on the Canadian border) is entered immediately upon arrival either under a single immediate transportation entry or a single transportation and exportation or direct exportation entry.

When customs Form 7512 is to be used in this manner, the foreign port of lading and the name of the shipper shall be shown in every case, and a certificate in the following form shall be legibly stamped on the manifest or on a separate paper securely fastened thereto and

executed by the master of the vessel or the person in charge of the vehicle:

This entry correctly covers all the merchandise on the vessel or vehicle, of which I am the master or person in charge, when it first arrived in the United States. If an error in the quantity, kind of article, or other details is discovered, I will immediately report the correct information to the district director of customs.

(Sec. 553, 46 Stat. 742, as amended; 19 U.S.C. 1553)

Subpart E—United States and Canada In-Transit Truck Procedures

§ 123.41 Truck shipments transiting Canada.

(a) *Manifest required.* Sealable truckload and less than truckload shipments transiting Canada from point to point in the United States shall be manifested on customs Form 7512–B, Canada 8–1/2. Trucks transiting Canada will be allowed to proceed without presentation of this in-transit manifest at the U.S. port of departure.

(b) *Procedure at Canadian ports of arrival and exit.* Truck shipments transiting Canada shall comply with Canadian customs regulations. These procedures are generally the following:

(1) *Canadian port of arrival.* The driver will present a manifest on customs Form 7512–B, Canada 8–1/2, to the Canadian customs officer. The truck will be sealed unless sealing is waived by Canadian customs.

(2) *Canadian port of exit.* The driver will present the manifest to the customs officer at the Canadian port of exit for certification. The customs officer will verify that the seals are intact if the vehicle has been sealed, or if sealing has been waived that there are no irregularities. After verification and certification of the in-transit manifest by Canadian customs the truck will be allowed to proceed to the United States.

(c) *Procedure at the U.S. port of reentry.* The driver of a truck reentering the United States after transiting Canada shall present a copy of the combined inward foreign and in-transit manifest on customs Form 7512–B, Canada 8–1/2, to the customs officer. When this copy of the manifest does not bear the certification of a customs officer at the Canadian port of exit, the driver shall be allowed to return to that port to obtain certification. The carrier will be permitted to break any seals affixed by Canadian customs upon presentation of a certified manifest. If sealing was waived, the U.S. customs officer shall satisfy himself that the truck contains only that merchandise which moved on the truck from the United States through Canada.

(d) *Proof of exportation from Canada.* Upon request of the carrier at the port of reentry, a certified copy of the in-transit manifest presented at the time of reentry shall be furnished as proof of exportation of the shipment from Canada.

(Sec. 554, 46 Stat. 743; 19 U.S.C. 1554)

§ 123.42 Truck shipments transiting the United States.

(a) *Procedure at U.S. port of arrival—(1) Combined inward foreign and in-transit manifest.* Trucks with merchandise transiting the United States from point to point in Canada shall present a combined inward foreign and in-transit manifest on customs Form 7512–B, Canada 8–1/2, to the customs officer at the port of arrival. The customs officer shall note on the form over his initials the seal numbers or the waiver of sealing, retain the original and return three copies to the person in charge of the carrier to accompany the shipment for presentation and cretification at the port of exit.

(2) *Sealing or waiver of sealing.* Trucks transiting the United States shall be sealed with red in-bond seals at the U.S. port of arrival unless sealing is waived in accordance with § 18.4 of this chapter. If a truck cannot be sealed effectively and sealing is deemed necessary to protect the revenue or to prevent violation of the customs laws or regulations, the truck shall not be permitted to transit the United States under bond.

(b) *Procedure at U.S. port of exit.* The driver shall present the returned copies of the manifest to the customs officer at the U.S. port of exit. The customs officer shall check the numbers and condition of the seals and record and certify his findings on all copies of the manifest, returning two copies to the person in charge of the carrier. The check shall be made as follows:

(1) If the seals are intact, they shall be left unbroken unless there is indication that the contents should be verified.

(2) If the seals have been broken, or there is other indication that the contents should be verified, all merchandise shall be required to be unladen and a detailed inventory made against the waybills.

(3) If sealing has been waived, the customs officer shall verify the goods against the accompanying waybills in sufficient detail to detect any irregularity.

(Sec. 553, 46 Stat. 742, as amended; 19 U.S.C. 1553)

Subpart F—Commercial Traveler's Samples in Transit Through the United States or Canada

§ 123.51 Commercial samples transported by automobile through Canada between ports in the United States.

(a) *General provisions.* A commercial traveler arriving at a U.S. frontier port desiring to transport his commercial samples by automobile through Canada to another place in the United States without displaying the samples in Canada may request a U.S. customs officer at the port of departure to cord and seal the outer containers of the samples if they can be effectively corded and sealed.

(b) *List of samples.* The traveler shall furnish the U.S. customs officer at the port of exit a list, in duplicate, of all the articles in the containers, with their approximate values, in substantially the following form:

SAMPLES CARRIED IN TRANSIT THROUGH CANADA IN PRIVATE VEHICLE

(U.S. port of exit printed here) (Date)

I have checked the quantity and values of the below-listed articles carried by_____

(Name and address of traveler)

and owned by_____

(Name and address of firm or company)

These articles are contained in_____ (Number) packages which have been corded and sealed for in-transit movement through Canada to _____ in _____

(U.S. port of reentry) (Year, make and license number of vehicle)

_____

(U.S. Customs Inspector)

Description of merchandise	*Value*

When the traveler arrives at customs with lists already prepared, the form may be inscribed "as per list attached."

(c) *Checking, cording, and sealing by U.S. Customs officers.* The customs officer shall check the list with the articles and satisfy himself that the values shown are approximately correct. The customs officer will cord and seal the containers with yellow in-transit seals. The traveler may be required to assist the customs officer in the cording and sealing. The original of the list, signed by the customs officer over his title and showing that the articles on the list have been checked by the officer against those in the containers shall be returned to the traveler for submission by him to Canadian customs upon his arrival in Canada.

(d) *In-transit manifest.* The traveler shall execute and file customs Form 7533–B, in the original only, at the U.S. port of departure, as an in-transit manifest covering the movement of the samples to the U.S. port through which the traveler will return. Descriptions, quantities, and values may be shown thereon by noting "Commercial Samples" and the number of corded and sealed containers. The manifest shall be returned to the traveler to accompany the samples after being signed and dated by the customs officer.

(e) *Presentation of in-transit manifest at U.S. port of reentry.* Upon return to the United States, the traveler shall present customs Form 7533–B and the corded and sealed samples to the U.S. customs officer at the port where the samples are returned to this country. The customs officer shall verify that there has been no irregularity.

(Sec. 554, 46 Stat. 743; 19 U.S.C. 1554)

§ 123.52 Commercial samples transported by automobile through the United States between ports in Canada.

(a) *General provisions.* A commercial traveler arriving from Canada may be

permitted to transport effectively corded and sealed samples in his automobile without further sealing in the United States, upon compliance with this section and subject to the conditions of § 18.20(b), since customs bonded carriers as described in § 18.1 of this chapter are not considered to be reasonably available. Samples having a total value of not more than $200 may be carried by a nonresident commercial traveler through the United States without cording and sealing and without an in-transit manifest in accordance with § 10.18(d) of this chapter.

(b) *Presentation of sample list at Canadian port of exit.* A commercial traveler arriving from Canada desiring to transport without display in the United States commercial samples in his automobile through the United States to another port in Canada, may present his samples to a Canadian customs officer at the Canadian port of exit. The traveler will be required to furnish the Canadian customs officer a list in duplicate of all articles presented showing their approximate values. The list shall bear the traveler's name and address, and the name and address of the firm represented.

(c) *Checking, cording, and sealing by Canadian customs officers.* The Canadian customs officer will examine the articles, identify them with the list, and satisfy himself that the values shown are approximately correct. The Canadian customs officer will cord and seal the outer containers with uncolored in-transit seals and authenticate the list of samples with his signature and title. Cording and sealing may be waived with the concurrence of United States and Canadian customs officers.

(d) *Treatment at U.S. port of arrival.* The list of samples properly authenticated shall be submitted upon arrival to the U.S. customs officer at the port of arrival. After ascertaining that the samples are effectively corded and sealed, or that sealing has been waived, notation of the number of corded and sealed containers, or of the waiver shall be made on the list of samples and the list shall be retained by the customs officer as a record of the shipment.

(e) *In-transit manifest.* Movement of the samples from the port of arrival to the port of exit from the United States under this procedure shall be under an in-transit manifest on customs Form 7520 executed and filed in triplicate by the traveler at the port of arrival in the United States. Descriptions, quantities, and values may be shown thereon by noting "Commercial Samples," the number of corded and sealed containers, and the approximate total value of the samples. When cording and sealing has been waived with the concurrence of a Canadian customs officer, samples must be identified on the manifest by suitable itemized descriptions and approximate values, or by attaching to the manifest a copy of the list of samples which has been initialed by the customs officer.

(f) *Presentation of samples and manifest at U.S. port of exit.* The manifest on customs Form 7520 shall be presented to the customs officer at the U.S. port of exit, together with the samples covered. If the seals are broken or cording and sealing has been waived, the customs officer shall verify that there are no irregularities.

(Sec. 553, 46 Stat. 742, as amended; 19 U.S.C. 1553)

Subpart G—Baggage

§ 123.61 Baggage arriving in baggage car.

An inward foreign manifest on customs Form 7533–A shall be used for all baggage arriving in baggage cars.

§ 123.62 Baggage in possession of traveler.

For baggage arriving in the actual possession of a traveler, his declaration shall be accepted in lieu of an inward foreign manifest. (See § 5.3.)

§ 123.63 Examination of baggage from Canada or Mexico.

(a) *Opening vehicle or compartment to examine baggage.* Customs officers shall not unlock a vehicle or compartment thereof for the purpose of examining baggage unless the owner or operator refuses to unlock such vehicle or compartment.

(b) *Inspection of baggage.* Customs officers shall not open baggage for the purpose of making the inspection required by section 461, Tariff Act of 1930 (19 U.S.C. 1461), but shall detain such baggage until its owner or his agent opens or refuses to open it. If the owner or his agent refuses to open the baggage, it shall be opened and examined in accordance with the provisions of section 462, Tariff Act of 1930 (19 U.S.C. 1462), unless a request is received from the owner or his agent to make other proper disposition thereof.

(Sec. 461, 462, 46 Stat. 717, 718; 19 U.S.C. 1461, 1462)

§ 123.64 Baggage in transit through the United States between ports in Canada or in Mexico.

(a) *Procedure.* Baggage in transit from point to point in Canada or Mexico through the United States may be transported in bond through the United States in accordance with the procedures set forth in §§ 18.13, 18.14, and 18.20–18.24 of this chapter except where those procedures are modified by this section.

(b) *In-transit manifest.* Three copies of the manifest on customs Form 7520 shall be required. One copy shall be delivered to the person in charge of the carrier to accompany the baggage and shall be delivered by the carrier to the customs officer at the port of departure from the United States.

(c) *Consolidated train manifest.* When the route is such that a train carrying baggage in bond will remain intact while proceeding through the United States, a consolidated train manifest containing the same information as is required on individual manifests may be used in lieu of individual manifests on customs Form 7520.

(d) *Baggage cards*—(1) *Baggage arriving from Mexico.* For baggage arriving at a port on the Mexican border for in-transit movement through the United States in bond and return to Mexico, the in-transit baggage card described in § 18.14 of this chapter shall be used.

(2) *Baggage arriving from Canada.* For baggage arriving at a port on the Canadian border for in-transit movement through the United States in bond and return to Canada, the joint United States-Canada in-transit baggage card, customs Form 7524, Canada A–21, shall be used. The baggage card will be filled out and securely attached to the baggage and the attachment verified by a Canadian customs officer before the baggage leaves Canada. If the joint in-transit baggage card is found to be improperly prepared or attached upon arrival of the baggage in the United States for movement in bond, the carrier may be required to furnish the baggage card described in § 18.14 of this chapter for attachment to the baggage before being allowed to proceed. At the port of exit from the United States the joint in-transit baggage card shall be allowed to remain on the baggage.

(Sec. 553, 46 Stat. 742, as amended; 19 U.S.C. 1553)

§ 123.65 Domestic baggage transiting Canada or Mexico between ports in the United States.

(a) *General provision.* Upon request of the carrier, checked baggage of domestic origin may be transported from one port in the United States to another through Canada or through Mexico in accord with the procedure set forth in this section. The provisions of this section shall not apply to domestic hand baggage crossing Canada or Mexico which, upon reentry into the United States, shall be examined in the same manner as baggage of foreign origin.

(b) *Special in-transit tag manifest.* The carrier shall complete and attach to each piece of baggage by wire or cord under customs supervision a special in-transit tag manifest furnished by the carrier as follows:

(1) *Baggage transiting Mexico.* For baggage of domestic origin to be transported through Mexico between ports of the United States, the special in-transit tag manifest attached to each piece of baggage shall be on white cardboard not less than 2½ x 4½ inches in size printed in substantially the following form:

UNITED STATES CUSTOMS

IN-TRANSIT BAGGAGE MANIFEST

Carrier's Baggageman: Destroy this tag if owner has access to baggage before its return to United States.

Check No. _____

This baggage is in transit from _____ through foreign
(Port of exit)
territory to _____ in the
(Port of reentry)
United States.

This baggage was laden for transportation as above stated.

Date _____

_____
(U.S. Customs Officer)

(2) *Baggage transiting Canada.* For baggage of domestic origin to be transported through Canada between ports in the United States, the joint United States-Canada in-transit baggage card, customs Form 7524, Canada A–21, shall be used as the special in-transit tag manifest attached to each piece of baggage.

(c) *Removal of special in-transit tag manifest.* The special in-transit tag manifest shall be removed only by the customs officer at the final port of reentry into the United States. If the officer finds the special in-transit tag manifest missing or not intact, or for any other reason believes that the baggage has been tampered with while outside the United States, he shall detain it for examination. Otherwise, baggage transported under the procedure in this section may be passed without examination.

(d) *Procedure in lieu of special in-transit tag manifest.* In lieu of attaching the special in-transit tag manifest to each piece of baggage as set forth in paragraph (b) of this section, baggage of domestic origin may be forwarded in a car or compartment sealed with in-transit seals and manifested as in the case of other merchandise in transit through Canada or Mexico, as provided in Subpart C of this part.

Subpart H—Miscellaneous Provisions

§ 123.71 Merchandise found in building on the boundary.

When any merchandise on which the duty has not been paid or which was imported contrary to law is found in any building upon or within 10 feet of the boundary line between the United States and Canada or Mexico, such merchandise shall be seized and a report of the facts shall be made to the Commissioner. With his approval the building or that portion thereof which is within the United States shall be taken down or removed. The provisions of § 23.11 of this chapter shall be applicable to the search of any such building.

(Sec. 595, 46 Stat. 752; 19 U.S.C. 1595)

§ 123.72 Treatment of stolen vehicles returned from Mexico.

District directors shall admit without entry and payment of duty allegedly stolen or embezzled vehicles, trailers, airplanes, or component parts of any of them, under the provisions of Executive Order 7965, dated August 29, 1938 (T.D. 49851), if accompanied by a letter from the U.S. Embassy in Mexico City containing:

(a) A statement that the Embassy is satisfied from information furnished it that the property is stolen property being returned to the United States under the provisions of the convention between the United States and Mexico concluded October 6, 1936, and

(b) An adequate description of the property for identification purposes.

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

§ 4.30 [Amended]

2. In § 4.30, paragraph (a) is amended by substituting "§ 123.8" for "§ 5.2."

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

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

3. In § 10.41, paragraph (a) is amended, and paragraphs (b), (e), and (g) are deleted as follows:

§ 10.41 Instruments; exceptions.

(a) Locomotives and other railroad equipment, trucks, busses, taxicabs, and other vehicles used in international traffic shall be subject to the treatment provided for in Part 123 of this chapter.

(b) [Deleted]

* * * * *

(e) [Deleted]

* * * * *

(g) [Deleted]

(Sec. 14, 67 Stat. 516; 19 U.S.C. 1322)

§ 10.42 [Amended]

4. Section 10.42 is amended by deleting therefrom paragraphs (e), (f), and (g).

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

§ 18.1 [Amended]

5. In § 18.1, paragraph (e) is amended by substituting "Part 123" for "§ 5.11" in the parenthetical matter at the end of the paragraph.

§ 18.2 [Amended]

6. In § 18.2, paragraph (b) is amended by substituting "Subpart D of Part 123" for "§ 5.11" in the last sentence.

§ 18.4 [Amended]

7. In § 18.4, paragraph (a) is amended by substituting "§ 123.33" for "§ 5.11(b)" in the parenthetical matter in the first sentence.

8. In § 18.6, paragraph (e) is amended by substituting "Subpart D of Part 123 of this chapter, and § 18.11, or § 18.20" for "§ 5.11 of this chapter, and §§ 18.11, 18.20, or § 18.29." As amended, paragraph (e) reads as follows:

§ 18.6 Short shipments; shortages; entry and allowance.

* * * * *

(e) In the case of shipments arriving in the United States by rail or seatrain which are forwarded under customs in-bond seals under the provisions of Subpart D of Part 123 of this chapter, and § 18.11, or § 18.20, a notation shall be made by the carrier or shipper on the in-bond manifest, customs Form 7512, to show whether the shipment was transferred to the car designated in the manifest or whether it was laden in the car in the foreign country, which shall be named.

§ 18.13 [Amended]

9. Section 18.13 is amended by deleting therefrom paragraph (d).

§ 18.14 [Amended]

10. Section 18.14 is amended by substituting "§ 123.64" for "§ 5.11" in the last sentence.

11. In § 18.15, the heading of the section is revised, paragraph (c) is revised, paragraph (d) is revised, and paragraph (e) is deleted, as follows:

§ 18.15 Domestic baggage through foreign territory.

* * * * *

(c) In lieu of attaching a special in-transit manifest to each piece as set forth in paragraph (a) of this section, the baggage may be forwarded in a car or compartment sealed with in-transit seals in harmony with Subpart C of Part 123 of this chapter and manifested as in the case of other merchandise in transit through foreign territory.

(d) The provisions of this section shall not apply to domestic hand baggage crossing foreign territory which, upon reentry into the United States, shall be examined in the same manner as baggage of foreign origin.

(e) [Deleted]

§ 18.20 [Amended]

12. In § 18.20, paragraph (a) is amended by substituting "Subparts D, E, F, and G of Part 123" for "§ 5.11" in the first sentence.

§§ 18.28–18.31 [Deleted]

13. Sections 18.28–18.31 are deleted.

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

§ 23.11 [Amended]

14. In § 23.11, paragraph (h) is amended by substituting "§ 123.71" for "§ 5.15" in the parenthetical matter at the end thereof.

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

15. In § 24.13, paragraph (b) is revised to read as follows:

§ 24.13 Car, compartment, and package seals; kind, procurement.

* * * * *

(b) Red in-bond seals used for sealing imported merchandise shipped between ports in the United States shall be stamped "U.S. Customs in Bond." Green seals used by Canadian customs officer to seal railroad cars moving in bond through the United States between Canadian ports as provided in § 123.33 of this chapter shall be stamped [Can. Customs]

[U.S. Transit], and uncolored seals used to seal containers of commercial traveler's samples transiting the United States as provided by § 123.52 of this chapter shall be stamped "Canada-United States Customs." Blue in-transit seals used to seal merchandise transiting foreign territory or waters between ports in the United States as provided in § 123.24 of this chapter shall be stamped "U.S. Customs In-Transit." Yellow in-transit seals used on rail shipments of merchandise and on containers of commercial traveler's samples transiting Canada between U.S. ports as provided in §§ 123.24 and 123.51 of this chapter shall be stamped [U.S. Customs]

[Can. Transit] for use on railroad cars, and "United States-Canada Customs" for use on samples. Uncolored seals used for customs purposes other than for (1) shipping in bond, (2) shipping by other than a bonded common carrier in accordance with section 553, Tariff Act of 1930, as amended, or (3) shipping in transit shall be stamped "U.S. Customs." All seals (except uncolored in-transit seals on containers of commercial traveler's samples) shall be stamped with the name of the port for which they are ordered. Each strap seal shall be stamped with a serial number. Each automatic metal seal shall be stamped with a symbol number and, when required, with a serial number.

* * * * *

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

ANNEX TO REVISED PART 123

PARALLEL REFERENCE TABLE

(This table shows the relation of sections in revised Part 123 to superseded 19 CFR Part 5.)

Revised section	*Superseded section*
123.0	None
123.1(a)	5.1(b)
123.1(b)	5.1(a)
123.1(c)	5.1(a)
123.2	5.1(d)
123.3	5.1 (a) and (b)
123.4	5.1 (b) and (c)
123.5	5.1 (a) and (b)
123.6	None
123.7	5.1(b)
123.8(a)	5.2 (a) and (b)
123.8(b)	5.2(b)
123.8(c)	5.2(c)
123.8(d)	5.2(d)
123.11(a)	5.7(a)
123.11(b)	5.7 (b), (c), (d) and (e)
123.11(c)	5.7(f)
123.12	5.12(a)
123.13	5.12(b)
123.14	10.41 (b) and (d)
123.15	10.41(g)
123.16	10.42(f)
123.17	10.42(g)
123.18	10.41(e)
123.21(a)	5.8(a), 5.10 (f), (g) and (h)
123.21(b)	None
123.21(c)	None
123.22(a)	5.8 (e) and (g)
123.22(b)	5.8(e)
123.22(c)	None
123.22(d)	5.8(d)
123.22(d)(1)	5.8(b)
123.22(d)(2)	5.8(e)
123.22(d)(3)	5.8(b)
123.23	5.8(f)
123.24(a)	5.8 (b) and (c)
123.24(b)	5.8(g)
123.24(c)	5.8(g)
123.25(a)	5.8 (b) and (g)
123.25(b)	5.8(h)
123.26(a)	5.9(a), 5.10(f)
123.26(b)	5.9(d)
123.26(c)	5.9(b)
123.27	5.9(c)
123.28(a)	5.10(b)
123.28(b)	18.28
123.29(a)	5.10(c) (1) and (h)
123.29(b)	5.10(d), 5.10(c)(2)
123.29(c)	5.10(e) and (f)
123.29(d)	5.10(g)
123.29(e)	5.10(f)
123.31(a)	None
123.31(b)	5.11(a)
123.32	5.11(a) (1) and (2)
123.33	5.11(b)
123.34	5.11(d), 5.1(c)
123.41	None
123.42	None
123.51	18.15(e)
123.52	5.11(c)
123.61	5.1(b)
123.62	5.1(b)
123.63	5.4
123.64	5.11(a)
123.65(a)	18.15 (a) and (d)
123.65(b)	18.15(a)
123.65(c)	18.15(b)
123.65(d)	18.15(c)
123.71	5.15
123.72	5.13, 10.42(e)

[F.R. Doc. 70-6409; Filed, May 25, 1970; 8:45 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 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

O,O-Diethyl O-[p-(Methylsulfinyl) phenyl] Phosphorothioate

A petition (PP 9F0838) was filed with the Food and Drug Administration by Chemagro Corp., Post Office Box 4913, Kansas City, Mo. 64120, proposing establishment of tolerances for the combined residues of the insecticide *O,O*-diethyl *O*-[p-(methylsulfinyl) phenyl] phosphorothioate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities peanut hulls at 7 parts per million, sugar beets and sugar beet tops at 0.1 part per million, and peanuts at 0.03 part per million.

Subsequently, the petitioner amended his petition by proposing tolerances of 5 parts per million for residues in or on peanut hulls and 0.05 part per million for residues in or on peanuts, sugar beets, and sugar beet tops in place of those originally proposed.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given data submitted in the petition and other relevant material, the Commissioner of Food and Drug concludes that:

1. The proposed usage is not reasonably expected to result in residues in milk, poultry tissue, and eggs. The usage is in the category specified in § 120.6(a)(3) with respect to these commodities. Residues in meat, if any, would be less than the presently established tolerance of 0.02 part per million.

2. The tolerances established by this order are safe and will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.234 is revised to read as follows to establish the new tolerances:

§ 120.234 *O,O*-Diethyl *O*-[*p*-(methylsulfinyl)phenyl] phosphorothioate; tolerances for residues.

Tolerances are established for the combined residues of the insecticide *O,O*-diethyl *O*-[*p*-(methylsulfinyl) phenyl] phosphorothioate and its cholinesterase-inhibiting metabolites in or on raw agricultural commodities as follows:

5 parts per million in or on peanut hulls.

1 part per million in or on corn forage and fodder (including field corn, popcorn, and sweet corn).

0.1 part per million in or on corn grain (including field corn, popcorn, and sweet corn), onions (dry), potatoes, and tomatoes.

0.05 part per million in or on peanuts, pineapples, pineapple forage, sugar beets, and sugar beet tops.

0.02 part per million (negligible residue) in or on bananas.

0.02 part per million in meat, fat, and meat byproducts of cattle, goats, and sheep.

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

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: May 18, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-6435; Filed, May 25, 1970; 8:46 a.m.]

PART 121—FOOD ADDITIVES

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

LIGNIN SULFONATES

The Commissioner of Food and Drugs, having evaluated the data in a petition filed by Cargill, Inc., Cargill Building, Minneapolis, Minn. 55402, and National Molasses Co., Willow Grove, Pa. 19090, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of lignin sulfonates in feed as a source of metabolizable energy and as a surfactant in molasses.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.234 is revised to read as follows:

§ 121.234 Lignin sulfonates.

Lignin sulfonates may be safely used in animal feeds in accordance with the following prescribed conditions:

(a) For the purpose of this section, the food additive is either one, or a combination of, the ammonium, calcium, magnesium, or sodium salts of the extract of spent sulfite liquor derived from the sulfite digestion of wood in either a liquid form (moisture not to exceed 50 percent by weight) or dry form (moisture not to exceed 6 percent by weight).

(b) It is used or intended for use in an amount calculated on a dry weight basis, as follows:

(1) As a pelleting aid in the liquid or dry form in an amount not to exceed 4 percent of the finished pellets.

(2) As a binding aid in the liquid form in the flaking of feed grains in an amount not to exceed 4 percent of the flaked grain.

(3) As a surfactant in molasses used in feeds, as liquid lignin sulfonate, in an amount not to exceed 11 percent of the molasses.

(4) As a source of metabolizable energy, in the liquid or dry form, in an amount not to exceed 4 percent of the finished feed.

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

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 15, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-6436; Filed, May 25, 1970; 8:46 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of designated areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
***	***	***	***	***	***	***
Florida	Escambia	Pensacola Beach.	E 12 033 2494 01. E 12 033 2494 02. E 12 033 2494 03.	Department of Community Affairs, 225 West Jefferson St., Tallahassee, Fla. 32303. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, Fla. 32303.	Santa Rosa Island Authority, No. 1 Via de Luna, Pensacola Beach, Fla. 32561.	May 29, 1970.
Mississippi	Harrison	Gulfport	E 28 047 1020 01. E 28 047 1020 02.	State of Mississippi, Governor's Emergency Council, 429 Mississippi St., Room 400, Jackson, Miss. 39205. Mississippi Research and Development Center, Informational Services Division, Post Office Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., Jackson, Miss 32905.	Office of the City Clerk, City of Gulfport, City Hall, Post Office Box 1780, Gulfport, Miss. 39501.	Do.
Do	do	Pass Christian.	E 28 047 1910 01.	do	Temporary City Hall, 111 Heirn Ave., Pass Christian, Miss. 39571.	Do.
New Jersey	Ocean	Borough of Harvey Cedars.	E 34 029 1320 01.	Department of Environmental Protection, Division of Water Policy and Supply, Post Office Box 1390, Trenton, N.J. 08625. Department of Banking and Insurance, State House Annex, Trenton, N.J. 08625.	Borough Hall, 76th and Blvd., Harvey Cedars, N.J. 08040.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
New Jersey.	Ocean	Long Beach Township.	E 34 029 1755 01. E 34 029 1755 02. E 34 029 1755 03. E 34 029 1755 04.	Department of Environmental Protection, Division of Water Policy and Supply, Post Office Box 1390, Trenton, N.J. 08625. Department of Banking and Insurance, State House Annex, Trenton, N.J. 08625.	Office of the Municipal Clerk, Township of Long Beach, 6805 Long Beach Blvd., Brant Beach, N.J. 08008.	Do.
Do	do	Borough of Ship Bottom.	E 34 029 3060 01.	do	Office of the Borough Clerk, Borough Hall, 17th and Blvd., Ship Bottom, N.J. 08008.	Do.
Do	do	Borough of Surf City.	E 34 029 3380 01.	do	Office of the Borough Clerk, Borough Hall, Surf City, N.J. 08040.	Do.
Texas	Galveston	Galveston	E 48 167 2570 01.	Texas Water Development Board, 301 West 2d St., Austin, Tex. 78701. State Board of Insurance, 11th and San Jacinto, Austin, Tex. 78711.	Director of Public Works, City of Galveston, City Hall, 823 Rosenberg, Galveston, Tex. 77550.	Do.
Do	do	La Marque	E 48 167 3830 01. E 48 167 3830 02.	do	Office of the City Clerk, City of La Marque, 322 Laurel, La Marque, Tex. 77568.	Do.
Do	Harris	Clear Lake City.	E 48 201 1365 01. E 48 201 1365 02.	do	Clear Lake City Water Authority, 900 Bay Area Blvd., Houston, Tex. 77058.	Do.
Do	do	Seabrook	E 48 201 6247 01. E 48 201 6247 02. E 48 201 6247 03. E 48 201 6247 04.	do	Seabrook City Hall, 1700 1st St., Seabrook, Tex. 77586.	Do.
Do	Jefferson	Groves	E 48 245 2905 01. E 48 245 2905 02.	do	Building Official, City of Groves, Public Works Office Bldg., McKinley Ave. at Highway 366, Groves, Tex. 77619.	Do.
Do	do	Lakeview	E 48 245 3830 01. E 48 245 3830 02.	do	Office of the Town Clerk, Town of Lakeview, 640 Duff Dr., Port Arthur, Tex. 77640.	Do.
Do	do	Port Arthur	E 48 245 5430 01. E 48 245 5430 02.	do	Office of Urban Development, 1st Floor, City Hall, 444 4th St., Port Arthur, Tex. 77640.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: May 26, 1970.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc. 70-6447; Filed, May 25, 1970; 8:45 a.m.]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of flood hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Florida	Escambia	Pensacola Beach.	H 12 033 2404 01. H 12 033 2404 02. H 12 033 2404 03.	Department of Community Affairs, 225 West Jefferson St., Tallahassee, Fla. 32303. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, Fla. 32308.	Santa Rosa Island Authority, No. 1 Via de Luna, Pensacola Beach, Fla. 32561.	May 26, 1970.
Mississippi	Harrison	Gulfport	H 28 047 1020 01. H 28 047 1020 02.	State of Mississippi, Governor's Emergency Council, 429 Mississippi St., Room 409, Jackson, Miss. 39205. Mississippi Research and Development Center, Informational Services Division, Post Office Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., Jackson, Miss. 39205.	Office of the City Clerk, City of Gulfport, City Hall, Post Office Box 1780, Gulfport, Miss. 39501.	Do.
Do	do	Pass Christian.	H 28 047 1910 01.	do	Temporary City Hall, 111 Heirn Ave., Pass Christian, Miss. 39571.	Do.
New Jersey.	Ocean	Borough of Harvey Cedars.	H 34 029 1320 01.	Department of Environmental Protection, Division of Water Policy and Supply, Post Office Box 1390, Trenton, N.J. 08625. Department of Banking and Insurance, State House Annex, Trenton, N.J. 08625.	Borough Hall, 76th and Blvd., Harvey Cedars, N.J. 08040.	Do.
New Jersey.	Ocean	Long Beach Township.	H 34 029 1755 01. H 34 029 1755 02. H 34 029 1755 03. H 34 029 1755 04.	Department of Environmental Protection, Division of Water Policy and Supply, Post Office Box 1390, Trenton, N.J. 08625. Department of Banking and Insurance, State House Annex, Trenton, N.J. 08625.	Office of the Municipal Clerk, Township of Long Beach, 6805 Long Beach Blvd., Brant Beach, N.J. 08008.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	do.	Borough of Ship Bottom.	H 34 029 3060 01.	do.	Office of the Borough Clerk, Borough Hall, 17th and Blvd., Ship Bottom, N.J. 08008.	Do.
Do.	do.	Borough of Surf City.	H 34 029 3300 01.	do.	Office of the Borough Clerk, Borough Hall, Surf City, N.J. 08040.	Do.
Texas	Galveston	Galveston	H 48 167 2570 01.	Texas Water Development Board, 301 West 2d St., Austin, Tex. 78711. State Board of Insurance, 11th and San Jacinto, Austin, Tex. 78711.	Director of Public Works, City of Galveston, City Hall, 823 Rosenberg, Galveston, Tex. 77550.	Do.
Do.	do.	La Marque	H 48 167 3850 01. H 48 167 3850 02.	do.	Office of the City Clerk, City of La Marque, 322 Laurel, La Marque, Tex. 77568.	Do.
Do.	Harris	Clear Lake City.	H 48 201 1365 01. H 48 201 1365 02.	do.	Clear Lake City Water Authority, 900 Bay Area Blvd., Houston, Tex. 77058.	Do.
Do.	do.	Seabrook	H 48 201 6247 01. H 48 201 6247 02. H 48 201 6247 03. H 48 201 6247 04.	do.	Seabrook City Hall, 1700 1st St., Seabrook, Tex. 77586.	Do.
Do.	Jefferson	Groves	H 48 245 2905 01. H 48 245 2905 02.	do.	Building Official, City of Groves, Public Works Office Bldg., McKinley Ave. at Highway 366, Groves, Tex. 77619.	Do.
Do.	do.	Lakeview	H 48 245 3830 01. H 48 245 3830 02.	do.	Office of the Town Clerk, Town of Lakeview, 640 Duff Dr., Port Arthur, Tex. 77640.	Do.
Do.	do.	Port Arthur.	H 48 245 5430 01. H 48 245 5430 02.	do.	Office of Urban Development, 1st Floor, City Hall, 444 4th St., Port Arthur, Tex. 77640.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Effective date: May 26, 1970.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc. 70-6448; Filed, May 25, 1970; 8:45 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 870—RESTRICTION ON GARNISHMENT

Computation of multiple of the Federal minimum hourly wage for pay periods other than weekly; exemption for State-regulated garnishments.

On December 5, 1969, there was published in the FEDERAL REGISTER (34 F.R. 19296) notice of proposed rule making regarding the computation of a multiple of the Federal minimum hourly wage equivalent to that set forth in section 303(a) of the Consumer Credit Protection Act (CCPA), and exemption of State-regulated garnishments. After consideration of all relevant matter presented by interested persons, and pursuant to sections 303(a), 305, and 306 of the CCPA (82 Stat. 163, 164; 15 U.S.C. 1673, 1675, 1676), 29 CFR Chapter V is hereby amended by adding a new Part 870 to read as set forth below:

Subpart A—General

Sec.
870.1 Purpose and scope.
870.2 Amendments to this part.

Subpart B—Determinations and Interpretations

870.10 Maximum part of aggregate disposable earnings subject to garnishment.

Subpart C—Exemption for State-Regulated Garnishments

870.50 General provision.
870.51 Exemption policy.
870.52 Application for exemption of State-regulated garnishments.
870.53 Action upon an application for exemption.
870.54 Standards governing the granting of an application for exemption.
870.55 Terms and conditions of every exemption.
870.56 Termination of exemption.

AUTHORITY: The provisions of this Part 870 issued under secs. 303, 305, 306, 82 Stat. 163, 164; 15 U.S.C. 1673, 1675, 1676.

Subpart A—General

§ 870.1 Purpose and scope.

(a) This part sets forth the procedures and any policies, determinations, and interpretations of general application whereby the Secretary of Labor carries out his duties under section 303 of the CCPA dealing with "multiples" of weekly restrictions on garnishment of earnings, and section 305 permitting exemptions for State-regulated garnishments in certain situations.

(b) Functions of the Secretary under the CCPA to be performed as provided in this part are assigned to the Administrator of the Wage and Hour Division (hereinafter referred to as the Administrator) who, under the general direction and control of the Assistant Secretary, Wage and Labor Standards Administration, shall be empowered to take final and binding actions in administering the provisions of this part. The Administrator is empowered to subdelegate any of his duties under this part. Any legal advice and assistance required for administration of this part shall be provided by the Solicitor of Labor.

§ 870.2 Amendments to this part.

The Administrator may, at any time upon his own motion or upon written request of any interested person setting forth reasonable grounds therefor, amend any rules in this part.

Subpart B—Determinations and Interpretations

§ 870.10 Maximum part of aggregate disposable earnings subject to garnishment.

(a) *Statutory provision.* Section 303(a) of the CCPA provides that, with some exceptions,

> the maximum part of the aggregate disposable earnings of an individual for any workweek which is subjected to garnishment may not exceed
>
> (1) 25 per centum of his disposable earnings for that week, or
>
> (2) the amount by which his disposable earnings for that week exceed thirty times the Federal minimum hourly wage prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938, in effect at the time the earnings are payable,
>
> whichever is less. In the case of earnings for any pay period other than a week, the Secretary of Labor shall be regulation prescribe a multiple of the Federal minimum hourly wage equivalent in effect to that set forth in paragraph (2).

(b) *Weekly pay period.* The statutory exemption formula applies directly to the aggregate disposable earnings for 1 workweek, or a lesser period. Its intent is to protect from garnishment, and save to an individual earner, the specified amount of compensation for his personal services rendered in the workweek, or lesser period. Thus, so long as the Federal minimum wage prescribed by section 6(a)(1) of the Fair Labor

Standards Act of 1938 is $1.60 an hour—

(1) If an individual's disposable earnings for a workweek or lesser period are $48 (30 x $1.60) or less, his earnings may not be garnished in any amount.

(2) If an individual's disposable earnings for a workweek or lesser period are more than $48, but less than $64, only the amount above $48 is subject to garnishment.

(3) If an individual's disposable earnings for a workweek or lesser period are $64 or more, 25 percent of his disposable earnings is subject to garnishment.

(c) *Pay for a period longer than 1 week.* In the case of disposable earnings which compensate for personal services rendered in more than 1 workweek, the weekly statutory exemption formula must be transformed to a formula applicable to such earnings providing equivalent restrictions on wage garnishment.

(1) The 25 percent part of the formula would apply to the aggregate disposable earnings for all the workweeks compensated.

(2) The "multiple" of the Federal minimum hourly wage equivalent to that applicable to the disposable earnings for 1 week is represented by the following formula: The number of workweeks, or fractions thereof (x) x 30 x the applicable Federal minimum wage ($1.60). For the purpose of this formula, a calendar month is considered to consist of 4⅓ workweeks. Thus, so long as the Federal minimum hourly wage is $1.60 an hour, the "multiple" applicable to the disposable earnings for a 2-week period is $96 (2 x 30 x $1.60); for a monthly period, $208 (4⅓ x 30 x $1.60); and for a semimonthly period, $104 (2⅙ x 30 x $1.60). The "multiple" for any other pay period longer than 1 week shall be computed in a manner consistent with section 303(a) of the Act and with this paragraph.

Subpart C—Exemption for State-Regulated Garnishments

§ 870.50 General provision.

Section 305 of the CCPA authorizes the Secretary to "exempt from the provisions of section 303(a) garnishments issued under the laws of any State if he determines that the laws of that State provide restrictions on garnishment which are substantially similar to those provided in section 303(a)."

§ 870.51 Exemption policy.

(a) It is the policy of the Secretary of Labor to permit exemption from section 303(a) of the CCPA garnishments issued under the laws of a State if those laws considered together cover every case of garnishment covered by the Act, and if those laws provide the same or greater protection to individuals. Differences in text between the restrictions of State laws and those in section 303(a) of the Act are not material so long as the State laws provide the same or greater restrictions on the garnishment of individuals' earnings.

(b) In determining whether State-regulated garnishments should be exempted from section 303(a) of the CCPA, or whether such an exemption should be terminated, the laws of the State shall be examined with particular regard to the classes of persons and of transactions to which they may apply; the formulas provided for determining the maximum part of an individual's earnings which may be subject to garnishment; restrictions on the application of the formulas; and with regard to procedural burdens placed on the individual whose earnings are subject to garnishment.

(c) Particular attention is directed to the fact that subsection (a) of section 303, when considered with subsection (c) of that section, is read as not requiring the raising of the subsection (a) restrictions as affirmative defenses in garnishment proceedings.

§ 870.52 Application for exemption of State-regulated garnishments.

(a) An application for the exemption of garnishments issued under the laws of a State may be made in duplicate by a duly authorized representative of the State. The application shall be filed with the Administrator of the Wage and Hour Division, Department of Labor, Washington, D.C. 20210.

(b) Any application for exemption must be accompanied by two copies of all the provisions of the State laws relating to the garnishment of earnings, certified to be true and complete copies by the Attorney General of the State. In addition, the application must be accompanied by a statement, in duplicate, signed by the Attorney General of the State, showing how the laws of the State satisfy the policy expressed in § 870.51(a) and setting forth any other matters which the Attorney General may wish to state concerning the application.

§ 870.53 Action upon an application for exemption.

(a) The Administrator shall grant or deny within a reasonable time any application for the exemption of State-regulated garnishments. The State representative shall be notified in writing of the decision. In the event of denial, a statement of the grounds for the denial shall be made. To the extent feasible and appropriate, the Administrator may afford to the State representative and to any other interested persons an opportunity to submit orally or in writing data, views, and arguments on the issue of whether or not an exemption should be granted and on any subsidiary issues.

(b) If an application is denied, the State representative shall have an opportunity to request reconsideration by the Administrator. The request shall be made in writing. The Administrator shall permit argument whenever the opportunity to do so has not been afforded under paragraph (a) of this section, and may permit argument in any other case.

(c) General notice of every exemption of State-regulated garnishments and of its terms and conditions shall be given by publication in the FEDERAL REGISTER.

§ 870.54 Standards governing the granting of an application for exemption.

The Administrator may grant any application for the exemption of State-regulated garnishments whenever he finds that the laws of the State satisfy the policy expressed in § 870.51(a).

§ 870.55 Terms and conditions of every exemption.

(a) It shall be a condition of every exemption of State-regulated garnishments that the State representative have the powers and duties (1) to represent, and act on behalf of, the State in relation to the Administrator and his representatives, with regard to any matter relating to, or arising out of, the application, interpretation, and enforcement of State laws regulating garnishment of earnings; (2) to submit to the Administrator in duplicate and on a current basis, a certified copy of every enactment by the State legislature affecting any of those laws, and a certified copy of any decision in any case involving any of those laws, made by the highest court of the State which has jurisdiction to decide or review cases of its kind, if properly presented to the court; and (3) to submit to the Administrator any information relating to the enforcement of those laws, which the Administrator may request.

(b) The Administrator may make any exemption subject to additional terms and conditions which he may find appropriate to carry out the purposes of section 303(a) of the Act.

§ 870.56 Termination of exemption.

(a) After notice and opportunity to be heard, the Administrator shall terminate any exemption of State-regulated garnishments when he finds that the laws of the State no longer satisfy the purpose of section 303(a) of the Act or the policy expressed in § 870.51(a). Also, after notice and opportunity to be heard, the Administrator may terminate any exemption if he finds that any of its terms or conditions have been violated.

(b) General notice of the termination of every exemption of State-regulated garnishments shall be given by publication in the FEDERAL REGISTER.

Effective date. This part shall become effective on the date of its publication in the FEDERAL REGISTER, except § 870.10, which shall become effective on July 1, 1970.

Signed at Washington, D.C., this 20th day of May 1970.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 70-6450; Filed, May 25, 1970; 8:47 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 306—GENERAL REGULATIONS WITH RESPECT TO UNITED STATES SECURITIES

Presentation and Surrender

Effective June 1, 1970, § 306.25(b) of Department of the Treasury Circular No. 300, Third Revision, dated December 23, 1964, as amended (31 CFR Part 306), is further amended to read as follows:

§ 306.25 Presentation and surrender.

* * * * *

(b) *"Overdue" securities.* If a bearer security or a registered security assigned in blank, or to bearer, or so assigned as to become, in effect, payable to bearer, is presented and surrendered for redemption after it has become overdue, the Secretary of the Treasury may require satisfactory proof of ownership. (Form PD 1071 may be used.) A security shall be considered to be overdue after the lapse of the following periods of time from its face maturity:

(1) One month for securities issued for a term of 1 year or less.

(2) Three months for securities issued for a term of more than 1 year but not in excess of 7 years.

(3) Six months for securities issued for a term of more than 7 years.

* * * * *

The foregoing amendment, which was adopted on May 20, 1970, 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: May 20, 1970.

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

[F.R. Doc. 70-6463; Filed, May 25, 1970; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER A—ADMINISTRATION

PART 809b—DEPENDENTS' EDUCATION

A new Part 809b is added to read as follows:

Sec.
809b.0 Purpose.
809b.2 Applicability.
809b.4 Definitions.
809b.6 Policy.
809b.8 Transportation of children who reside on a military installation.
809b.10 Transportation of children not residing on a military installation.
809b.12 Contract transportation.
809b.14 Space-available transportation.
809b.16 Reimbursement procedures for Air Force transportation service.

AUTHORITY: The provisions of this Part 809b issued under 10 U.S.C. 8012.

§ 809b.0 Purpose.

This part prescribes policies and procedures concerning military and contract transportation to and from schools, both on-base and off-base, for dependent school children of military and civilian personnel.

§ 809b.2 Applicability.

This part applies only to the transportation of dependent school children in the United States, Guam, Puerto Rico, Wake Island, and the Virgin Islands.

§ 809b.4 Definitions.

(a) *Military installation.* Real property owned or leased by the United States and under the jurisdiction of one of the DOD components, family housing constructed under title VIII of the National Housing Act (12 U.S.C. 1748—1748h-3), and designed for rent for residential use by civilian or military personnel of the Army, Navy, Marine Corps, Air Force, Atomic Energy Commission, or National Aeronautics and Space Agency.

(b) *Parent.* Includes a legal guardian or other person standing in loco parentis.

(c) *Dependent school children.* Minor dependents of military and civilian personnel of the Department of Defense (and of other federal agencies when specifically indicated) attending primary or secondary schools within the age limits for which the applicable State, Commonwealth, Territory, or the District of Columbia provides free public education.

(d) *Public education.* Primary or secondary education which is provided at public expense under the supervision and direction of the local educational agency without tuition charge. It includes kindergarten where this group or class is conducted during the regular year to provide educational experiences for the year immediately preceding the first grade. It may also include special education classes operated by public schools.

(e) *Local educational agency.* A board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, or independent or other school district. The term includes any agency which directly operates and maintains facilities for free public education.

(f) *Local public school.* That division of the state school system which provides free public education to any span of grades 1 through 12, plus kindergarten as defined in this section, which is under the supervision/control of and is designated by the local educational agency to serve the geographic attendance area in which a dependent school child resides.

(g) *Private school.* An elementary or secondary school which provides education to any span of grades 1 through 12, plus kindergarten as in this section, except for the control thereof, established by an agency other than the state or its subdivisions, but legally constituted under the laws of the state and which includes within its curriculum all subjects which must be taught under the laws of the State. They are primarily supported by other than public funds and the operation of their program rests with other than publicly elected or appointed officials.

(h) *Regular means of transportation.* This term, used in connection with the transportation of dependent school children, includes regular public school transportation, regular private school transportation, regular inter-intra installation transportation, or any combination of such means of transportation. In the case of secondary school children, it also includes regular local public transportation.

(i) *Public transportation.* Transportation which is or may be furnished by a commercial firm or public utility on a regularly scheduled basis as a part of the public service and at a predetermined cost per trip to the user.

(j) *Transportation at Air Force expense.* Transportation provided by the Air Force for the express purpose of transporting eligible dependent school children, either by contract or by military vehicles, but which is not reimbursable to the Air Force.

(k) *Accessibility.* A school will be considered accessible if it is within walking distance via routes safe for walking, or if the regular means of transportation and walking distance would involve an elapsed travel time of 1 hour or less each way.

(l) *Walking distance.* A distance of 1 mile or less between a school and a child's residence will be considered walking distance.

(m) *United States.* The 50 states and the District of Columbia.

§ 809b.6 Policy.

(a) Dependent school children are entitled to an adequate education, which includes necessary transportation to and from schools. If public schools available in the locality of a military installation are unable to provide transportation, the schools are inadequate to that extent. Base commanders will insure that necessary transportation to and from schools that meet Air Force requirements is available for elementary and secondary school age dependents residing on installations under their jurisdiction. Provide transportation at Air Force expense only under the conditions prescribed by this part.

(b) Keep to an absolute minimum the transportation of dependent school children, and the number of schools to which transportation is provided at Air Force expense, or on a reimbursable basis. Furnish transportation only when local schools are unable to provide or arrange for providing adequate transportation. Base commanders will insure

that the local educational agencies and private schools furnish or arrange for transportation wherever possible.

(c) Where local educational agencies are authorized by State and local laws and regulations to furnish transportation, but are unable or otherwise fail to do so, the Air Force will seek reimbusement for any transportation services furnished.

(d) Do not furnish transportation at Air Force expense to a public or private school until it has been determined in writing that the private school concerned, the local educational agencies, and in the case of public schools only, the Department of Health, Education, and Welfare, cannot furnish the transportation and cannot reimburse the Air Force for the cost of such transportation. Obtain supporting documents, each signed by the responsible official or officials, clearly stating the reasons for such inability, from each private school and local educational agency concerned. If the private school which a pupil will attend is under the jurisdiction of an educational agency other than the one having jurisdiction over the area in which the pupil lives, obtain statements from both agencies. The document supporting the inability of the Department of Health, Education, and Welfare may be a statement signed by the base commander or his legal advisor declaring that no assistance is available under the Bulletins cited in § 809b.16.

(e) Do not furnish transportation at Air Force expense to a public or private school unless it has been determined that the school involved is not accessible within the meaning of § 809b.4.

(f) Do not furnish transportation at Air Force expense to any school 1 mile or less from the pupil's residence unless specifically authorized by the Director of Personnel Training and Education (AFPTR), Hq USAF. This limitation will be waived only under highly unusual conditions when adherence would clearly jeopardize the health and safety of the pupils. Any request to waive this limitation must include a complete description of the conditions believed to justify it.

(g) Do not furnish transportation to base-resident children who reside too close to the school to be attended to qualify for transportation which the local educational agency provides to off-base children. Exceptions to this policy will be made only when the base commander provides a written statement, based on recorded factual data, that failure to provide such transportation would be clearly inconsistent with the welfare or safety of the children concerned.

(h) Contract for commercial services to transport dependent school children if the annual production cost (labor and materials) is less than $50,000 without cost comparisons. Exceptions to this will be considered where such services are not available, or where there is reason to believe that inadequate competition or other factors may cause commercial prices to be unreasonable. If the annual production cost is $50,000 or more, cost comparison will be required under AFR 26-12 (Use of Contract Services and Operation of Commercial or Industrial Activities) to support inservice or contract operation. The authority to contract for such service must be obtained from the major command prior to any service being performed. Commercial services will not be used however if the use of inservice personnel are required under the provisions of AFR 26-10 (Manpower Utilization) and AFR 26-12.

(i) A base commander is authorized, without referral to the major command, to use military vehicles to transport dependent school children when such transportation is authorized and necessary and does not violate the limiting provisions of this part. However, use of military vehicles will be authorized only when:

(1) Occasional or intermittent service is necessary for the safety or welfare of the pupils;

(2) It is impossible to hire commercial transportation because of the remoteness of the area, the small number of children involved, or some other such factor; or

(3) It is determined, per AFR 26-12, that the cost of commercial services would be excessive and disproportionately higher.

NOTE: Military vehicles used to transport dependent school children will be marked in accordance with TO 36-1-3 and as required by local laws.

(j) The base commander will coordinate the transportation of dependent school children with local commanders of other military installations or activities in the area and provide for joint use if more economical.

(k) Only one trip to and one trip from the school per day is authorized for any one child. Where unusual circumstances warrant, a request for an exception to this restriction may be requested from Hq USAF (AFPTRE), Washington, D.C. 20330. The request must clearly document the unusual circumstances that justify the exception.

(l) Each fiscal year, prepare all documentations, findings, approvals and certificates required by this part and obtain command approval before any dependents are provided school transportation during that fiscal year.

§ 809b.8 Transportation of children who reside on a military installation.

(a) *To public schools.* (1) Transportation of dependent school children who reside on a military installation to attend local public schools is authorized at Air Force expense after all determinations required by this part have been made and the need for such transportation is clearly established.

(2) Prior approval of Hq USAF (AFPTRE) is required before transportation will be provided at Air Force expense to public schools other than the local public schools. Requests for approval will include all required determinations, supporting documentary data, and rationale. This approval is required for each school year and will be requested only when the base commander determines that:

(i) No other limiting provisions of this part are being violated;

(ii) Local public schools are unable to provide adequately for the education of the dependent school children involved, and

(iii) Failure to provide such transportation would be clearly inconsistent with morale and welfare of the personnel concerned.

(3) In Puerto Rico the above transportation may be provided only under the additional conditions that:

(i) The parent of the child submits a written request for transportation setting forth the reasons therefor; and

(ii) The base commander concerned determines that the general morale of the personnel concerned would be served by providing transportation for those desiring to attend a public school.

(b) *To private schools.* (1) Transportation of dependent school children who reside on a military installation to attend a private school (or schools) is authorized at Air Force expense after all the determinations required by this part have been made and the need for such transportation has been clearly established.

(2) Transportation is not authorized to private schools 20 or more miles from the normal exit of the base to the school.

(3) Transportation to private schools may be provided at Air Force expense only when the base commander determines that:

(i) The parent of the child has submitted a written request for transportation setting forth the reasons therefor, and

(ii) The general morale and welfare of the personnel concerned require attendance at private schools, or

(iii) Attendance at private schools is necessary because available public schools in the locality are unable to provide adequately for the children's education. Prior approval of Hq USAF (AFPTRE) is required for each school year in which authorization is contingent upon a determination under this section.

(4) No expenses will be incurred with respect to children attending private schools except in kindergarten, elementary and secondary grades equivalent to those afforded by public education in the area where the installation is located.

§ 809b.10 Transportation of children not residing on a military installation.

(a) Transportation may be provided to dependent school children of the Department of Defense, members of the Coast Guard, the Commissioned Corps of the Environmental Sciences Services Administration and the Commissioned Corps of the Public Health Service on a space available basis between schools and military installations when all of the following criteria are met:

(1) The children are participating in a program covered by section 1079(d), of title 10 U.S.C., and

(2) Transportation is already being provided between the military installation and the school concerned; and

(3) The children present themselves at a regular bus stop on the military installation or established along the regular route between the military installation and the school.

(b) The selection of children to use the space available transportation authorized in this section, shall be based on criteria other than the identity of the sponsors uniformed service or Federal agency.

(c) Transportation may be provided to on-base schools within Puerto Rico for dependent school children of all Federal employees authorized to attend on-base schools.

§ 809b.12 Contract transportation.

(a) *Negotiation, approval, and authority.* (1) Negotiate to provide the minimum number of seats essential for the requested transportation.

(2) Obtain major command approval before making any changes, whether in routing, in passenger loads, or otherwise, that will result in additional expense to the Air Force.

(3) Where approval has been granted by the major command to provide contract transportation to particular schools of a specified type and grade level, additional expense is not authorized, either by military vehicles or by contract, for transportation to schools other than those previously authorized.

(4) The legal authority for the procurement of transportation by contract is given by a recurring provision in the Annual Appropriation Acts for the Department of Defense. Procure transportation by contract per AFR 26-12 and applicable procurement instructions, and only if funds are available to the installation for this purpose.

(5) Every contract will contain an agreement by the contractor to furnish the specified transportation service to all riders or prospective riders without discrimination on the grounds of race, creed, color, or national origin.

§ 809b.14 Space-available transportation.

(a) Space available on contract vehicles providing authorized school transportation or on military vehicles required and established for other authorized purposes may be used to transport on-base dependent children to public or private schools provided such space can be used without additional expense and without detriment to the purposes for which the vehicles are authorized. For example, when seats are available on a bus transporting dependent school children to local public schools, other on-base dependent children may be transported thereon to attend private schools along the established route.

(b) Do not use military vehicles or contract commercial carriers to deliberately and unnecessarily cause space to be made available.

§ 809b.16 Reimbursement procedures for Air Force transportation service.

(a) If a local educational agency or private school is unable to provide necessary transportation service but can reimburse on a whole or partial basis for providing any service, the base commander or his designee will effect annually a written agreement with the local educational agency or private school for the Air Force to provide the service on a reimbursable basis.

(b) If the local educational agency is for any reason unable or unwilling to reimburse the Air Force for such transportation, and reimbursement to the Air Force is possible directly from the funds made available by the U.S. Commissioner of Education, commanders will obtain such reimbursement in accordance with the following Department of Health, Education, and Welfare, Office of Education, Bulletins:

(1) SAFA Bulletin No. 17 (Revised)

(2) SAFA Bulletin No. 12 (Revised)

NOTE: These SAFA bulletins are available from the Maintenance and Operations Section, SAFA Division, U.S. Office of Education, Washington, D.C. 20202.

By order of the Secretary of the Air Force.

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

[F.R. Doc. 70-6464; Filed, May 25, 1970; 8:48 a.m.]

SUBCHAPTER W—AIR FORCE PROCUREMENT

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter W of Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

PART 1001—GENERAL PROVISIONS

1. Section 1001.455 is deleted in its entirety.

PART 1007—CONTRACT CLAUSES

2. Section 1007.104-100 is amended by changing the measurment in footnote 1 of the clause from "(10¾" x 4¼")" to "(10¾" x 14¼")."

PART 1009—PATENTS, DATA AND COPYRIGHTS

3. Section 1009.110 is amended by adding "September 1969" immediately following the clause title.

(10 U.S.C. Ch. 137, 10 U.S.C. 8012).

By order of the Secretary of the Air Force.

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

[F.R. Doc. 70-6465; Filed May 25, 1970; 8:48 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 251—LAND USES

Recreation Use Fees

Section 251.25a of Title 36, Code of Federal Regulations, is revised to read as follows:

§ 251.25a Payment for occupancy and use of designated recreation areas.

Occupancy and use for recreational purposes of lands, facilities or services of the National Forests and National Grasslands for which a recreation use fee has been established shall be permitted only upon payment of the required fee. Such fee shall be established by the Chief of the Forest Service or his delegate. Clear notice that a fee has been established shall be posted at each area. As provided by the Act of June 4, 1897, as amended (16 U.S.C. 551), and the Act of July 22, 1937, as amended (7 U.S.C. 1011), any violation of this section is punishable by a fine or imprisonment, or both.

(Sec. 1, 30 Stat. 35, as amended; 16 U.S.C. 551; sec. 32, 50 Stat. 525, as amended; 7 U.S.C. 1011; sec. 501, 65 Stat. 290, 5 U.S.C. 140)

Effective date. This revision shall become effective on the date of its publication in the FEDERAL REGISTER.

THOMAS K. COWDEN,
Assistant Secretary of Agriculture.

[F.R. Doc. 70-6461; Filed, May 25, 1970; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 17—MEDICAL

State Home Facilities for Furnishing Nursing Home Care

Immediately following § 17.176, Appendix A is revised to read as follows:

APPENDIX A

(See § 17.171)

STATE HOME FACILITIES FOR FURNISHING NURSING HOME CARE

The maximum number of beds, as required by 38 U.S.C. 5034(1), to provide adequate nursing home care to war veterans residing in each State is established as follows:

State	War veteran population [1]	No. of beds
Alabama	354,000	531
Alaska	26,000	39
Arizona	204,000	306
Arkansas	190,000	285
California	2,623,000	3,935
Colorado	252,000	378
Connecticut	387,000	581
Delaware	65,000	98
District of Columbia	107,000	161
Florida	840,000	1,260
Georgia	418,000	627

See footnote at end of table.

State	War veteran population [1]	No. of beds
Hawaii	55,000	83
Idaho	82,000	123
Illinois	1,387,000	2,081
Indiana	607,000	911
Iowa	329,000	494
Kansas	263,000	395
Kentucky	334,000	501
Louisiana	373,000	560
Maine	119,000	179
Maryland	460,000	690
Massachusetts	731,000	1,097
Michigan	1,017,000	1,526
Minnesota	449,000	674
Mississippi	194,000	291
Missouri	566,000	849
Montana	85,000	128
Nebraska	161,000	242
Nevada	58,000	87
New Hampshire	91,000	137
New Jersey	941,000	1,412
New Mexico	119,000	179
New York	2,270,000	3,405
North Carolina	469,000	704
North Dakota	59,000	89
Ohio	1,330,000	2,[illegible]
Oklahoma	294,000	441
Oregon	270,000	405
Pennsylvania	1,565,000	2,348
Rhode Island	116,000	174
South Carolina	229,000	344
South Dakota	74,000	111
Tennessee	421,000	632
Texas	1,200,000	1,800
Utah	113,000	170
Vermont	49,000	74
Virginia	480,000	720
Washington	409,000	614
West Virginia	220,000	330
Wisconsin	503,000	755
Wyoming	46,000	69
Puerto Rico (Commonwealth)	120,000	180

[1] Data as of Dec. 31, 1969.

SOURCE: Reports and Statistics Service, Office of the VA Controller. (Based on last available Bureau of the Census data.)

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

This VA regulation is effective the date of approval.

Approved: May 20, 1970.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 70-6462; Filed, May 25, 1970; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 5A of Title 41 is amended as follows:

PART 5A–1—GENERAL

The table of contents of Part 5A–1 is amended to delete §§ 5A–1.7301–1 through 5A–1.7301–6, 5A–1.7402, 5A–1.7402–1, 5A–1.7402–2, and 5A–1.7403 through 5A–1.7406. The heading to § 5A–1.7401 is revised as follows:

Sec.
5A–1.7401 Processing and control of requisitions.

Subpart 5A–1.73—Preparation and Distribution of Procurement Documents

Section 5A–1.7301 is revised to read as follows and §§ 5A–1.7301–1 through 5A–1.7301–6 are deleted.

§ 5A–1.7301 Purchase order forms.

Volume 2, Chapter 11, Supply Operations Handbook (FSS P 2900.2) sets forth the use, preparation, and distribution of purchase orders.

Subpart 5A–1.74—Control of Procurement Transactions

Section 5A–1.7401 is revised to read as follows and §§ 5A–1.7402 through 5A–1.7406 are deleted.

§ 5A–1.7401 Processing and control of requisitions.

Instructions for processing and control of requisitions are set forth in Volume 2, Chapter 7, Supply Operations Handbook (FSS P 2900.2).

PART 5A–2—PROCUREMENT BY FORMAL ADVERTISING

The table of contents of Part 5A–2 is amended to delete §§ 5A–2.205–1 and 5A–2.205–2.

Subpart 5A–2.2—Solicitation of Bids

Section 5A–2.205 is revised to read as follows, and §§ 5A–2.205–1 and 5A–2.205–2 are deleted.

§ 5A–2.205 Bidders mailing lists.

Policy concerning the establishment and maintenance of bidders mailing lists is set forth in §§ 1–2.205 and 5–2.205. Bidders mailing list operational procedures are set forth in Volume 2, Chapter 9, Supply Operations Handbook (FSS P 2900.2).

PART 5A–72—REGULAR PURCHASE PROGRAMS OTHER THAN FEDERAL SUPPLY SCHEDULE

The table of contents for Part 5A–72 is amended to delete §§ 5A–72.304–5, 5A–72.305, 5A–72.306, 5A–72.306–1 through 5A–72.306–3, 5A–72.307, 5A–72.307–1 through 5A–72.307–5, 5A–72.308, 5A–72.308–1 through 5A–72.308–3, and 5A–72.309 and §§ 5A–72.302 and 5A–72.303 are reserved.

Sec.
5A–72.302 [Reserved]
5A–72.303 [Reserved]

Subpart 5A–72.3—Service Contracts

Section 5A–72.301 is revised, the text of §§ 5A–72.302 and 5A–72.303 is deleted, and the sections are reserved, and §§ 5A–72.304–5, 5A–72.305, 5A–72.306, 5A–72.306–1 through 5A–72.306–3, 5A–72.307, 5A–72.307–1 through 5A–72.307–5, 5A–72.308, 5A–72.308–1 through 5A–72.308–3, and 5A–72.309 are deleted.

§ 5A–72.301 General.

Except for instructions in § 5A–72.304, instructions covering service contracts are set forth in Volume 2, Chapter 20, Supply Operations Handbook (FSS P 2900.2).

§ 5A–72.302 [Reserved]

§ 5A–72.303 [Reserved]

PART 5A–74—SPECIAL PURCHASE PROGRAMS

The table of contents for Part 5A–74 is amended to delete § 5A–74.001 and reserve Subparts 5A–74.1 through 5A–74.3, as follows:

Subpart 5A–74.1—[Reserved]
Subpart 5A–74.2—[Reserved]
Subpart 5A–74.3—[Reserved]

Sections 5A–74.001, 5A–74.100, 5A–74.101, 5A–74.101–1 through 5A–74.101–11, 5A–74.200 through 5A–74.202, 5A–202.1 through 5A–74.202–12, 5A–74.300 through 5A–74.302, and 5A–74.302–1 through 5A–74.302–11 are deleted.

PART 5A–76—EXHIBITS

The table of contents for Part 5A–76 is amended to reserve §§ 5A–76.302, 5A–76.307, 5A–76.310, 5A–76.311, and 5A–76.312, as follows:

Sec.
5A–76.302 [Reserved]
5A–76.307 [Reserved]
5A–76.310 [Reserved]
5A–76.311 [Reserved]
5A–76.312 [Reserved]

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

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

Dated: May 19, 1970.

H. A. ABERSFELLER,
Commissioner,
Federal Supply Service.

[F.R. Doc. 70-6432; Filed, May 25, 1970; 8:45 a.m.]

Chapter 5B—Public Buildings Service, General Services Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following material provides for: (1) The distribution of bidding documents to PBS Building Managers, (2) an increase in the project cost limitation for determining the use of paid advertisements, and (3) other miscellaneous additions and corrections.

PART 5B–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5B–2.2—Solicitation of Bids

Section 5B–2.201–81 is revised to read as follows:

§ 5B–2.201–81 Distribution of bidding documents.

Principal subcontractors may be furnished bidding documents upon request, in writing, as provided in the GSA Overprint of Standard Form 20, Invitation for Bids. If copies are not available, applicants shall be informed where they may be reviewed during regular office hours.

Section 5B–2.203–2(a) is revised to read as follows:

§ 5B–2.203–2 Displaying in public places.

Complete sets of bidding documents will be provided for public examination to:

(a) PBS Area and Building Managers.

* * * * *

In § 5B–2.203–3, paragraph (b) is amended by revising the introductory paragraph to paragraph (b) and by withdrawing paragraph (b)(1)(iii) as follows:

§ 5B–2.203–3 Publicity in newspapers and trade journals.

* * * * *

(b) *Paid advertisements.* As a general rule, paid advertising will be used for all projects in excess of $25,000. Under special circumstances, the Chief, Design and Construction Division, may direct the advertising of projects estimated to cost $25,000 or less.

(1) * * *

(iii) [Withdrawn.]

* * * * *

Section 5B–2.207 is revised to read as follows:

§ 5B–2.207 Amendment of invitation for bids.

No amendment may be issued by a regional office on a project released by the Central Office for bidding purposes without prior approval of the Assistant Commissioner for Design and Construction. The Central Office will expedite such approval to permit the region to issue the amendment promptly. Amendments regarding questions raised by prospective bidders shall not be issued later than 10 days before the date set for receipt of bids (but see § 5B–2.270 as to action to be taken concerning questions received too late to permit timely issuance of an amendment.) Amendments involving wage determinations shall be issued as provided in § 1–12.404–2 of this title and § 5B–12.404–2.

Subpart 5B–2.4—Opening of Bids and Award of Contract

Section 5B–2.404–70 is revised to read as follows:

§ 5B–2.404–70 Causes arising from subcontractor listing requirements.

When an invitation for bids contains the Listing of Subcontractors clause prescribed in § 5B–2.202–70(e), bids shall be rejected if:

(a) The bidder fails either to name a subcontractor or to list his own firm for any of the categories included on the list other than a category which was improperly included under the criteria prescribed by § 5B–2.202–70(a);

(b) The bidder lists alternate subcontractors for a category, where alternate listing is authorized, without indicating after each such listing the basis upon which each named individual or firm shall be deemed to be the listed subcontractor for that category of the work;

(c) A named subcontractor does not meet the standards of responsibility prescribed in § 1–1.310–5 of this title, unless the contracting officer finds that substitution is justifiable under the conditions prescribed in § 5B–53.7010–3(a)(8); or

(d) An individual or firm named on the list does not meet the specified requirements of an applicable Specialist or Competency of Bidder clause, unless the contracting officer finds that substitution is justifiable under the conditions prescribed in § 5B–53.7010–3(a)(9) or that the deficiency in qualifications is so minor as not to be considered substantive (e.g., a lack of 1 month of a required 3 years' experience).

PART 5B–12—LABOR

Subpart 5B–12.4—Labor Standards in Construction Contracts

Section 5B–12.404–3(b)(6)(i) is revised to read as follows:

§ 5B–12.404–3 Additional classifications.

* * * * *

(b) * * *

(6) * * *

(i) Original to the Director, Construction Services Division, Attention: PCCM, together with supporting data, for submission to the Department of Labor, with a copy for retention by Central Office.

* * * * *

PART 5B–16—PROCUREMENT FORMS

The table of contents for Part 5B–16 is amended to provide the following new and revised entries.

Sec.

5B–16.901–19–B Standard Form 19–B (GSA Overprint—March 1969) Representations and Certifications (Construction Contract).

5B–16.950–1142 GSA Form 1142, Release of Claims.

5B–16.950–1903 GSA Form 1903, Notice to Bidder (Construction Contract) November 1968.

NOTE: Copies of the forms are filed with the original document and are available from the Business Service Center in any regional office of the General Services Administration.

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

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: May 15, 1970.

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

[F.R. Doc. 70–6414; Filed, May 25, 1970; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

SUBCHAPTER A—GENERAL MANAGEMENT (1000)

[Circular 2272]

PART 1840—APPEALS PROCEDURES

Subpart 1840—Appeals Procedures; General

EXHAUSTION OF ADMINISTRATIVE APPEALS

On page 3173 of the FEDERAL REGISTER of February 19, 1970, there was published a notice of proposed rule making amending § 1840.0–9 of Title 43, Code of Federal Regulations.

The purpose of this amendment is to require the exhaustion of administrative appeals in relation to Department decisions as a prerequisite to judicial review.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

These regulations shall be effective upon publication in the FEDERAL REGISTER.

WALTER J. HICKEL,
Secretary of the Interior.

MAY 19, 1970.

In § 1840.0–9 the present paragraphs (b), (c), and (d) are redesignated (c), (d), and (e), respectively, and a new paragraph (b) is added to read as follows:

§ 1840.0–9 General provisions.

* * * * *

(b) *Exhaustion of administrative remedies.* No decision which at the time of its rendition is subject to appeal under the regulations of this part to the Director or to the Secretary shall be considered final so as to be agency action subject to judicial review under 5 U.S.C. section 704, unless it has been made effective pending a decision on appeal in the manner provided in paragraph (a) of this section.

* * * * *

[F.R. Doc. 70–6439; Filed, May 25, 1970; 8:46 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4832]

[Oregon 2097 (Wash.)]

WASHINGTON

Revocation of Executive Order of May 24, 1879

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. The Executive Order of May 24, 1879, reserving land for lighthouse purposes is hereby revoked so far as it affects the following described land:

WILLAMETTE MERIDIAN

T. 28 N., R. 2 E.,
Sec. 22, lot 3.

The area described aggregates about 18 acres in Kitsap County.

2. The land has been classified for disposal under the provisions of the Recreation and Public Purposes Act of June 14, 1926, 44 Stat. 741, as amended, 43 U.S.C. 869, 869-4 (1964), and under section 7 of the Act of June 28, 1934, 48 Stat. 1272, as amended, 43 U.S.C. 315f (1964), pursuant to an application filed by the Kitsap County Park Board, Washington. The land, therefore, will not be subject to other use or disposition under the public land laws in the absence of a modification or revocation of such classification. (43 CFR 2232.1-4.)

Inquiries concerning the land should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Portland, Oreg. 97208.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MAY 20, 1970.

[F.R. Doc. 70-6440; Filed, May 25, 1970; 8:46 a.m.]

[Public Land Order 4833]

[Montana 14243 (SD)]

SOUTH DAKOTA

Withdrawal for Airport and Roadside Zone

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:

BLACK HILLS NATIONAL FOREST

BLACK HILLS MERIDIAN

For Airport Purposes

T. 4 S., R. 4 E.,
Sec. 2, lot 8;
Sec. 3, S½N½, excepting portions of H.E.S. 256, H.E.S. 329, and H.E.S. 469.

South Dakota Highway 87—Roadside Zone

Government lands lying within 200 feet either side of the surveyed centerline of South Dakota Highway 87 through Government lands in the following legal subdivisions:

T. 2 S., R. 4 E.,
Sec. 12, lot 18.
T. 2 S., R. 5 E.,
Sec. 7, lots 1, 2, 3, NE¼, NE¼NW¼.

The areas described aggregate 209 acres in Custer and Pennington Counties.

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.

MAY 20, 1970.

[F.R. Doc. 70-6441; Filed, May 25, 1970; 8:46 a.m.]

[Public Land Order 4834]

[Wyoming 14982]

WYOMING

Withdrawal for Seedskadee National Wildlife Refuge

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:

Subject to valid existing rights, the public and acquired lands in the following described areas, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for the Seedskadee National Wildlife Refuge, provided, that the nonpublic lands described in this paragraph shall become a part of said refuge and subject to all laws, rules and regulations applicable thereto, upon acquisition of title thereto, by the United States:

SIXTH PRINCIPAL MERIDIAN

T. 20 N., R. 109 W.,
Sec. 4, lots 2, 3, 4, SW¼, and W½SE¼;
Sec. 5, E½;
Sec. 9, NW¼NE¼, N½NW¼, and SW¼NW¼.
T. 21 N., R. 109 W.,
Sec. 5, lot 2, SW¼NE¼, W½, and SE¼;
Sec. 6;
Sec. 7, E½ and E½W½;
Sec. 8;
Sec. 9, W½SW¼;
Sec. 15, S½SW¼;
Sec. 16, W½ and S½SE¼;
Sec. 17, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 18, NE¼;
Sec. 20, NE¼NE¼;
Sec. 21, N½ and SE¼;
Sec. 22;
Sec. 23, SW¼;
Sec. 26, W½NE¼, W½, and W½SE¼;
Sec. 27, N½ and SE¼;
Sec. 35, E½;
Sec. 36, NW¼NW¼, S½NW¼, SW¼, and W½SE¼.
T. 22 N., R. 109 W.,
Sec. 7, lots 1 and 2, SE¼NW¼, and S½;
Sec. 17, W½, W½SE¼, and SE¼SE¼;
Sec. 18, N½ and E½SE¼;
Sec. 20;
Sec. 28, W½SW¼;
Sec. 29, N½, E½SW¼, and SE¼;
Sec. 31, S½;
Sec. 32, NE¼, E½NW¼, SW¼, and W½SE¼;
Sec. 33, W½NW¼.
T. 21 N., R. 110 W.,
Sec. 1, N½ and N½S½;
Sec. 2, N½.
T. 22 N., R. 110 W.,
Sec. 1, NW¼SW¼ and S½S½;
Sec. 2, SW¼NE¼, W½, and SE¼;
Sec. 3, N½N½ and SE¼NE¼;
Sec. 5, N½NW¼;
Sec. 6, E½ of lot 8;
Sec. 11, N½NE¼ and SE¼NE¼;
Sec. 12, N½, N½SW¼, and SE¼;
Sec. 13, NE¼NE¼;
Sec. 21, S½N½ and S½;
Sec. 22, S½S½;
Sec. 23, S½SW¼ and SW¼SE¼;
Sec. 25, W½NW¼, SW¼, and W½SE¼;
Sec. 26;
Sec. 27;
Sec. 28, E½ and N½NW¼;
Sec. 33, N½NE¼, SE¼NE¼, and E½SE¼;
Sec. 34;
Sec. 35;
Sec. 36, W½NE¼, W½, and SE¼.
T. 23 N., R. 110 W.,
Sec. 29, SW¼SW¼;
Sec. 30, SW¼ and S½SE¼;
Sec. 31, NE¼, N½NW¼, NE¼SE¼, and E½SE¼SE¼;
Sec. 32, S½SE¼NE¼, W½, NW portion of lot 13;
Sec. 33, all of lot 7 except NE¼SW¼NE¼SW¼, S½SW¼NE¼SW¼, SW¼SE¼NE¼SW¼, all of lot 8 except S½SE¼NW¼SW¼, NE¼, NE¼NW¼, S½NW¼, N½SE¼, N½S½SE¼, S½SE¼SE¼, and NE¼NE¼SE¼SW¼;
Sec. 34, W½ and SE¼;
Sec. 35, S½SW¼SW¼.
T. 23 N., R. 111 W.,
Sec. 14, NW¼SW¼ and S½SW¼;
Sec. 15, S½S½ and NE¼SE¼;
Sec. 16, SE¼SW¼ and S½SE¼;
Sec. 21, NE¼NW¼ and N½NE¼;
Sec. 22, N½;
Sec. 23, W½NE¼, W½, and W½SE¼;
Sec. 25, S½NW¼, N½SW¼, SE¼SW¼, and SE¼;
Sec. 26, NW¼NE¼, S½NE¼, NW¼, and N½SE¼;
Sec. 36, N½NE¼.

The areas described, including public and acquired or to be acquired lands along with meandered water areas, aggregate 22,112.40 acres in Sweetwater County.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MAY 20, 1970.

[F.R. Doc. 70-6442; Filed, May 25, 1970; 8:46 a.m.]

[Public Land Order 4835]

[Arizona 4550]

ARIZONA

Partial Revocation of Reclamation Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388, as amended and supplemented,

43 U.S.C. 416 (1964), it is ordered as follows:

1. The departmental order of April 7, 1944, withdrawing land for the Hassayampa Reclamation Project, is hereby revoked so far as it affects the following described land:

GILA AND SALT RIVER MERIDIAN

T. 7 N., R. 4 W.,
Sec. 34, NE¼SW¼.

The area described aggregates 40 acres in Maricopa County.

The land is located approximately 47 miles northwest of Phoenix and approximately 3 miles southeast of Wickenburg. Topography is generally rought and rocky. Soils are sandy loam with rock outcroppings, and desert vegetation is fairly abundant.

2. At 10 a.m. on June 25, 1970, the land will be open to operation of the public land laws, including the U.S. mining laws, subject to valid existing rights, the provisions of existing classifications and withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 25, 1970, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The land has been and continues to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MAY 20, 1970.

[F.R. Doc. 70-6443; Filed, May 25, 1970; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1094, 1103]

[Dockets Nos. AO-103-A30, AO-346-A12]

MILK IN NEW ORLEANS, LA., AND MISSISSIPPI MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the New Orleans, La., and Mississippi marketing areas.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and opportunity to file exceptions thereto are issued 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 agreements and marketing orders (7 CFR Part 900).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at New Orleans, La., on April 9, 1970, and Jackson, Miss., on April 10, 1970, pursuant to notice thereof which was issued on March 31, 1970 (35 F.R. 5555).

The material issues on the record of the hearing relate to:

1. Class II price.
2. Location differential on Class II milk (Part 1094).
3. Classification of milk transferred or diverted to nonpool plants.
4. Mileage on transfers and diversions to nonpool plants.
5. Whether emergency action is necessary with respect to issues No. 1 and 2.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class II price.* The Class II price in the New Orleans and Mississippi Federal milk orders during the months of September through January should be the basic formula price, which is the average price per hundredweight for manufacturing grade milk f.o.b. plants in Minnesota and Wisconsin, as reported monthly by the U.S. Department of Agriculture, adjusted to a 3.5 percent butterfat test. During all other months the Class II price should be the basic formula price minus 10 cents, but such price should not be less than a butter-nonfat dry milk formula price. Should the butter-nonfat dry milk formula for the month exceed the basic formula price, the basic formula should be the Class II price.

The major cooperative association supplying both markets proposed the basic formula price (the Minnesota-Wisconsin price series) as the Class II price in each order. In its brief following the hearing, the cooperative suggested that the hearing record evidence indicated that the Class II price should be 10 cents less than the basic formula in the months February through August. Proponent also requested removal of location differentials on Class II and "excess" milk under the New Orleans milk order.

Currently the Class II price in the New Orleans order is the average "basic" price reported by four local manufacturing plants, plus 28.5 cents during February through August. During the remainder of the year 38.5 cents is added to the local plant average to derive the Class II price. The order provides also that the maximum Class II price at any time is the Minnesota-Wisconsin price plus 13.5 cents.

The Class II price in Mississippi is the lesser of the New Orleans Class II price or the basic formula price (in March through September the basic formula less 10 cents). In recent years the effective price has been the New Orleans price in all months.

The monthly average prices reported by the four local manufacturing plants have been continually lower than the Minnesota-Wisconsin price series and only the local plant average price has been utilized in determining Class II prices in both markets.

In the New Orleans market the proponent cooperative supplies approximately 80 percent of the total milk delivered to handlers fully regulated by the order. In Mississippi, such cooperative supples about 84 percent of the total milk delivered to regulated handlers. In each marketing area the cooperative assumes the major responsibility for handling reserve milk not needed at pool plants for Class I sales.

Proponent based its case on the existence of higher Class II prices in adjacent Federal order markets and the prices it receives for milk delivered to nonpool manufacturing plants which equal or exceed the Minnesota-Wisconsin price series. Additionally, proponent stated that the return for milk used for manufacturing in its own plants at least equals the value of manufacturing milk as established by the Minnesota-Wisconsin price series.

During 1969 the Gulf division of the proponent cooperative supplying the New Orleans market shipped approximately 9 million pounds of Class II milk to several nonpool manufacturing plants in Mississippi. Additionally, substantial quantities were received at the cooperative's Franklinton facility and then transferred to a neighboring manufacturing plant.

The division of proponent cooperative supplying the Mississippi market shipped about 31 million pounds of Class II milk to nonpool manufacturing plants during 1969. This represents about one-third of the total milk transferred or diverted to nonpool manufacturing plants from handlers regulated under the Mississippi order.

During the same period, approximately 29 million pounds of Class II milk were processed in the cooperative's own manufacturing plants regulated under the Mississippi order. This represents about 15 percent of the total Class II milk in the pool during 1969.

Prices received in 1970 by the proponent cooperative for all sales from its Mississippi and Gulf (New Orleans) divisions to nonpool manufacturing plants were equal to or higher than the Minnesota-Wisconsin price. During March 1970, the most recent month for which such information was available at the hearing, the Minnesota-Wisconsin price was $4.58 per hundredweight. Proponent testified that four nonpool manufacturing plants which received milk from it during March 1970 paid prices of $4.63, $4.58, $4.88, and $4.78 per hundredweight.

The Mississippi division of proponent cooperative regularly ships to four nonpool manufacturing plants. The average pay price of these plants to the Mississippi division of proponent cooperative for the 12-month period ending March 1970 was $4.62 per hundredweight. The Minnesota-Wisconsin price averaged $4.51 per hundredweight for the same 12-month period.

All prices received by the Gulf Division of proponent cooperative from nonpool manufacturing plants have exceeded the Minnesota-Wisconsin price throughout the 12-month period ending March 1970.

Proponent pointed out that the Class II price in the New Orleans and Mississippi Federal order Class II price avermally low when compared with Class II prices of surrounding Federal orders. During 1968 the New Orleans and Mississippi Federal order Class II prive averaged $3.79 per hundredweight. During the same period nearby Federal orders

averaged the following Class II prices: Northern Louisiana, $4.12; Memphis, $4.17; Nashville, $4.17; Chattanooga, $4.17; and South Texas (October–December only), $4.23.

During 1969 the difference between the Class II price of the New Orleans and Mississippi markets and those of the previously cited nearby Federal order markets increased. The average Class II price for New Orleans and Mississippi was $3.87 per hundredweight. Nearby Federal orders during the same period averaged the following Class II prices: Northern Louisiana, $4.25; Memphis, $4.42; Nashville, $4.42; Chattanooga, $4.42; and South Texas, $4.25.

The average price for all milk sold for manufacturing in the United States has exceeded the Class II price in the New Orleans and Mississippi Federal order markets every month since July 1966. This price, adjusted to a 3.5 percent butterfat test by using a butterfat differential of 8 cents for each one-tenth of 1 percent, exceeded the Class II price in the New Orleans and Mississippi orders in 1968 by approximately 26 cents per hundredweight, and in 1969 by about 25 cents per hundredweight.

In addition to the comparatively low Class II price yielded by the pricing formula used in these markets, the formula is inadequate because prices reported are not actual prices paid and reported prices represent so few plants. The prices reported by the nonpool plants which are used to establish the Class II prices under these orders are basic prices. Opponents, as well as proponents, recognized that the prices paid by the nonpool plants include additions for various attributes of the milk received by the nonpool plants. For example, a differential is added to the basic price when the milk is brought to the plant in a bulk tank truck; another for cooling; and still another for volume.

Further, the order provides that the Class II price be based on the average prices reported by four local manufacturing plants. Currently only two of the four plants are operating. Moreover, during part of February 1970 only one of these plants was in operation.

The Minnesota-Wisconsin price, on the other hand, represents actual prices paid farmers for manufacturing milk, including all such premiums. It is announced monthly by the U.S. Department of Agriculture and is based on a large sampling of plants in Minnesota and Wisconsin. Approximately one-half of the manufacturing grade milk sold in the United States is produced in these two States. The most competitive situation existing for manufacturing grade milk in the United States is in Minnesota and Wisconsin and because the series reflects supply and demand under highly competitive conditions, it thus represents the best measure of the average value of such milk.

Proponent cooperative stated the seasonal pattern of pricing Class II milk should be retained due to the volume of surplus milk produced during February through August and the lower prices of manufactured products during these months. Although there is some seasonal variation in the Minnesota-Wisconsin price, the variation in the Class II prices in these markets has been greater. The proponent cooperative proposed that the Class II price for the months February through August be the basic formula less 10 cents per hundredweight.

Seasonal adjustment of the price should be provided in the specified months but only if product prices drop seasonally more than the basic formula. If the basic formula price drops as much as product prices, any further reduction in the Class II price would not be required. To accomplish this the 10-cent seasonal reduction should be effective only to the extent that the price does not fall below a formula price based on wholesale prices of butter and nonfat dry milk.

Some nearby Federal order markets employ a butter-nonfat dry milk formula computed by multiplying the Chicago butter price by 4.2 and adding to that result the amount computed by multiplying the weighted average of carlot prices per pound of nonfat dry milk, f.o.b. manufacturing plants in the Chicago area, by 8.2. From the sum obtained, 48 cents is subtracted to yield the price per hundredweight. A similar alternate formula would be appropriate here. Therefore, during February through August the Class II price should be such butter-nonfat dry milk formula price but not lower than the Minnesota-Wisconsin price less 10 cents per hundredweight.

There was no opposition to some increase in the Class II price, but some handlers supported alternative formulas for deriving the Class II price which they believed might yield a lower price than the Minnesota-Wisconsin price series.

One handler proposed that milk used in certain manufactured products be priced lower than for other products. The lower price proposed for milk used in these products would be the average of prices paid at five nonpool manufacturing plants located in Mississippi and Alabama plus 66.5 cents per hundredweight during the months of February through August, and 76.5 cents per hundredweight during all other months. To determine the proposed differentials, the handler subtracted the average basic price from the price he received for milk delivered to these five nonpool manufacturing plants.

Even with the additions of 66.5 and 76.5 cents per hundredweight the proposed prices are not representative due to higher prices being paid on a large portion of milk delivered to these nonpool plants. The proponent cooperative, which delivers more milk to these nonpool plants than this handler, receives substantially higher prices for milk sold to nonpool plants, in some cases from the same plant.

One Mississippi handler proposed that the Class II price be derived by a butter-nonfat dry milk formula.

A witness for the cooperative which proposed the Minnesota-Wisconsin price series for the Class II price testified that, in view of the cheese price dropping slightly in recent months and the increase in the support price of nonfat dry milk, it is possible that the two methods of deriving a Class II price will yield about the same prices. Over longer periods of time, prices computed by either method should tend to approximate each other.

Official notice is taken of the announcement of the April 1970 Class II price of Federal order No. 1096, which regulates the handling of milk in the Northern Louisiana marketing area. The Class II price in that order is the lower of the Minnesota-Wisconsin price or the butter-nonfat dry milk formula price. For April the butter-nonfat dry milk formula yielded a price of $4.58 per hundredweight; the Minnesota-Wisconsin price was $4.60 per hundredweight. This represents a substantial narrowing of past differences between such prices. In March 1970 the butter-nonfat dry milk formula was $4.27 and the Minnesota-Wisconsin price was $4.58.

These alternate pricing methods may yield prices even closer in May. Since the nonfat dry milk prices used in deriving the Class II price by the butter-nonfat dry milk formula are those taken from the 26th of one month to the 25th of the next month, the Class II price for April includes 1 week of lower prices prior to the increase in support prices on April 1.

Finally, one additional Mississippi handler, testifying in opposition to adoption of the Minnesota-Wisconsin price series in the orders, stated he felt nonpool plants would not accept his surplus milk at prices determined by the Minnesota-Wisconsin price series. The handler stated he does not receive prices as high as those received by the cooperative for milk delivered to the same plant. However, the handler did not know the exact prices he received, only that he received 10 cents per hundredweight over the Class II price established by the State order. This handler stated his approximate price for March 1970 was $4.34 per hundredweight. The evidence indicates that this handler should be able to obtain from nonpool plants prices which are in line with current values of manufacturing milk.

2. *Location differential on Class II milk.* The 13.5-cent differential, currently applicable to certain Class II milk in the New Orleans Federal milk order, should be removed so that one Class II price will apply uniformly throughout the marketing area.

At the present time all Class II milk received from producers at pool plants beyond 50 miles from the city hall in New Orleans or from the Terrebonne Parish Courthouse in Houma, La., is reduced by 13.5 cents per hundredweight. The 13.5-cent reduction also applies to the skim portion of Class II milk received at pool plants from producers inside the 50-mile zones which is dumped, used in animal feed, or accounted for as plant shrinkage.

In supporting testimony, the proponent cooperative stated that a uniform Class

II price would be economically beneficial to the market. It would accomplish the same basic price for everyone thus making it advantageous to locate manufacturing plants near the source of supply.

As shown in the findings with respect to the Class II prices, market outlets are available at the full Class II price as herein provided. Hence, such Class II price should not be reduced at any location.

One handler opposed removal of the Class II location differential. This handler stated that if the Class II location differentials were removed, the Class I location differentials should be suspended. Class I location differentials were not a matter under consideration at this hearing. In any case, the economic considerations which must be taken into account when establishing Class I differentials are different from those with respect to Class II location differentials.

Removal of the Class II location differential is necessary to reflect the uniform value of Class II milk received at all locations for these two markets.

3. *Classification of milk transferred or diverted to nonpool plants.* The method of classifying milk transferred or diverted to nonpool plants (except producer-handlers and other Federal order plants) should be revised in both orders.

Proponent cooperative testified that the current transfer provisions in both orders are lengthy and can be shortened and improved with an alternate method of accounting for and classifying transfers or diversions from pool plants to nonpool plants. The proposed transfer provision will accommodate the pricing of such milk by assigning it to actual use at the nonpool plants.

The volume of milk being shipped to nonpool plants from both markets accentuates the need for improvement in these provisions. During January 1969 approximately 7 million pounds, or 60 percent, of the Class II milk in the Mississippi market (11.8 million pounds) were transferred to nonpool plants. During January 1970 about 8.3 million pounds, or 64 percent, of the total Class II in the Mississippi market (12.9 million pounds) were transferred to nonpool plants.

In the New Orleans market during 1968, approximately 47 percent of the total Class II was transferred to nonpool plants (94.9 million pounds of a total of 200.8 million pooled in Class II). During 1969 the percentage of Class II milk transferred to nonpool plants rose to 60 percent of total Class II milk pooled (126.5 million of 236.3 million pooled).

The initial step of assignment procedures applicable to transfers or diversions from Federal order pool plants is the same under both the current and proposed provisions. Any Class I route dispositions from the nonpool plant in Federal order marketing areas are assigned first to receipts from pool plants regulated under the respective orders. Any additional route sales in Federal order marketing areas are then assigned pro rata to remaining receipts from federally regulated plants. Beyond this point the proposed accounting and classification procedure differs from that currently employed in these orders.

Remaining Class I utilization at the nonpool plant should then be determined and assigned first to Grade A producers of the nonpool plant who the market administrator determines constitute the regular source of supply for the nonpool plant. Any remaining Class I should then be assigned pro rata to milk transferred or diverted from pool plants regulated by Federal orders.

The Class I disposition to be so assigned includes transfers of fluid milk products from the first nonpool plant to a second nonpool plant which are assigned to Class I. This occurs where the second nonpool plant has disposition of Class I fluid milk products in excess of receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such second nonpool plant.

The current provision in the orders makes transfers to second and succeeding nonpool plants Class I at the initial nonpool plant. Pool producers' milk is assigned first to this Class I disposition. The proposed provision will allow a classification based on actual use at the plant where the milk is ultimately used. This provision will classify the transfer to a second nonpool plant according to the same rules applied to transfers to the first nonpool plant.

Proponent also testified that a charge based on the difference between the Class I price and the uniform price should not be applied to transferred milk which had been priced previously as Class I. Such a charge could occur now when a nonpool plant has receipts from Federal order pool plants which is priced as Class I. The additional charge could occur if the nonpool plant transfers milk to another nonpool plant which has Class I disposition entering a defined marketing area of a Federal order. Proponent stated that no such double payment should exist.

To the extent that a specific volume of milk is identified as having been priced as Class I, no additional charge should be applied to the same volume.

4. *Mileage on transfers and diversions to nonpool plants.* The mileage basis for classifying transfers and diversions of bulk milk to nonpool plants as Class I should be removed. Currently, the orders provide for Class I classification on bulk milk transferred or diverted to nonpool plants in excess of 350 miles from designated base points under the New Orleans order; and in excess of 200 miles from base points under the Mississippi order.

The proponent cooperative testified that such Class I classification is unnecessary and inappropriate under today's conditions. The number of nonpool manufacturing plants available for Class II disposition from New Orleans and Mississippi pool plants has been reduced to approximately half the number available 12 years ago. Where formerly there were 15 nearby nonpool manufacturing plants available for Class II disposition from pool plants, today there are only eight.

Originally, it was assumed that it was economically feasible to move milk beyond such distances only if it were for Class I use. Because milk for Class II use generally brings about the same price at all locations, it is uneconomical to transport it long distances.

Also, limiting such transfers or diversions to Class I saved some administrative costs. The cost involved in checking utilization at distant plants is less today because the Federal order system is so extensive. The 68 Federal milk orders are located throughout the continental United States, with exception of a few States, and arrangement for checking utilization at distant nonpool plants is feasible through the facilities of neighboring market administrators' offices.

There are instances now when the best outlet for surplus milk may be located outside the area within which milk may be moved and classified as Class II under the present provisions. The situation prompting proponent to request removal of the automatic Class I classification on long-distance transfers is the lack of adequate facilities at its Franklinton, La., plant.

The Franklinton plant processes a large volume of the Class II milk associated with the New Orleans market. However, in anticipation of expanding its facilities at Franklinton, proponent cooperative closed its plant at Brookhaven, Miss. The expansion at the Franklinton plant is not complete and the proponent cooperative has found it necessary to ship milk to its Lewisburg, Tenn., nonpool manufacturing plant. The Lewisburg operation has only Class II utilization, but under the present New Orleans order, bulk milk transferred or diverted to the Lewisburg operation is classified as Class I because the plant is more than 350 miles from the New Orleans city courthouse.

Removal of the automatic Class I classification will result in handlers accounting to the producer-settlement fund on the basis of its use at the plant to which the milk is so transferred or diverted. To obtain Class II classification handlers must claim Class II utilization in their monthly reports of receipts and utilization and records at the plant to which milk is transferred or diverted must be made available to the market adminstrator upon request.

5. *Whether emergency action is necessary with respect to issues No. 1 and 2.* Consideration was given to the need for emergency action with respect to issues 1 and 2 as herein discussed. The witness for the proponent cooperative which originally requested emergency action stated the cooperative was not seeking omission of the recommended decision, but was asking that prompt action be taken on the necessary amendments. Since these issues are important and complex, the recommended decision with respect to these matters should not be omitted.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and

the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreements upon which a hearing has been held.

Recommended marketing agreements and orders amending the orders. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended. The following orders amending the orders, as amended, regulating the handling of milk in the New Orleans, La., and Mississippi Marketing Areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

PART 1094—MILK IN THE NEW ORLEANS, LA., MARKETING AREA

1. Section 1094.44(c) is revised as follows:

§ 1094.44 Transfers.

* * * * *

(c) As Class I milk, if transferred in bulk as milk, filled milk, skim milk or cream, or diverted, to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignments set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1094.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants.

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

* * * * *

§ 1094.44 [Amended]

2. In § 1094.44, paragraph (e) is revoked in its entirety.

§ 1094.46 [Amended]

3. Section 1094.46 *Allocation of skim milk and butterfat classified,* is amended as follows:

a. Paragraph (a)(1) is revised as follows:

(1) Subtract from the total pounds of skim milk classified:

(i) From Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

(ii) From Class II the pounds of skim milk classified as Class II pursuant to § 1094.41(b)(6);

b. Paragraph (a)(3)(iv) is revised as follows:

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants that were not subtracted pursuant to subparagraph (1)(i) of this paragraph; and

c. The introductory text of subdivision (i) in paragraph (a)(4) is revised as follows:

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraphs (1)(i) and (3)(iv) of this paragraph.

d. Paragraph (a)(6) is revised as follows:

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1)(ii) of this paragraph;

e. Paragraph (a)(7) is revised as follows:

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products that were not subtracted pursuant to subparagraphs (1)(i), (3)(iv), or (4)(i) of this paragraph;

f. Paragraph (a)(10) is revised as follows:

(10) Subtract pro rata from the pounds of skim milk remaining in each class, the pounds of skim milk to be classified pursuant to § 1094.44(e); and

4. Section 1094.62(b)(2) is revised as follows:

§ 1094.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(b) * * *

(2) Deduct the respective amounts of skim milk and butterfat received at the partially regulated distributing plant:

(i) As Class I milk from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act; and

(ii) Received from a nonpool plant which is not another order plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

* * * * *

5. Section 1094.51(b) is revised as follows:

§ 1094.51 Class prices.

* * * * *

(b) *Class II milk prices.* The Class II milk price during the months of September through January shall be the basic formula price for the month computed pursuant to § 1094.50 and during all other months shall be the basic formula price minus 10 cents but not less than a price computed as follows:

(1) Multiply by 4.2 the Chicago butter price for the month;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 48 cents and round to the nearest cent. The result shall be the Class II price except as provided in subparagraph (4) of this paragraph.

(4) If the price computed pursuant to subparagraphs (1), (2), and (3) of this paragraph exceeds the basic formula price, the basic formula price shall be the Class II price.

§ 1094.53 [Amended]

6. Section 1094.53(c) is revoked in its entirety.

7. In § 1094.70, paragraph (e) is revised as follows:

§ 1094.70 Computation of the net pool obligation of each pool handler.

* * * * *

(e) With respect to skim milk and butterfat subtracted from Class I pursuant to § 1094.46(a)(7) and the corresponding step of § 1094.46(b) (excluding such skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order), add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, but in no event shall such adjustment result in a Class I price lower than the Class II price.

§ 1094.76 [Amended]

8. Section 1094.76(b) is revoked in its entirety.

PART 1103—MILK IN THE MISSISSIPPI MARKETING AREA

1. Section 1103.44(b) is revised as follows:

§ 1103.44 Transfers.

* * * * *

(b) As Class I milk, if transferred in bulk as milk, filled milk, skim milk or cream or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignments set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1103.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants.

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

* * * * *

§ 1103.44 [Amended]

2. In § 1103.44, paragraph (c) is revoked in its entirety.

§ 1103.46 [Amended]

3. Section 1103.46, *Allocation of skim milk and butterfat classified,* is amended as follows:

a. Paragraph (a)(1) is revised as follows:

(1) Subtract from the total pounds of skim milk classified:

(i) From Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

(ii) From Class II the pounds of skim milk classified as Class II pursuant to § 1103.41(b)(5) (i) through (vi);

b. Paragraph (a)(3)(iv) is revised as follows:

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants that were not subtracted pursuant to subparagraph (1)(i) of this paragraph; and

c. In paragraph (a)(4) subdivision (i) and the introductory text of subdivision (ii) are revised as follows:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraphs (1)(i) and (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraphs (1)(i) and (3)(iv) of this paragraph and subdivision (i) of this subparagraph, which are in excess of the pounds of skim milk determined as follows:

d. Paragraph (a)(6) is revised as follows:

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1)(ii) of this paragraph;

e. Paragraph (a)(7)(i) is revised as follows:

(7)(i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (1)(i), (3)(iv), and (4) (i) or (ii) of this paragraph;

4. Section 1103.51(b) is revised as follows:

§ 1103.51 Class prices.

* * * * *

(b) *Class II milk prices.* The Class II milk price during the months of September through January shall be the basic formula price for the month computed pursuant to § 1103.50 and during all other months shall be the basic formula price

minus 10 cents but not less than a price computed as follows:

(1) Multiply by 4.2 the Chicago butter price for the month;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 48 cents and round to the nearest cent. The result shall be the Class II price except as provided in subparagraph (4) of this parargaph.

(4) If the price computed pursuant to subparagraphs (1), (2), and (3) of this paragraph exceeds the basic formula price, the basic formula price shall be the Class II price.

5. In § 1103.70, paragraph (e) is revised as follows:

§ 1103.70 Computation of the net pool obligation of each pool handler.

* * * * *

(e) With respect to skim milk and butterfat subtracted from the Class I pursuant to § 1103.46(a)(7) and the corresponding step of § 1103.46(b) (excluding such skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butter fat disposed of to such plant by handlers under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order), add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, but in no event shall such adjustment result in a Class I price lower than the Class II price.

6. Section 1103.62(b)(2) is revised as follows:

§ 1103.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(b) * * *

(2) Deduct the respective amounts of skim milk and butterfat received at the partially regulated distributing plant;

(i) As Class I milk from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act; and

(ii) Received from a nonpool plant which is not another order plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

* * * * *

Signed at Washington, D.C., on May 20, 1970.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 70-6459; Filed, May 25, 1970; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-CE-31]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

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

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace at Redwood Falls, Minn., the instrument approach procedure for Redwood Falls, Minn., Municipal Airport has been altered. Accordingly, it is necessary to alter the Redwood Falls control zone and transition area to adequately protect aircraft executing the altered approach procedure.

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

(1) In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

REDWOOD FALLS, MINN.

Within a 5-mile radius of Redwood Falls Municipal Airport (latitude 44°32'45" N., longitude 95°04'45" W.).

(2) In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

REDWOOD FALLS, MINN.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Redwood Falls Municipal Airport (latitude 44°32'45" N., longitude 95°04'45" W.); and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of Redwood Falls VORTAC; within 5 miles each side of the Redwood Falls VORTAC 023° radial, extending from the 13-mile radius area to 18 miles north of the VORTAC; and within 4½ miles northwest and 9½ miles southeast of the Redwood Falls VORTAC 196° radial, extending from the 13-mile radius area to 18½ miles southwest of the VORTAC.

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

Issued in Kansas City, Mo., on April 17, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-6479; Filed, May 25, 1970; 8:49 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[24 CFR Part 7]

EQUAL EMPLOYMENT OPPORTUNITY; POLICY AND PROCEDURES

Notice of Proposed Rule Making

Notice is hereby given that the Department of Housing and Urban Development proposes to amend its regulations relating to equal employment opportunity by revising the existing provisions in 24 CFR Part 7, Subpart A, which are captioned "General Provisions," "Complaints," and "Appeal to the Civil Service Commission," by adding new provisions under the following captions: "Responsibilities" and "Precomplaint Processing;" and by revoking Subparts B and C of 24 CFR Part 7. The proposed amendments are consonant with the present regulations of the Civil Service Commission, published in 5 CFR Part 713, and would apply to complaints of discrimination based on matters occuring on or after July 1, 1969. Complaints of discrimination based on matters occurring prior to July 1, 1969, will be processed under the present regulations.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulations set forth below in this notice of proposed rule making to Samuel J. Simmons, Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development, 451 Seventh Street

SW., Washington, D.C. 20410, within 30 days after the date of publication of this Notice in the FEDERAL REGISTER.

1. Subpart A is amended to read as follows:

Subpart A—Equal Employment Opportunity Without Regard to Race, Color, Religion, Sex, or National Origin

GENERAL PROVISIONS

AUTHORITY: The provisions of this Subpart A issued under sec. 7(d), 79 Stat. 670; 42 U.S.C. 3535(d); E.O. 11478 of Aug. 8, 1969, 34 F.R. 12985, Aug. 12, 1969; 42 U.S.C. 2000e note.

Subpart A—Equal Employment Opportunity Without Regard to Race, Color, Religion, Sex, or National Origin

GENERAL PROVISIONS

§ 7.1 Policy.

In conformity with the policy expressed in Executive Order 11478 and with implementing regulations of the Civil Service Commission, codified under 5 CFR Part 713, it is the policy and intent of the Department of Housing and Urban Development to provide equality of opportunity in employment in the Department for all persons; to prohibit discrimination because of race, color, religion, sex, or national origin in all aspects of its personnel policies, programs, practices, and operations and in all its working conditions and relationships with employees and applicants for employment; and to promote the full realization of equal opportunity in employment through continuing programs of affirmative action at every management level within the Department.

§ 7.2 Definitions.

(a) For the purpose of this subpart, "organizational unit" means the jurisdictional area of the Office of the Secretary, each Assistant Secretary, the General Counsel, the Federal Insurance Administrator, and each Regional Administrator. For the purpose of this subpart the jurisdictional area of each Regional Administrator includes all HUD Area Offices and HUD–FHA Insuring Offices within the region.

(b) The term "EEO," as used herein, means Equal Employment Opportunity.

§ 7.3 Designations.

(a) *Director of Equal Employment Opportunity.* The Assistant Secretary for Equal Opportunity is designated the Director of EEO.

(b) *Deputy Director of Equal Employment Opportunity.* The Deputy Assistant Secretary for Equal Opportunity is designated the Deputy Director of EEO.

(c) *Equal Employment Opportunity Officers.* Each Assistant Secretary, the General Counsel, the Federal Insurance Administrator, and each Regional Administrator shall be the EEO Officer for his organizational unit. The Executive Assistant to the Secretary shall be the EEO Officer for the Office of the Secretary.

(d) *Equal Employment Opportunity Counselors.* Each EEO Officer, with the concurrence of the Director of EEO, shall designate a sufficient number of EEO Counselors for his organizational unit.

§ 7.4 Affirmative action programs.

Each Assistant Secretary, the General Counsel, the Federal Insurance Administrator, the Executive Assistant to the Secretary, each Regional Administrator, Area Office Head, and HUD–FHA Insuring Office Director shall establish, maintain, and carry out a plan of affirmative action to promote equal opportunity in every aspect of employment policy and practice. Each plan shall be specifically designed to recognize conditions, situations, and needs of the particular office, community characteristics, and problems of the particular locality. Each plan is subject to approval by the Director of EEO and shall be developed within the framework of departmentwide guidelines published by the Director of EEO.

RESPONSIBILITIES

§ 7.10 Responsibilities of the Director and Deputy Director of EEO.

The Director and Deputy Director of EEO are assigned the functions of:

(a) Advising the Secretary with respect to the preparation of plans, procedures, regulations, reports, and other matters pertaining to the Government's equal employment opportunity policy and the Department's EEO program;

(b) In coordination with other officials, developing and maintaining plans, procedures, and regulations necessary to carry out the Department's EEO program, including a departmentwide program of affirmative action developed in coordination with other officials; he approves programs of affirmative action established throughout the Department;

(c) Evaluating from time to time the sufficiency of the Department's EEO program and reporting thereon to the Secretary with recommendations as to any improvement or correction needed, including remedial or disciplinary action with respect to managerial or supervisory employees who have failed in their responsibility;

(d) Appraising the Department's personnel operations at regular intervals to insure their conformity with the policy of the Government and the Department's equal employment opportunity program;

(e) Making changes in programs and procedures designed to eliminate discriminatory practices and improve the Department's EEO program;

(f) Providing for counseling by an EEO Counselor of an aggrieved employee or applicant for employment who believes that he has been discriminated against because of race, color, religion, sex, or national origin, and for attempting to resolve on an informal basis the matter raised by the employee or applicant before a complaint of discrimination may be filed under § 7.31;

(g) Providing for the receipt and investigation and for the prompt, fair, and impartial consideration and disposition of individual complaints involving issues of discrimination within the Department subject to §§ 713.211 through 713.222 of the Regulations of the Civil Service Commission, codified under 5 CFR Part 713;

(h) Providing for the receipt, investigation, and disposition of general allegations by organizations or other third parties of discrimination in personnel matters within the Department which are unrelated to an individual complaint of discrimination, with notification of decision to the party submitting the allegation;

(i) Making the final decision on discrimination complaints and ordering such corrective measures as he may consider necessary, including the recommendation for such disciplinary action as is warranted by the circumstances when an employee has been found to have engaged in a discriminatory practice; and

(j) Concurring in the designations of EEO Counselors by each EEO Officer.

§ 7.11 Responsibilities of the EEO Officers.

Each EEO Officer shall:

(a) Advise the Director or Deputy Director of EEO on all matters affecting the implementation of the Department's EEO policy and program in his organizational unit;

(b) Develop and maintain a program of affirmative action for his organizational unit and insure that it is carried out in an exemplary manner;

(c) Serve as processing office for discrimination complaints and keep the Director or Deputy Director of EEO informed of significant developments;

(d) Publicize to all employees of the organizational unit for which he is responsible the name and address of the Director and Deputy Director of EEO, the EEO Officer, and the EEO Counselors;

(e) Inform all supervisors in the organizational unit of the responsibilities and objectives of the EEO Counselor and of the importance of cooperating with him in the effort to informally find solutions to problems brought to his attention by employees and applicants; and

(f) Review the activities of the EEO Counselors in the organizational unit as well as furnish guidance and otherwise assist them in their work.

§ 7.12 Responsibilities of EEO Counselors.

The EEO Counselors are responsible for counseling, in accordance with § 7.26, any employee or applicant for employment who believes that he has been discriminated against because of race, color, religion, sex, or national origin.

§ 7.13 Responsibilities of the Assistant Secretary for Administration.

The Assistant Secretary for Administration shall:

(a) Provide leadership in developing and maintaining personnel management policies, programs, and procedures which will promote continuing affirmative action to insure equal opportunity in the recruitment, selection, placement, training, and promotion of employees;

(b) Provide positive assistance and guidance to organizational units and personnel offices to insure the effective implementation of the personnel management policies, programs, and procedures on equal employment opportunity; and

(c) Participate at the national level with other Government departments and agencies, other employers, and other public and private groups, in cooperative action to improve employment opportunities and community conditions which affect employability.

§ 7.14 Responsibilities of personnel officers.

In conformity with guidelines issued by the Director of Personnel of the Department, personnel officers designated by him shall:

(a) Appraise job structure and employment practices to insure genuine equality of opportunity for all employees to participate fully on the basis of merit in all occupations and levels of responsibility;

(b) Communicate the Department's equal employment opportunity policy and program and its employment needs to all sources of job candidates without regard to race, color, religion, sex, or national origin, and solicit their recruitment assistance on a continuing basis;

(c) As appropriate, provide personnel information to complainants, complainant's representatives, counselors, and others who are involved in a discrimination complaint;

(d) Evaluate hiring methods and practices to insure fair and impartial consideration for all job applicants;

(e) Insure that new employee orientation programs contain appropriate references to the Department's EEO policies and programs;

(f) Participate in the preparation and distribution of such educational materials as may be necessary to inform adequately all employees of their rights and responsibilities as described in this chapter, including the Department's directives issued to carry out the Equal Employment Opportunity Program;

(g) Develop an on-going training program for various levels of administration and supervision, to insure understanding of the Departmental EEO procedures and practices; and

(h) Actively encourage employees to take full advantage of Government training programs and other educational opportunities.

§ 7.15 Responsibilities of the Assistant Regional Administrators for Equal Opportunity.

Each Assistant Regional Administrator for Equal Opportunity is responsible for advising and assisting the Regional Administrator in carrying out all aspects of the EEO program, including:

(a) Appraising the equal employment opportunity program in the jurisdictional area of the Regional Administrator;

(b) Conducting reviews and making special studies; and

(c) Processing complaints of discrimination in employment.

§ 7.16 Responsibilities of supervisors.

Supervisors shall:

(a) Keep informed on current EEO policies, plans, and procedures;

(b) Provide positive leadership and support for the EEO program;

(c) Maintain relationships with all those supervised in a manner that fosters effective teamwork and high morale, and provide communication with employees on any matter related to equal employment opportunity;

(d) Take all personnel actions on merit principles and in a manner which will demonstrate affirmative equal employment opportunity for his organization;

(e) Insure the greatest possible utilization and development of the skills and potential ability of all subordinates;

(f) Insure that the staff member selected by the EEO Officer to be the EEO Counselor is given sufficient official time to carry out his duties;

(g) Promptly take or recommend appropriate action to overcome any impediment to the achievement of the objectives of the EEO program; and

(h) Provide recognition to employees, supervisors, managers and units demonstrating superior accomplishment in equal employment opportunity.

§ 7.17 Responsibilities of employees.

All employees of the Department are responsible for:

(a) Being informed as to the Department's EEO program;

(b) Adopting an attitude of full acceptance of minority group associates;

(c) Providing equality of treatment of, and service to, all citizens with whom they come in contact in carrying out their job responsibilities; and

(d) Providing assistance to supervisors and managers in carrying out their responsibilities in the EEO program.

PRECOMPLAINT PROCESSING

§ 7.25 Who may request counseling.

An aggrieved person who believes that he has been discriminated against by the Department because of race, color, religion, sex, or national origin, and who wishes to resolve the matter, shall consult with an appropriate EEO Counselor.

§ 7.26 The EEO Counselor.

The EEO Counselor shall:

(a) Make whatever inquiry into the matter he believes necessary;

(b) Seek a solution of the matter on an informal basis;

(c) Counsel the aggrieved person concerning the merits of the matter;

(d) Insofar as is practicable, conduct his final interview with the aggrieved person not later than 15 workdays after the date on which the matter was called to his attention by the aggrieved person;

(e) If the matter has not been resolved to the satisfaction of the aggrieved person, advise the aggrieved person in writing at the final interview of his right to file a complaint of discrimination with the appropriate EEO Officer and of the time limits governing the acceptance of a complaint;

(f) Keep a record of his counseling activities so as to be able to periodically brief the appropriate EEO Officer on those activities;

(g) When advised by the EEO Officer that a complaint of discrimination has been accepted from an aggrieved person, submit a written report to the EEO Officer, with a copy to the aggrieved person, summarizing his actions and advice both to the Department and the aggrieved person concerning the merits of the matter (the report shall be included in the complaint file);

(h) Not reveal the identity of an aggrieved person who has come to him for consultation, except when authorized to do so by the aggrieved person, until the Department has accepted a complaint of discrimination from him;

(i) Upon acceptance by the Department of a complaint of discrimination from an aggrieved person, be relieved of further counseling responsibility with respect to the matter; and

(j) Be free from restraint, interference, coercion, discrimination, or reprisal in connection with the performance of his duties.

COMPLAINTS

§ 7.30 Presentation of complaint.

At any stage in the presentation of a complaint, including the counseling stage, the complainant shall be free from

restraint, interference, coercion, discrimination, or reprisal and shall have the right to be accompanied, represented, and advised by a representative of his own choosing. If the complainant is an employee of the Department, he shall have a reasonable amount of official time to present his complaint if he is otherwise in an active duty status. If the complainant is an employee of the Department and he designates another employee of the Department as his representative, the representative shall be free from restraint, interference, coercion, discrimination, or reprisal, and shall have a reasonable amount of official time, if he is otherwise in an active duty status, to present the complaint.

§ 7.31 Who may file complaint, with whom filed, and time limits.

(a) Any aggrieved person (hereafter referred to as the complainant) who has observed the provisions of § 7.25 may file a complaint if the matter of discrimination was not resolved to his satisfaction. A complaint may also be filed by an organization for the complainant with his consent. The Department may accept a complaint only if the complainant:

(1) Brought to the attention of the EEO Counselor the matter causing the complainant to believe he has been discriminated against within 15 calendar days of the date of that matter; or, if a personnel action, within 15 calendar days of its effective date; and

(2) Submitted his complaint in writing to the appropriate EEO Officer within 15 calendar days of the date of his final interview with the EEO Counselor.

(b) The EEO Officer shall extend the time limits in this section:

(1) When the complainant shows that he was not notified of the time limits and was not otherwise aware of them, or that he was prevented by circumstances beyond his control from submitting the matter within the time limits; or

(2) For other reasons considered sufficient by the EEO Officer.

(c) A complaint concerned with a continuing discriminatory practice having a material bearing on employment may be filed at any time.

(d) The Department will also accept from an individual or an organization complaints or allegations of a general pattern or practice of discrimination which may be unrelated to any specific complaint involving a particular individual. Such complaints shall be received, investigated and processed on an individual basis as determined by the Director of EEO. There is no appeal to the Civil Service Commission from actions taken on these complaints.

(e) The right to withdraw a complaint at any stage is assured.

§ 7.32 Contents.

(a) In order to expedite the processing of complaints of discrimination, the complainant should be urged to include in his complaint the following information:

(1) Whether the alleged discrimination is based upon race, color, religion, sex, or national origin.

(2) The specific action or personnel matter about which the complaint is made.

(3) Facts and other pertinent information to support the allegation of discrimination.

(4) The relief desired.

(b) In no event shall the lack of complete information at the time of filing constitute grounds for refusal by the Department to accept a complaint.

(c) The written complaint need not conform to any particular style or format.

§ 7.33 Acceptability.

(a) The EEO Officer shall determine whether the complaint comes within the purview of this subpart and shall advise the complainant in writing of the acceptance, rejection, or cancellation of his complaint. A complaint may be rejected, with the concurrence of the Director or Deputy Director of EEO, because it was not filed within the required time limits or because it is not within the purview of this subpart. It may be canceled because of a failure of the complainant to prosecute the complaint or because of a separation of the complainant from the Department for reasons not related to his complaint.

(b) If the EEO Officer determines, and the Director or Deputy Director of EEO concurs, that the complaint is to be rejected or canceled, the written decision of the EEO Officer to the complainant shall inform him of his right to appeal to the Civil Service Commission and of the time limit applicable thereto, if he believes the rejection or cancellation improper.

§ 7.34 Processing.

(a) The EEO Officer will process complaints involving the organizational unit for which he is responsible. However, the Director or Deputy Director of EEO, as he deems necessary, may assume jurisdiction of any case. This may include the designation as processing officer of an official other than the EEO Officer for the organizational unit concerned. In the latter case, the Director or Deputy Director of EEO shall so notify all interested parties.

(b) Based on a request from the EEO Officer, the Director or Deputy Director of EEO shall provide for the prompt investigation of the complaint. The request for an investigation shall be made in writing to the Director, Office of Investigation.

(1) The person assigned to investigate the complaint shall occupy a position in the Department which is not, directly or indirectly, under the jurisdiction of the head of that part of the Department in which the complaint arose.

(2) The investigation shall include a thorough review of the circumstances under which the alleged discrimination occurred, the treatment of members of the complainant's group identified by his complaint as compared with the treatment of other employees in the organizational unit in which the alleged discrimination occurred, and any policies and practices related to the work situation which may constitute, or appear to constitute, discrimination even though they have not been expressly cited by the complainant. If necessary, the investigator may obtain information regarding the membership or nonmembership of a person in the complainant's group by asking each person concerned to provide the information voluntarily; he shall not require or coerce an employee to provide this information. Information needed for an appraisal of the utilization of members of the complainant's group as compared to the utilization of persons outside the complainant's group shall be recorded in statistical form in the investigative file, but specific information as to a person's membership or nonmembership in the complainant's group needed to facilitate an adjustment of the complaint or to make an informed decision on the complaint shall, if available, be recorded by name in the investigative file.

(3) Insofar as is practicable, the investigative process shall be completed within 30 calendar days.

(4) The investigative file shall contain the various documents and information acquired during the investigation including affidavits of the complainant, of the official charged with discrimination, and of other persons interviewed and copies of, or extracts from, records, policy statements, or regulations of the Department organized to show their relevance to the complaint or the general environment out of which the complaint arose.

(5) The investigator shall be furnished a written authorization to: (i) Investigate all aspects of complaints of discrimination, (ii) require all employees of the Department to cooperate with him in the conduct of the investigation, and (iii) require employees of the Department having any knowledge of the matter complained of to furnish testimony under oath or affirmation without a pledge of confidence.

(6) The investigator shall submit to the EEO Officer and to the Director of EEO the results of the investigation as well as the investigative file, which shall be included in the complaint file.

(7) The EEO Officer shall furnish the complainant or his representative a copy of the investigative file.

§ 7.35 Adjustment of complaint.

The EEO Officer shall provide an opportunity for adjustment of the complaint on an informal basis after the complainant has reviewed the investigative file.

(a) *Adjustment arrived at.* If an adjustment of the complaint is arrived at, the terms of the adjustment shall be reduced to writing by the EEO Officer, signed by him, the complainant, and other appropriate persons, and made part of the complaint file. The EEO Officer shall furnish a copy of the terms to the complainant and forward the complaint file to the Director or Deputy Director of EEO.

(b) *Adjustment not arrived at.* If an adjustment of the complaint is not arrived at, the EEO Officer shall notify the complainant in writing of the proposed disposition of his case. The notice shall advise the complainant of his right to a hearing with subsequent decision by the Director or Deputy Director of EEO. The notice also shall indicate the complainant's right to a decision without a hearing if he so elects. The notice shall advise the complainant that he has 7 calendar days from receipt of the notice to inform the EEO Officer whether or not a hearing is desired. The EEO Officer shall make a copy of the notice a part of the complaint file.

(1) *No hearing to take place.* Upon timely notification to the EEO Officer by the complainant that he does not desire a hearing, or upon his failure to notify the EEO Officer of his wishes within the 7-day period, the EEO Officer shall forward the complaint file to the Director or Deputy Director of EEO for decision.

(2) *Hearing to take place.* Upon timely notification to the EEO Officer by the complainant that he desires a hearing, the EEO Officer shall take the steps described in § 7.36.

§ 7.36 Hearing.

(a) *Appeals Examiner.* The hearing shall be held by an appeals examiner who must be an employee of a Federal agency other than the Department. The EEO Officer shall request the appropriate local office of the Civil Service Commission to supply the name of an appeals examiner who has been certified by the Commission as qualified to conduct a hearing under this section.

(b) *Arrangements for hearing.* The EEO Officer shall transmit the complaint file to the appeals examiner who shall review it to determine whether further investigation is needed before scheduling the hearing. The complaint file shall include all the documents described in § 7.40 which have been acquired in the processing of the complaint. When the appeals examiner determines that further investigation is needed, he shall remand the complaint to the EEO Officer for further investigation or arrange for the appearance of witnesses necessary to supply the needed information at the hearing. The requirements of § 7.34 apply to any further investigation by the Department on the complaint. The appeals examiner shall schedule the hearing for a convenient time and place.

(c) *Prehearing conference.* In arranging for the hearing, the appeals examiner at his discretion may arrange a prehearing conference during which he shall seek to clarify the issues, accept stipulations on facts to which the interested parties may agree, establish a schedule for the hearing, and explain his role in the hearing.

(d) *Conduct of hearing.* (1) Attendance at the hearing shall be limited to persons determined by the appeals examiner to have a direct connection with the complaint; (2) the appeals examiner shall conduct the hearing so as to bring out pertinent facts, including the production of pertinent documents. Rules of evidence shall not be applied strictly, but the appeals examiner shall exclude irrelevant or unduly repetitious evidence. Information having a bearing on the complaint or employment policy or practices relevant to the complaint shall be received in evidence. The complainant, his representative and the representatives of the Department at the hearing shall be given the opportunity to cross-examine witnesses who appear and testify. Testimony shall be under oath or affirmation.

(e) *Powers of appeals examiner.* In addition to the other powers vested in the appeals examiner by the Department in accordance with this subpart, the appeals examiner is authorized to:

(1) Administer oaths or affirmations;

(2) Regulate the course of the hearing;

(3) Rule on offers of proof;

(4) Limit the number of witnesses whose testimony would be unduly repetitious; and

(5) Exclude any person from the hearing for contumacious conduct or misbehavior that obstructs the hearing.

(f) *Witnesses at hearing.* The appeals examiner shall request the EEO Officer to make available as a witness at the hearing an employee requested by the complainant when the appeals examiner determines that the testimony of the employee is necessary. The appeals examiner shall also request the appearance of any other employee whose testimony he desires to supplement the information in the investigative file. The appeals examiner shall give the complainant his reasons for the denial of a request for the appearance of employees as witnesses and shall insert those reasons in the record of the hearing. Employees shall be made available as witnesses at a hearing on a complaint when so requested by the appeals examiner and it is administratively practicable to comply with the request. When it is not administratively practicable to comply with the request for a witness, the EEO Officer shall provide an explanation to the appeals examiner. If the explanation is inadequate, the appeals examiner shall so advise the EEO Officer and request that the employee be made available as a witness at the hearing. If the explanation is adequate, the appeals examiner shall insert it in the record of the hearing, provide a copy to the complainant, and make arrangements to secure testimony from the employee through a written interrogatory. Employees shall be in a duty status during the time they are made available as witnesses. Witnesses shall be free from restraint, interference, coercion, discrimination, or reprisal in presenting their testimony at the hearing or during the investigation.

(g) *Record of hearing.* The hearing shall be recorded and transcribed verbatim. All documents submitted to, and accepted by, the appeals examiner at the hearing shall be made a part of the record of the hearing. If the Department submits a document that is accepted, it shall furnish a copy of the document to the complainant. If the complainant submits a document that is accepted, he shall make the document available to the Department representative for reproduction.

(h) *Findings, analysis, and recommendations.* The appeals examiner shall transmit to the Director or Deputy Director of EEO the complaint file (including the record of the hearing), together with his findings and analysis with regard to the matter which gave rise to the complaint and the general environment out of which the complaint arose and his recommended decision on the merits of the complaint, including recommended remedial action where appropriate. The appeals examiner shall notify the complainant of the date on which this was done. In addition, the appeals examiner shall transmit, by separate letter to the Director or Deputy Director of EEO, whatever findings and recommendations he considers appropriate with respect to conditions in the Department even though they have no bearing on the matter which gave rise to the complaint or the general environment out of which the complaint arose.

§ 7.37 Relationship to other HUD appellate procedures.

When a complainant makes a written allegation of discrimination because of race, color, religion, sex, or national origin in connection with an action that would otherwise be processed under the grievance or other internal appeal procedures of the Department, the Department may process the allegation of discrimination under its grievance or other appropriate internal appeal procedure when that procedure meets the principles and requirements in §§ 7.25 through 7.38. However, with regard to the issue of discrimination (as distinguished from other aspects of the action), the Director or Deputy Director of EEO shall make the decision of the Department as provided in § 7.39. That decision shall be incorporated in and become a part of the decision on the grievance or other internal appeal.

§ 7.38 Avoidance of delay.

(a) The complaint shall be resolved promptly. To this end, both the complainant and the Department shall proceed with the complaint without undue delay so that the complaint is resolved, except in unusual circumstances, within (1) 60 calendar days after its receipt by the appropriate EEO Officer, exclusive of time spent in the processing of the complaint by the appeals examiner, or (2) 90 calendar days after its receipt by the EEO Officer when a hearing is held under the adverse action provisions of 5 CFR Part 771, Subpart B. When the complaint has not been resolved within the applicable limit, the complainant may appeal to the Civil Service Commission for a review of the reasons for the delay. Upon review of this appeal, the Commission may require the Department to take special measures to insure the prompt processing of the complaint, or the Commission may accept the appeal for consideration pursuant to §§ 7.45 through 7.49.

(b) The Director of EEO may cancel a complaint if the complainant fails to prosecute the complaint without undue delay. However, instead of canceling for failure to prosecute, he may adjudicate the complaint if sufficient information for that purpose is available.

§ 7.39 Decision by Director of EEO.

(a) Following consultation with the General Counsel and the Assistant Secretary for Administration, the Director of EEO shall make the decision of the Department on a complaint based on information in the complaint file.

(b) The decision shall be in writing and shall be transmitted by letter to the complainant and his representative, with copies to the head of the organizational unit in which the complaint arose; the Assistant Secretary for Administration; and the General Counsel. When there has been a hearing on the complaint, the complainant and his representative shall be furnished a copy of the findings, analysis, and recommended decision of the appeals examiner as described in § 7.36(h), as well as a copy of the transcript of the oral testimony and other oral statements at the hearing.

(1) When there has been a hearing, the decision shall adopt, reject, or modify the decision recommended by the appeals examiner. When the decision is to reject or modify the recommended decision of the appeals examiner, the letter transmitting the decision shall set forth the reasons for rejection or modification.

(2) When there has been neither an adjustment as described in § 7.35 nor a hearing, the letter transmitting the decision shall set forth the findings, analysis, and decision of the Director of EEO.

(c) The decision shall require any remedial action authorized by law determined to be necessary or desirable to effect the resolution of the issues of discrimination and to promote the policy of equal opportunity. In such cases, the decision shall include any necessary instructions to the head of the organizational unit concerned and the Assistant Secretary for Administration as to the specific action to be taken with respect to each individual involved.

(d) The letter transmitting the decision shall advise the complainant of his right to appeal the decision on his complaint to the Civil Service Commission if he is not satisfied with it and of the time limit within which he must file the appeal pursuant to § 7.47.

(e) An employee, other than a complainant, who believes that a decision constitutes an inequity to him, has recourse to the Department grievance procedures or, as appropriate, the Department adverse action procedures including opportunity for an appeal to the Civil Service Commission.

§ 7.40 Complaint file.

The Director of EEO shall establish and maintain a complaint file containing all documents pertinent to the complaint. The complaint file, which shall not contain any document that has not been made available to the complainant, shall include copies of:

(a) The written report of the EEO Counselor to the EEO Officer on whatever counseling efforts were made with regard to the complainant's case before a formal complaint was filed by the complainant as described in §§ 7.25 and 7.26;

(b) The complaint;

(c) The investigative file;

(d) If the complaint is withdrawn by the complainant, a written statement by the complainant or his representative to that effect;

(e) If the adjustment of the complaint is arrived at as described in § 7.35, the written record of the terms of the adjustment;

(f) If no adjustment of the complaint is arrived at as described in § 7.35, a copy of the letter notifying the complainant of the proposed disposition of the complaint and of his right to a hearing;

(g) If the decision is made as described in § 7.39, a copy of the letter to the complainant transmitting that decision;

(h) If a hearing was held, the record of the hearing, together with the appeals examiner's findings, analysis, and recommended decision on the merits of the complaint; and

(i) A copy of the letter transmitting the decision.

APPEAL TO THE CIVIL SERVICE COMMISSION

§ 7.45 Entitlement.

(a) Except as provided by paragraph (b) of this section, a complainant may appeal to the Civil Service Commission the decision of the Department:

(1) To reject his complaint because it was not:

(i) Filed within required time limits (see § 7.31); or

(ii) Within the purview of the policy and procedures set forth in this subpart; or

(2) To cancel his complaint because of the complainant's:

(i) Failure to prosecute his complaint; or

(ii) Separation from the Department for reasons which are not related to his complaint; or

(3) On the merits of the complaint, as described in § 7.39 but the decision does not resolve the complaint to the satisfaction of the complainant.

(b) A complainant may not appeal to the Civil Service Commission under paragraph (a) of this section when the issue of discrimination giving rise to the complaint is being considered, or has been considered, in connection with any other appeal by the complainant to the Commission.

§ 7.46 Where to appeal.

An appeal by a complainant must be filed by him or his representative in writing either personally or by mail, with the Board of Appeals and Review, U.S. Civil Service Commission, Washington, D.C. 20415.

§ 7.47 Time limit.

(a) Except as provided in paragraph (b) of this section, a complainant may file an appeal at any time up to 15 calendar days after his receipt of the letter transmitting the decision of the Department.

(b) The time limit stated in paragraph (a) of this section may be extended in the discretion of the Board of Appeals and Review of the Commission, upon a showing by the complainant that he was not notified of the prescribed time limit and was not otherwise aware of it or that circumstances beyond his control prevented him from filing an appeal within the prescribed time limit.

§ 7.48 Appellate procedures.

The Board of Appeals and Review of the Commission shall review the complaint file of the Department and all relevant written representations made to the Board. However, there is no right to a hearing before the Board. The Board may remand a complaint to the Department for further investigation or a rehearing if the Board considers that action necessary, or have additional investigation conducted by Commission personnel. The provisions of this subpart apply to any further investigation or rehearing resulting from a remand from the Board. The Board shall issue a written decision setting forth its reasons for the decision and send copies thereof to the complainant, his designated representative, and the Department's Director of EEO. When corrective action is ordered, the Director of EEO shall report promptly to the Board that the corrective action has been taken. The decision of the Board is final and there is no further right to appeal.

§ 7.49 Appellate review by the Commissioners.

The Civil Service Commissioners may, in their discretion, reopen and reconsider any previous decision when the party requesting reopening submits written arguments or evidence which tends to establish that:

(a) New and material evidence is available that was not readily available when the previous decision was issued.

(b) The previous decision involves an erroneous interpretation of law or regulation or a misapplication of established policy; or

(c) The previous decision is of a precedential nature involving a new or unreviewed policy consideration that may have effects beyond the actual case at hand, or is otherwise of such an exceptional nature as to merit the personal attention of the Commissioners.

2. Subparts B and C are revoked.

Dated at Washington, D.C., this 20th day of May 1970.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 70-6449; Filed, May 25, 1970; 8:47 a.m.]

Notices

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

FLAVOR AND EXTRACT MANUFACTURERS' ASSOCIATION OF THE UNITED STATES

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 0A2532) has been filed by The Flavor and Extract Manufacturers' Association of the United States, 1001 Connecticut Avenue NW., Washington, D.C. 20036, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of brominated vegetable oils as a stabilizer in citrus and other fruit-flavored beverages for which standards of identity established under section 401 of the act do not preclude such use.

Dated: May 15, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-6433; Filed, May 25, 1970; 8:45 a.m.]

[Docket No. FDC-D-151; NADA No. 8-193V]

NORDEN LABORATORIES, INC.

Purgolettes; Notice of Withdrawal of Approval of New Animal Drug Application

A notice of opportunity for hearing on the matter of withdrawing approval of the new animal drug application for Purgolettes was published in the FEDERAL REGISTER of January 17, 1970 (35 F.R. 639).

Norden Laboratories, Inc., 601 West Oak, Lincoln, Nebr. 68501, holder of new animal drug application No. 8-193V covering the drug Purgolettes, did not file a written appearance of election regarding whether they wished to avail themselves of the opportunity for a hearing within the 30-day time period provided for in said notice nor did any other interested person. This is construed as an election by Norden Laboratories, and any other possibly interested person, not to avail themselves of the opportunity for a hearing.

Based on the grounds set forth in said notice and the response to said notice, the Commissioner concludes that approval of new animal drug application No. 8-193V should be withdrawn. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-47; 21 U.S.C. 360b(e)) and under authority delegated to the Commissioner (21 CFR 2.120), approval of new animal drug application No. 8-193V, including all amendments and supplements thereto, is hereby withdrawn effective on the date of signature of this document.

Dated: May 13, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-6434; Filed, May 25, 1970; 8:45 a.m.]

Office of the Secretary

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH AND SCIENTIFIC AFFAIRS

Notice of Proposed Issuance of Exclusive License

Pursuant to § 6.3, 45 CFR, Part 6, notice is hereby given of intent to issue a limited-term, revocable, exclusive patent license in and to an invention of Laurence B. Marantz and Michael A. Greenbaum, entitled "Treatment of Dialysate Solution for Removal of Urea".

Any objection thereto together with request for opportunity to be heard, if desired, should be directed to Dr. Roger O. Egeberg, Assistant Secretary for Health and Scientific Affairs; Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, within 30 days of the date of publication of this notice. Interested parties may obtain a copy of the patent application directed to this invention upon request to the party hereinabove named.

(45 CFR 6.3)

Dated: May 18, 1970.

ROGER O. EGEBERG,
Assistant Secretary for Health and Scientific Affairs.

[F.R. Doc. 70-6466; Filed, May 25, 1970; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

INSIGNIA

Prescription

The notices of August 7, 1968, and October 10, 1968, appearing in the FEDERAL REGISTERS of August 14, 1968 (33 F.R. 11552), and October 22, 1968 (33 F.R. 15605-06), respectively, which prescribed a new official insignia or symbol for the National Park Service are hereby rescinded.

Notice is hereby given that:

1. The Arrowhead Symbol depicted below is reinstated and prescribed as the official emblem of the National Park Service, and will be worn as the shoulder patch on the National Park Service uniform.

2. The Parkscape Symbol, also depicted below, is prescribed as the official tie tack or pin, whichever is appropriate, to be worn by all uniformed employees of the National Park Service; and said official tie tack or pin may be worn by all employees of that Service when not in uniform as a part of their civilian attire.

In making these prescriptions, I further give notice that whoever manufactures, sells, or possesses either the "Arrowhead Symbol" or the "Parkscape Symbol" in a manner not authorized under regulations promulgated by the Department of the Interior, pursuant to law, shall be subject to the penalties prescribed in section 701 of title 18 of the United States Code.

Arrowhead Symbol

Parkscape Symbol

Dated: April 27, 1970.

WALTER J. HICKEL,
Secretary of the Interior.

[F.R. Doc. 70-6383; Filed, May 25, 1970; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Office of Pipeline Safety

[Notice W-1; Docket No. OPS-6]

NORTHERN NATURAL GAS COMPANY OF OMAHA

Notice of Hearing on Waiver of Gas Pipeline Safety Standards

The Northern Natural Gas Company of Omaha, Nebr., has requested permission to operate a 276 mile segment of its 24 inch pipeline extending from Mullinville, Kans., to Palmyra, Nebr., at an increased maximum allowable operating pressure of 800 p.s.i. for 1 year. The established operating pressure is now 700 p.s.i.

Northern Natual Gas Co. states that the line, which has been in operation for approximately 20 years, was safely operated at 800 p.s.i. until the end of 1969 when the operating pressure was reduced to 700 p.s.i. Having adopted the lower operating pressure, that pressure under the interim Minimum Federal Standards (49 CFR 190) (section 804.6 of the 1968 edition USAS B31.8 Code) is now the established operating pressure for that line.

In support of its request, Northern Natural Gas Co. states that it—

Is now faced with a situation wherein it is necessary to add horsepower to the system to meet its volume commitments in the 1970–71 heating season. Northern at the same time is seeking authorization to bring Canadian gas into the north end of its system. The Canadian governmental hearings have been completed and the U.S. (FPC) hearings should be concluded by the first of June. Decisions from both governmental bodies are expected by the end of 1970. The construction of the facilities necessary to bring in the Canadian gas could then easily be accomplished by the latter part of 1971.

The input of Canadian gas would reduce the need of horsepower on the existing system to the extent that a good part of the horsepower installed in 1970 would not be required. A review of Northern's system indicated that the continued operation of the "B" line at 800 p.s.i. would eliminate the need to install as much as 25,000 horsepower. The cost of this horsepower is approximately $4 million. The units, of course, could be moved to the Canadian line next year with a total net loss of approximately $2 million.

In order to avoid the uneconomical situation of installing horsepower for a 1-year period, we propose to maintain the 800 p.s.i. pressure level in the "B" line for one additional year. Following this time period, the "B" line will be reduced to 700 p.s.i. This, I might add, would be regardless of whether the Canadian project was approved or not. Without the Canadian project, we would need the 25,000 horsepower for the existing system on a long term basis and certainly would be willing to install them under those conditions.

In accordance with section 3(e) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1672(e)), notice is hereby given that a hearing on the matter of granting a waiver for the purpose stated above will be held at 10 a.m., on June 12, 1970, at the Office of Pipeline Safety, 400 Sixth Street SW., Washington, D.C. 20590.

Interested persons are invited to present their views at the hearing or to submit them in writing by June 12, 1970, to the Office of Pipeline Safety at the above address.

Issued in Washington, D.C., on May 21, 1970.

W. C. JENNINGS,
Acting Director,
Office of Pipeline Safety.

[F.R. Doc. 70-6499; Filed, May 25, 1970; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 21866-5, 22216; Order 70-5-103]

BRANIFF AIRWAYS, INC.

Military Reservation Fares; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of May 1970.

By tariff revisions[1] marked to become effective June 1, 1970, Braniff Airways, Inc. (Braniff) proposes to cancel Discover America fares in markets under 600 miles; eliminate blackout restrictions on Discover America, youth reservation, military reservation, and family fares; and increase military reservation fares from 66⅔ percent to 80 percent of coach fares. The latter proposal would equalize Braniff's military reservation fares with the present level of its youth reservation fares. The blackout periods involved are from noon to midnight on Fridays and Sundays in the case of Discover America and family fares; from noon to 9 p.m. on Fridays in the case of military and youth reservation fares.

Braniff states that the purpose of the adjustments is to bring the fares in line with demand, giving better recognition to the diversionary versus the generative effect of certain promotional fares in short-haul markets, the equalization of discounts afforded special classes of reserved-seat passengers, and the need for additional revenues.

Braniff alleges that costs continue to increase; that new labor agreements include raises not remotely offset by productivity gains and emphasize the need for additional revenues; that the domestic fare adjustments in effect since last October were scarcely sufficient to meet then known cost increases, and have done nothing to offset increases since that time; and that Braniff and the industry as a whole are earning less than a reasonable return on investment. Braniff estimates that the proposed changes would increase its passenger revenues by approximately $1 million annually, or 0.5 percent.

With regard to Discover America fares, Braniff alleges that excursion fares are not economically justified on a system-wide basis, and that excursion travel in short-haul markets is composed primarily of traffic that would move in any event. It is contended that excursion fares should be applicable only in markets where maximum stimulation of new traffic is possible, and that they should be limited to markets of sufficient length that the dollar differential is meaningful in the decision whether to travel and in attracting passengers who might otherwise move by automobile.

Braniff alleges that military reservation fares should be increased to the level now pertaining to youth reservation travel, since there is no social or economic basis upon which to differentiate between military and youth travel in reserved-seat service.

Complaints have been filed by Eastern Air Lines, Inc. (Eastern) and the Department of Defense (DOD). Eastern requests that the Board suspend and investigate Braniff's proposal to eliminate all periods of unavailability now applicable to its major discount fares. Eastern alleges that discount fares traditionally have been justified on the ground that they generate new traffic, and shift demand of a segment of the traveling public from peak to off-peak periods, and that Braniff's proposal runs counter to this purpose. It is alleged that Braniff's proposal would result in a weekend super-peak with one of two results, either full-fare passengers would be lost because of lack of capacity, or the airlines would increase capacity for the peak with a resulting intensification of under-utilization during the remaining 5 days of the week. Either result would allegedly destroy the economics of the discount fares.

Eastern also alleges that there is no logical basis in fact for suggesting that new traffic would be generated by elimination of the blackout periods; that it is clear that the removal of the weekend blackouts would be wholly diversionary and that the diversion would be large; and that it has a pool of Friday and Sunday afternoon revenues of approximately $162 million which would be subject to dilution. Eastern further alleges that Braniff's proposal to eliminate blackout periods involves several issues in the Domestic Passenger Fare Investigation, Docket 21866-5; that experiments which have broad adverse ramifications for the industry should be suspended pending investigation; and that Braniff has failed to provide the Board with any data or analysis relating to the cost or effect of the elimination of blackout restrictions, which is essential to the Board's consideration of a fare proposal which would introduce discount fares into major peak traffic periods for the first time.

The Department of Defense (DOD) has filed a complaint against the increase in military reservation fares. DOD alleges there has been absolutely no showing of need, nor any justification whatsoever, for increasing these fares, or showing that the basis upon which the fares are predicated is the proper basis to use. DOD also alleges that more than two and one-half million personnel in the armed forces regularly make use of the military

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariffs CAB Nos. 90, 98, 101, and 117.

leave reservation fares, and that the proposed increase in these fares will create a very real and unjust burden on these people. DOD claims it has an extreme interest in a continuation of the military leave reservation fares at the current level for a very simple but important reason—morale; that personnel in the armed forces receive low pay and are forced to seek low cost transportation for their leave and other personal travel; and that many of these persons use air service for periodic visits home that could not be made, because of the time element, by any means other than air travel. Finally, DOD alleges that discount fares of the air carriers are under investigation before the Board in the Domestic Passenger Fare Investigation, Docket 21866–5, and that the fares involved herein should not be increased until the Board concludes its investigation and renders its decision in that proceeding.

Upon consideration of the tariff proposals, the complaints and answers thereto and other relevant matters, the Board finds that Braniff's proposals to eliminate blackout restrictions for the major discount fares and to increase military reservation fares may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful. The Board further concludes that the tariffs in question should be suspended pending investigation. These tariff proposals except for the military reservation fares and related provisions are already under investigation in Phase 5 of the Domestic Passenger Fare Investigation, Docket 21866–5. We will institute a separate proceeding to investigate the military reservation fares and applicability provision herein suspended.

Our decision to suspend the proposal to make the major discount fares available at all times is consistent with our recent action in Order 70–4–136, wherein the Board suspended a proposal of other carriers to provide that their military reservation fares would apply at all times system-wide. We suspended that proposal after concluding that it would tend to undermine the economic basis of the reduced fares, and we believe Braniff's proposal can be expected to have the same effect, as described by Eastern in its complaint.

We will suspend the proposed increases in military reservation fares due to the magnitude of the increase of approximately 20 percent. If permitted, this proposal would place a significant burden on military personnel, either in the form of higher fares, or less favorable service if they downgrade to standby fares. The Board permitted similar increases in youth reservation fares effective October 1, 1969; however, national defense considerations were not a factor with those fares. We are not persuaded that the continuation of the 50-percent standby fares adequately satisfies the need for the availability to our military personnel of low cost transportation on a broad basis.

Braniff alleges that Discover America fares do not generate sufficient revenues in short-haul markets to offset their diversionary impact, and for this reason proposes to cancel these fares in markets below 600 miles in distance. While we do not consider Braniff's showing in support of this allegation to be definitive, the Board nevertheless is not disposed to substitute its judgment on the matter for that of the carrier, and will permit the proposed experimentation to test the market place. However, we will expect the carrier to monitor the results closely and to take appropriate steps in the event traffic response is adverse.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the military reservation fares and provisions described in Appendix A attached hereto,[2] and rules, regulations, or practices affecting such fares and provisions, are or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto are suspended and their use deferred to and including August 29, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, and in Order 70–5–40, dated May 8, 1970, the complaints in Dockets 22146 and 22154 are dismissed;

4. The investigation of the military reservation fares and provisions ordered in paragraph 1 be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. A copy of the order will be filed with the aforesaid tariffs and be served on Braniff Airways, Inc., Eastern Air Lines, Inc., and the complainant in Docket 22146, which are hereby made parties to the investigation ordered in paragraph 1.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[F.R. Doc. 70-6481; Filed, May 25, 1970; 8:49 a.m.]

[2] Filed as part of the original document.

[Docket No. 22051; Order 70–5–99]

EASTERN AVIATION CORP.

Service Mail Rates; Order To Show Cause

Issued under delegated authority May 20, 1970.

A final service mail rate established by Order 68–7–158 for the transportation of mail by aircraft is currently in effect for Eastern Aviation Corp. (Eastern Aviation) and air taxi operator under 14 CFR Part 298.

On March 27, 1970, Eastern Aviation filed a petition requesting the Board to fix a new final service mail rate for its route in the above docket. On April 17, 1970, the Postmaster General filed a reply to Eastern Aviation's petition. The Postmaster General stated that it was in agreement with Eastern Aviation that the present rate is no longer fair and reasonable because of increased costs experienced by Eastern Aviation which were not known or reasonably foreseeable at the time the rates were set.

The Postmaster General, however, concludes that upon thorough analysis he can support an increased rate in the amount as shown in the following table:

Previous docket No.	Route	Cents per mile		
		Present rate	Eastern aviation's proposal	Post Office Department support
20004	Baltimore, Md., and Charlotte, N.C., via Richmond, Va.	52.78	59.88	56.91

Eastern Aviation has agreed that the rate supported by the Postmaster General, as set forth above, is a fair and reasonable rate of compensation.

The Board finds it is in the public interest to determine, adjust and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the petitions and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

On and after March 27, 1970, the fair and reasonable final service mail rate per great circle aircraft mile to be paid in its entirety by the Postmaster General to Eastern Aviation Corp. pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Baltimore, Md., and Charlotte, N.C., via Richmond, Va., shall be 56.91 cents.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and the Board's regulations 14 CFR Part 302, 14 CFR Part 298 and the authority duly delegated by the Board in its Organization Regulations 14 CFR 385.14(f),

It is ordered, That:

1. All interested persons and particularly Eastern Aviation Corp. and the Postmaster General are directed to show cause why the Board should not adopt

[1] This order to show cause is not a final action and is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

the foregoing proposed findings and conclusions and fix, determine, and publish the final rate for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, as the fair and reasonable rate of compensation to be paid to Eastern Aviation Corp.

2. Further procedures herein shall be in accordance with 14 CFR Part 302, as specified in the attached appendix; and

3. This order shall be served upon Eastern Aviation Corp. and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

APPENDIX

1. Further procedures related to the attached order shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed therein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

2. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed therein and fix and determine the final rate specified therein;

3. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

[F.R. Doc. 70-6482; Filed, May 25, 1970; 8:49 a.m.]

[Docket No. 22153; Order 70-5-106]

HUGHES AIR CORP.

Service Mail Rates; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of May 1970.

By Order 70-4-15 the Board amended and reissued to Hughes Air Corp. the certificate of public convenience and necessity for Routes 76 and 76-F formerly held by Air West, Inc., effective April 3, 1970. On April 29, 1970, Hughes Air Corp. petitioned the Board for the establishment of service mail rates for its entire system. The petition requests that the domestic multielement rates be established for this service in the same manner that they applied to Air West, Inc. On May 8, 1970, the Postmaster General replied to the petition stating that he was in agreement with Hughes Air Corp. that the domestic multielement rates are fair and reasonable rates for the services proposed.

It is in the public interest to fix, determine, and establish the fair and reasonable rates of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith. Upon consideration of the petition, the reply of the Postmaster General, and other matters officially noticed, it is proposed to issue an order to include the following findings and conclusions:

1. The fair and reasonable final service mail rates to be paid Hughes Air Corp. pursuant to section 406 of the Act, for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith over its entire system shall be the rates established by the Board in Order E-25610, August 28, 1967, as amended, and shall be subject to the other provisions of that Order;

2. The fair and reasonable final service mail rates to be paid Hughes Air Corp. pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith over its entire system shall be the rates established by the Board in Order 70-4-9, dated April 2, 1970, and shall be subject to the other provisions of that order; and

3. The service mail rates here fixed and determined are to be paid entirely by the Postmaster General.

4. The findings and conclusions regarding the transportation of priority and nonpriority mail by aircraft shall be implemented by the following amendments to Board orders:

Order E-25610, dated August 28, 1967, as amended, shall be further amended by adding "Hughes Air Corp." to the list of carriers in ordering paragraph (2) on page 1 of that order.

Order 70-4-9, dated April 2, 1970, shall be amended by adding "Hughes Air Corp." to the list of carriers in ordering paragraph (A) (2) of that order.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302,

It is ordered, That:

1. Hughes Air Corp., the Postmaster General, and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rates specified above for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rates of compensation to be paid to Hughes Air Corp.;

2. Further procedures herein shall be in accordance with 14 CFR, Part 302, as specified in the attached appendix; and

3. This order shall be served upon Hughes Air Corp., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

APPENDIX

1. Further procedures related to the attached order shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed therein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

2. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed therein and fix and determine the final rate specified therein;

3. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

[F.R. Doc. 70-6483; Filed, May 25, 1970; 8:49 a.m.]

USERS OF CAB OFFICIAL MILEAGES

Airport-to-Airport Distance Calculations; Standard Methodology

MAY 21, 1970.

Under Part 247 of the Board's economic regulations the direct airport-to-airport mileage record, presently maintained by the Records Services Section of the Office of Facilities and Operations, constitutes the official mileage record of the board, and "the mileages set forth therein shall be used in all instances where it shall be necessary to determine direct airport-to-airport mileages pursuant to the provisions of titles IV and X of the Federal Aviation Act of 1958, as amended, or any rule, regulation, or order of the Board pusuant thereto." The Board's present files of official mileages have been cumulatively developed over a period of time and reflect several different calculation methodologies associated in sequential developmental stages with manual processing, machine processing by Coast and Geodetic Survey and, currently, machine processing within the Board. For this reason, the mileage calculated for a particular pair of points under the standard formula presently used within the Board and the mileage shown for the same pair of points in the Board's official mileage book (or records) may differ. Such difference does not necessarily imply error in one or the other computed mileages, but may merely reflect a difference in applied formulas designed to facilitate particular processing techniques which attempt to compensate for the nonspherical shape of the world, a computation which can never be precisely accurate.

Heretofore, it has been the Board's view that a wholesale changeover to the computation formula presently used would be burdensome to both the carriers and the Board with little, if any, substantive benefits to either the public or

the carriers. However, recent developments have caused the Board to reconsider this position. At a meeting, in June 1967, the Accounts and Records Committee of the Airline Finance and Accounting Conference, a Division of the Air Transport Association of America, adopted a resolution which, in brief, favored the objectives of a program which would entail recalculation of intercity mileages, substitution of a standard method for measuring mileages for the methods previously used to develop the mileages currently in common use, and use of the recalculated mileages for every purpose. The February 1967 Report of the Joint Board/Industry Origin-Destination Working Group proposed, among other things, to utilize automatic data processing to the maximum extent possible not only in processing the survey, but also as the vehicle for making the data available to users. More specifically, it was proposed that in the new survey trip mileages be provided for all domestic and international trips in machine processing by CAB, be accumulated coupon by coupon over the routing, and be based on airport-to-airport great circle distances (using airport coordinates in latitude and longitude).

Finally, on August 6, 1969, the Board adopted an amendment (ER–586) of Part 241 of the economic regulations to provide for the collection of traffic and capacity data on a flight-stage basis by route carriers and transmittal of such data to the Board on magnetic tape or punched cards for direct automatic processing. The amendment will become effective on July 1, 1970. There is a very close relationship between the Origin-Destination Survey and the modernization of traffic and capacity data collection system prescribed by ER–586. Both require the use of official mileages, and both require the extensive use of automatic data processing equipment and procedures.

Accordingly, in the interest of promoting more efficient use of automatic data processing systems and procedures, the Board has determined to modernize its systems and methods for computing official mileages. To this end the Board intends to adopt, effective July 1, 1970, a standard uniform system for the derivation and application of all official airport-to-airport mileages. This new system will standardize mileages on the basis of a formula utilizing airport coordinates, longitude and latitude, in degrees, minutes and seconds, and hemisphere. Computed mileages will be rounded to the nearest whole mile. The system will enable any user to duplicate the mileages by employing the Board's airport coordinates and mileage formulae, and thus is particularly suitable for computer application. A technical explanation of the formula is contained in Appendix A attached to this notice.

It is intended that this standard system will replace all previously developed methodologies and that the mileages computed thereunder shall be used in all instances where it shall be necessary to determine direct airport-to-airport mileages pursuant to the Act or any rule, regulation, or order of the Board thereunder. Thus, the new system will apply to mileages in connection with (1) service mail rates (except outstanding rate orders containing specific mileages), (2) subsidy mail rates, (3) MAC rates, and (4) service segment data under ER–573. The new system will apply to all points served by U.S. air carriers, both domestic and international. For the most part, airport coordinates to be used by the Board in compiling its coordinate data bank will be based on information obtained from the Aeronautical Chart and Information Center (ACIC).

It is the Board's plan to make the following information available to air carriers upon request:

1. A listing of airport-to-airport mileages between every possible pair of points on the carrier's system. (Domestic, Alaskan, and international may be listed separately.) This listing will be computer-generated and in the form of printed computer output.

2. List of airport coordinates on either magnetic tape or punched cards for: (a) Domestic points, except Alaska; (b) Alaskan points; and (c) international points. At this time the listing includes only those points used in the Origin and Destination Survey. Coordinates for additional points are available from the Records Services Section, but will be added to the ADP bank as soon as necessary.

3. Computational formulas used in computing the airport-to-airport distances.

It is planned to issue a new Route and Official Mileage Book as of June 30, 1970, reflecting all mileages computed by the uniform standard procedure. It is also contemplated that the Board will prepare and issue periodically a list of new and revised coordinates reflecting changes in airports and new airports added. A mailing list will be maintained to provide the information to subscribers.

The standardization of mileages upon the airport-to-airport great circle distance concept may have some effect upon carrier statistics and Board operational programs. However, comparisons of present official mileages with mileages computed under the standard system indicate that no historical conversion of data is necessary. In the majority of instances, the change in mileage is on the order of plus or minus 1 mile. In a small number of instances, the change will be as much as plus or minus 15 miles, and only occasionally greater. A sample analysis of the impact of the change by carrier is attached as Appendix B. However, the full extent of impact on each carrier is a matter which each carrier must itself determine.

Users of CAB official mileages are invited to submit their views or suggestions on the matters set forth herein by filing, within 15 days of the date of this notice, three copies thereof addressed to the Records Services Section, Office of Facilities and Operations, Civil Aeronautics Board, Washington, D.C. 20428.

This notice is being published in the FEDERAL REGISTER.[1]

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[F.R. Doc. 70-6484; Filed, May 25, 1970; 8:49 a.m.]

[Docket No. 14847]

SOUTH PACIFIC-PAN AMERICAN ROUTE TRANSFER CASE (REOPENED)

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled proceeding, now assigned to be held on May 27, 1970, is hereby postponed to June 17, 1970, at 10, e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., May 21, 1970.

[SEAL] EDWARD T. STODOLA, *Hearing Examiner.*

[F.R. Doc. 70-6485; Filed, May 25, 1970; 8:50 a.m.]

TARIFF COMMISSION

[22-28]

DAIRY PRODUCTS

Notice of Investigation and Hearing

At the request of the President (reproduced herein), the U.S. Tariff Commission, on the 19th day of May 1970, instituted an investigation under subsection (a) of section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), to determine whether certain articles described in the President's letter are being, or are practically certain to be, imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the price-support programs of the U.S. Department of Agriculture for milk and butterfat, or to reduce substantially the amount of products processed in the United States from domestic milk and butterfat.

The text of the President's letter of May 13, 1970 to the Commission follows:

I have been advised by the Secretary of Agriculture, and I agree with him, that there is reason to believe that ice cream, chocolate crumb with a fat content of 5.5 percent or less, animal feeds containing milk or milk derivatives, and certain cheese containing 0.5 percent or less by weight of butterfat are being imported, and are practically certain to be imported, under such conditions and in such quantities as to render or tend to render ineffective or materially interfere with the price support programs now conducted by the Department of Agriculture for milk

[1] Appendices, which will be omitted from the FEDERAL REGISTER, are available on request to the Office of Facilities and Operations.

and butterfat, or to reduce substantially the amount of products processed in the United States from domestic milk and butterfat.

Specifically, reference is made to the following articles:

1. Ice cream, as provided for in item 118.25, part 4, subpart D, of Schedule 1 of the Tariff Schedules of the United States (TSUS);

2. Chocolate provided for in item 156.30 of part 10 and articles containing chocolate provided for in item 182.95, part 15, Schedule 1 of the TSUS, containing 5.5 percent or less by weight of butterfat (except articles for consumption at retail as candy or confection);

3. Animal feeds containing milk or milk derivatives, classified under item 184.75, subpart C, part 15 of Schedule 1 of the TSUS; and

4. Cheese, and substitutes for cheese, containing 0.5 percent of less by weight of butterfat, as provided for in items 117.75 and 117.85 of subpart C, part 4 of Schedule 1 of the TSUS, except articles within the scope of other import quotas provided for in Part 3 of the appendix to the TSUS; if shipped otherwise than in pursuance to a purchase, or if having a purchase price under 47 cents per pound.

The U.S. Tariff Commission is therefore directed to make an immediate investigation under section 22 of the Agricultural Adjustment Act, as amended, to determine whether the above-described articles are being or are practically certain to be, imported under such conditions and in such quantities as to render or tend to render ineffective or materially interfere with the price support programs now conducted by the Department of Agriculture for milk and butterfat, or to reduce substantially the amount of products processed in the United States from domestic milk and butterfat, and to report its findings and recommendations to me at the earliest practicable date.

Notice is hereby given that a hearing will be held in connection with the investigation in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m., e.d.s.t., July 7, 1970. Interested parties desiring to appear and to be heard should notify the Secretary of the Commission, in writing, on or before June 26, 1970. It is suggested that parties who have a common interest endeavor wherever possible to arrange for a consolidated presentation of their views.

Requests to appear must contain the following information:

(a) The types of products on which testimony will be presented.

(b) The name and organization of the witness or witnesses who will testify, and the name, address, telephone number, and organization of the person filing the request.

(c) A statement indicating whether the testimony to be presented will be on behalf of importer or domestic producer interests.

(d) A careful estimate of the aggregate time desired for presentation of oral testimony by all witnesses for whose appearances the request is filed.

Because of the limited time available, the Commission reserves the right to limit the time assigned to witnesses. In this connection, experience in similar previous hearings has indicated that in most cases the essential information can be effectively summarized in an oral presentation of 15 to 30 minutes. Parties desiring an allowance of time in excess of this amount should set forth any special circumstances in support of such request. Witnesses may supplement their oral testimony with written statements of any desired length. These should be submitted in 20 copies when the oral testimony is presented.

Persons who have properly filed requests to appear will be individually notified of the date on which they will be scheduled to present oral testimony and of the time allotted for presentation of such testimony.

Questioning of witnesses will be limited to members of the Commission.

Written information and views in lieu of appearance at the public hearings may be submitted by interested persons. A signed original and 19 true copies of such statements shall be submitted.

Business data which is deemed confidential shall be submitted on separate sheets, each clearly marked at the top "Business Confidential". All written statements, except for confidential business data, will be made available for inspection by interested persons. To be assured of consideration by the Commission, written statements in lieu of appearance should be submitted at the earliest practicable date, but not later than July 10, 1970.

All communications regarding the Commission's investigation should be addressed to the Secretary, U.S. Tariff Commission, Washington, D.C. 20436.

By order of the Commission.

Issued: May 21, 1970.

[SEAL] KENNETH R. MASON,
Secretary.

[F.R. Doc. 70-6445; Filed, May 25, 1970; 8:46 a.m.]

CIVIL SERVICE COMMISSION

MEDICAL RADIOLOGY TECHNICIANS

Notice of Establishment of a Special Minimum Rate and Rate Range

Under authority of 5 U.S.C. 5303 and Executive Order 11079, the Civil Service Commission has established a special minimum salary rate and rate range as follows:

PFS-647 MEDICAL RADIOLOGY TECHNICIAN

Geographic coverage: New York City.
Effective date: First day of the first pay period beginning on or after May 16, 1970.

PER ANNUM RATES

Level	1	2	3	4	5	6	7	8	9	10	11	12
PFS-7	$8,160	$8,415	$8,670	$8,925	$9,180	$9,435	$9,690	$9,945	$10,200	$10,455	$10,710	$10,965

All new employees in the specified occupational level will be hired at the new minimum rate.

As of the effective date, the agency will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational level. An employee who immediately prior to the effective date was receiving basic compensation at one of the statutory rates shall receive basic compensation at the corresponding numbered rate authorized by this letter on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 39 U.S.C. 3552.

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-6452; Filed, May 25, 1970; 8:47 a.m.]

MEDICAL TECHNOLOGISTS

Notice of Establishment of Special Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has established special minimum salary rates and rate ranges as follows:

GS-644 MEDICAL TECHNOLOGIST

Geographic coverage: Chicago and Hines, Ill.
Effective date: First day of the first pay period beginning on or after May 31, 1970

PER ANNUM RATES

Grade	1	2	3	4	5	6	7	8	9	10
GS-5	$7,638	$7,856	$8,074	$8,292	$8,510	$8,728	$8,946	$9,164	$9,382	$9,600
GS-6	8,023	8,266	8,509	8,752	8,995	9,238	9,481	9,724	9,967	10,210
GS-7	8,368	8,638	8,908	9,178	9,448	9,718	9,988	10,258	10,528	10,798

All new employees in the specified occupational levels will be hired at the new minimum rates.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the statutory rates shall receive basic compensation at the corresponding numbered rate authorized by this letter on and after such date. The pay adjustment will not be considered an equivalent

increase within the meaning of 5 U.S.C. 5335.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-6454; Filed, May 25, 1970; 8:47 a.m.]

OCCUPATIONAL AND PHYSICAL THERAPISTS

Notice of Establishment of Special Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has established special minimum salary rates and rate ranges as follows:

GS-631 OCCUPATIONAL THERAPIST
GS-633 PHYSICAL THERAPIST

Geographic coverage: Los Angeles-Long Beach, Calif., Standard Metropolitan Statistical Area.
Effective date: First day of the first pay period beginning on or after May 31, 1970.

PER ANNUM RATES

Grade	1	2	3	4	5	6	7	8	9	10
GS-5	$8,292	$8,510	$8,728	$8,946	$9,164	$9,382	$9,600	$9,818	$10,036	$10,254
GS-6	8,752	8,995	9,238	9,481	9,724	9,967	10,210	10,453	10,696	10,939
GS-7	9,178	9,448	9,718	9,988	10,258	10,528	10,798	11,068	11,338	11,608
GS-8	9,554	9,853	10,152	10,451	10,750	11,049	11,348	11,647	11,946	12,245

All new employees in the specified occupational levels will be hired at the new minimum rates.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the statutory rates shall receive basic compensation at the corresponding numbered rate authorized by this letter on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-6451; Filed, May 25, 1970; 8:47 a.m.]

PHYSICAL THERAPISTS

Notice of Establishment of Special Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has established the following special minimum salary rates and rate ranges:

GS-633 PHYSICAL THERAPIST

Geographic coverage: Cincinnati, Ohio, Standard Metropolitan Statistical Area.
Effective date: First day of the first pay period beginning on or after May 31, 1970.

PER ANNUM RATES

Grade	1	2	3	4	5	6	7	8	9	10
GS-5	$7,856	$8,074	$8,292	$8,510	$8,728	$8,946	$9,164	$9,382	$9,600	$9,818
GS-6	8,023	8,266	8,509	8,752	8,995	9,238	9,481	9,724	9,967	10,210
GS-7	8,368	8,638	8,908	9,178	9,448	9,718	9,988	10,258	10,528	10,798

All new employees in the specified occupational levels will be hired at the new minimum rate.

As of the effective date, the agency will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the statutory rates shall receive basic compensation at the corresponding numbered rate authorized by this letter on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-6453; Filed, May 25, 1970; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

COLORADO CNB BANKSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Colorado CNB Bankshares, Inc., which is a bank holding company located in Denver, Colo., for prior approval by the Board of Governors of the acquisition by applicant of at least 80 percent of the voting shares of The Bank of Glenwood, Glenwood Springs, Colo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

By order of the Board of Governors, May 19, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-6437; Filed, May 25, 1970; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-1612, etc.]

NELLE SON DEREGGER ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MAY 15, 1970.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

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

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed

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

changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

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

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 3, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-1612	Nelle Son DeRegger et al., 318 29th St., Des Moines, Iowa 50312.	1	[3]	Panhandle Eastern Pipe Line Co. (Hugoton Field, Kans.).	$1,000	4-20-70	[2] 6-21-70	11-21-70	12.0	[4] 13.0	RI65-306.
RI70-1613	Mahaska Gas Co., Inc., 611 A Ave., East, Oskaloosa, Iowa.	4	[2]	do	3,000	4-20-70	[2] 6-21-70	11-21-70	12.0	[4] 13.0	RI65-304.
RI70-1614	The Stevens County Oil & Gas Co., Post Office Box 1034, Wichita, Kans.	26	[3]	do	7,000	4-20-70	[2] 6-21-70	11-21-70	12.0	[4] 13.0	RI65-313.
RI70-1615	Mark H. Adams, Post Office Box 1034, Wichita, Kans. 67201.	14	[2]	do	4,500	4-20-70	[2] 6-21-70	11-21-70	12.0	[4] 13.0	RI65-311.
RI70-1616	Kathrine B. Palmer, et al., c/o Mark H. Adams, Esq., Post Office Box 1034, Wichita, Kans. 67201.	1	[3]	do	1,000	4-20-70	[2] 6-21-70	11-21-70	12.0	[4] 13.0	
RI70-1617	Helmerich & Payne, Inc. Utica at 21st, Tulsa, Okla. 74114.	28	[2]	Panhandle Eastern Pipe Line Co. (Hugoton Field, Stephens and Seward Counties, Kans.).	2,895	4-21-70	[2] 5-22-70	10-22-70	12.0	[4] 13.0	RI65-555.
	do	29	[2]	Panhandle Eastern Pipe Line Co. (Hugoton Field, Morton and Seward Counties, Kans.).	2,967	4-21-70	[2] 5-22-70	10-22-70	12.0	[4] 13.0	RI65-162.
RI70-1618	Continental Oil Co. (Operator) et al., Post Office Box 2197, Houston, Tex. 77001.	188	5	Cities Service Gas Co. (Southeast Eureka Field, Grant County, Okla.) (Oklahoma "Other" Area).	407	4-24-70	[2] 5-25-70	10-25-70	[7] 14.0	[4] [7] 15.0	RI65-375.
	do	191	10	Michigan Wisconsin Pipe Line Co. (Laverne and Northwest Buffalo Fields, Harper and Beaver Counties, Okla.) (Panhandle Area).	15,012	4-24-70	[2] 5-25-70	10-25-70	[8] 19.515	[4] [8] 22.015	RI68-157.
RI70-1619	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla, 73118.	124	16	Natural Gas Pipeline Co. of America (Camrick Field, Tex. and Beaver Counties, Okla.) (Panhandle Area).	2,334	4-24-70	[2] 6- 5-70	11- 5-70	[8] 18.615	[6] [8] 18.815	RI69-745.
	do	170	1	Northern Natural Gas Co. (North Linscott Field, Ellis County, Okla.) (Panhandle Area).	125	4-24-70	[2] 6- 1-70	11- 1-70	[8] 17.0	[6] [8] 18.015	
	do	172	5	Panhandle Eastern Pipe Line Co. (Northwest Oakdale Field, Woods County, Okla.) (Oklahoma "Other" Area).	339	4-24-70	[2] 6- 1-70	11- 1-70	[8] 18.717	[4] [8] 19.833	RI67-53.
RI70-1620	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001.	171	1	Northern Natural Gas Co. (North Linscott Field, Ellis County, Okla.) (Panhandle Area).	211	4-20-70	[2] 6- 1-70	11- 1-70	[8] 17.0	[4] [8] 18.0	
RI70-1621	Warren W. Spikes et al., Hugoton, Kans. 67951.	1	[2]	Panhandle Eastern Pipe Line Co. (Hugoton Field, Kans.)	800	4-20-70	[2] 6-21-70	11-21-70	12.0	[4] 13.0	RI65-312.
RI70-1622	Donald W. Sidwell et al., 720 Midland Savings Bldg., Denver, Colo.	20	[2]	do	6,000	4-20-70	[2] 6-21-70	11-21-70	12.0	[4] 13.0	RI65-308.
RI70-1623	Howard H. Sidwell, 722 Midland Savings Bldg., Denver, Colo.	20	[2]	do	6,000	4-20-70	[2] 6-21-70	11-21-70	12.0	[4] 13.0	RI65-307.
RI70-1624	Walter L. Sidwell, Jr., et al., 301 Park, Winfield, Kans.	20	[2]	do	6,000	4-20-70	[2] 6-21-70	11-21-70	12.0	[4] 13.0	RI65-309.
RI70-1625	J. J. Weigel et al., 1502 First Ave., Dodge City, Kans.	7	[2]	do	1,000	4-20-70	[2] 6-21-70	11-21-70	12.0	[4] 13.0	RI65-305.
RI70-1626	Mildred McCutchen, 219 East J St., Ontario, Calif.	9	[2]	do	1,000	4-20-70	[2] 6-21-70	11-21-70	12.0	[4] 13.0	RI65-303.

See footnotes at end of table.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-1627...	First Transportation Gas Corp., Inc., National Bank of Tulsa Bldg., Tulsa, Okla. 73102.	2	1	Northern Natural Gas Co. (Beaver County, Okla. (Panhandle Area) and Ochiltree County, Tex.) (RR. District No. 10).	$6,667	4-21-70	[2] 5-22-70	10-22-70	[6] 17.0	[4] [5] [8] 18.0	
.....do.....		3	5	Michigan Wisconsin Pipe Line Co. (Beaver County, Okla.) (Panhandle Area).	35,321	4-21-70	[2] 5-22-70	10-22-70	[6] [11] 18.178	[4] [10] [11] 19.678	
.....do.....		5	1	Northern Natural Gas Co. (Ellis County, Okla.) (Panhandle Area).	255	4-21-70	[2] 5-22-70	10-22-70	[6] 17.0	[4] [5] 18.0	
RI70-1628...	Southern Union Production Co., 1500 Fidelity Union Tower, Dallas, Tex. 75201.	3	[25] 27	Southern Union Gathering Co. (acreage in San Juan County, N. Mex.) (San Juan Basin Area).	248	4-20-70	[13] 5-21-70	10-21-70	13.0	[4] [12] [15] 15.0636	
RI70-1629...	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	275	5	El Paso Natural Gas Co. (Aneth Field, San Juan County, Utah).	5,677	4-24-70	[2] 5-25-70	10-25-70	17.70	[16] [17] 22.22	
.....do.....		6	12	Natural Gas Pipeline Co. of America (La Gloria Field, Jim Wells and Brooks Counties, Tex.) (RR. District No. 4).	2,732	4-24-70	[2] 5-25-70	10-25-70	15.56078	[4] [5] 16.72943	RI67-131.
.....do.....		282	6	South Texas Natural Gas Gathering Co. (McAllen Ranch Field, Hidalgo County, Tex.) (RR. District No. 4).	62,980	4-24-70	[7] 5-25-70	10-25-70	[18] 16.0 17.06375	[4] [5] 18.0675	RI66-113.[19]
RI70-1630...	Texas Oil & Gas Corp. (Operator) et al., 1001 Americana Bldg., Houston Tex. 77002.	43	13	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (North Louise Field, Wharton County, Tex.) (RR. District No. 3).	97,455	4-20-70	[7] 7-1-70	12-1-70	14.0525	[4] [5] 17.8068	RI70-655.
RI70-1631...	Houston Natural Gas Production Co.[20] (Operator) et al., Post Office Box 1188, Houston, Tex. 77001.	12	9	Valley Gas Transmission, Inc. (Terrell Pointi Area, Goliad County, Tex.) (RR. District No. 2).	26,330	4-21-70	[2] 5-22-70	10-22-70	13.2996875	[4] [5] 14.3034375	RI65-588.
RI70-1632...	Pennzoil Producing Co., 900 Southwest Tower, Houston Tex. 77002.	195	9	Texas Eastern Transmission Corp. (Muldon Field, Monroe County, Miss.).	1,800	4-23-70	[2] 5-24-70	10-24-70	[14] 21.60	[5] [15] [18] 21.80	RI70-282.
RI70-1633...	Sohio Petroleum Co. (Operator) et al., 970 First National Office Bldg., Oklahoma City, Okla. 73102.	138	10	Natural Gas Pipeline Co. of America (Northeast Thompsonville Field, Webb County, Tex.) (RR. District No. 4).	16,296	4-24-70	[2] 5-25-70	10-25-70	18.0	[4] [5] 24.08725	RI70-292.
RI70-1269...	The Flour Corp., Ltd., 615 Midland Tower, Midland, Tex. 79701.	[21]	[21]	Natural Gas Pipeline Co. of America (Crittendon Field, Winkler County, Tex.) (RR. District No. 8) (Permian Basin Area).	5,418	4-17-70	[13] 5-18-70	Accepted subject to refund in docket No. RI70-1269	[14] 16.5	[2] [20] 17.7323	

[1] The stated effective date is the effective date requested by respondent.
[2] Applicable only to production from above the base of the Chase Group of Permian Series.
[4] Periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Subject to a downward B.t.u. adjustment.
[7] From prices shown buyer currently deducts 0.75 cent for dehydration and 1.5 cents for compression.
[8] Subject to upward and downward B.t.u. adjustment.
[9] Includes base rate of 17 cents plus upward B.t.u. adjustment before increase and base rate of 18 cents upward B.t.u. adjustment plus tax reimbursement after increase.
[10] "Fractured" rate increase.
[11] Includes 1.178 cents upward B.t.u. adjustment.
[12] Applicable to Supplement No. 26 only.
[13] The stated effective date is the first day after expiration of the statutory notice.
[14] Increase to contract rate.
[15] Pressure base is 15.025 p.s.i.a.
[16] Rate collected for gas produced from acreage added by Supplement No. 5 (initial rate).
[17] Basic acreage.
[18] Subject to 1.39 cents compression charge by buyer.
[19] No rate schedule on file. Pertains to contract dated Sept. 1, 1967. Respondent has small producer certificate in Docket No. CS66-128.
[20] Increase to contract rate (amended filing).
[21] Rate of 17.5656 cents suspended in Docket No. RI70-1269 until Aug. 2, 1970.
[22] Both buyer and seller are wholly owned subsidiaries of Houston Natural Gas Corp.

Continental Oil Co.'s (Continental) proposed 22.22 cents per Mcf rate increase (Supplement No. 5 to Continental's FPC Gas Rate Schedule No. 275) is for a sale of gas in the Aneth Area of Utah that was certificated in Opinion No. 335 issued February 23, 1960. Although no formal ceiling rates have been announced for the Aneth Area, the Commission has previously suspended rates at this level for 5 months. We conclude that Continental's proposed increased rate should be suspended for 5 months from May 25, 1970, the requested effective date.

The Fluor Corp., Ltd. (Fluor), has filed an amended small producer rate increase to 17.7323 cents for a sale of gas related to its gas purchase contract dated September 1, 1967.[23] The sale is to Natural Gas Pipeline Company of America in the Permian Basin Area of Texas. The original rate increase from 16.5 cents to 17.5656 cents per Mcf was suspended in Docket No. RI70-1269 until August 2, 1970. The instant filing is submitted to include contractually due upward B.t.u. price adjustment of 0.1667 cent per Mcf which Fluor omitted from the original increase. We conclude that the instant increase should be accepted for filing and substituted in lieu of the original increase in the rate proceeding in Docket No. RI70-1269.

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

[F.R. Doc. 70-6399; Filed, May 25, 1970; 8:45 a.m.]

[23] Producers operating under small producer certificates are permitted to file above-ceiling rate increases in the Permian Basin Area without submitting rate schedules as a result of Order No. 394 issued Jan. 6, 1970. Where the words "supplements" or "rate schedules" appear in this order, they refer to the notice of change in rate filed by the small producer herein.

[Docket No. G-4616 etc.]

TEXACO, INC., ET AL.

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

MAY 15, 1970.

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

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 12, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given. All certificates of public convenience and necessity granting applications for sales from the Permian Basin area will be issued at rates not exceeding the applicable area ceiling rates established in Opinions Nos. 468 and 468A, 34 FPC 159 and 1068, or the contractually authorized rates, whichever are less, unless at the time of filing of such certificate applications or within the time fixed for filing protests and petitions to intervene applicants indicate in writing that they are unwilling to accept such certificates.

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

GORDON M. GRANT,
Secretary.

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

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-4616 ..... C 4-27-70	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052.	El Paso Natural Gas Co., Langlie-Mattix Field, Lea County, N. Mex.	16.0	14.65
G-7500 ..... (CS68-40) C 4-21-70 [2]	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Spraberry Field, Reagan County, Tex.	14.5	14.65
CI60-608 ..... E 4-20-70	Go Distribution Co., Inc. (successor to D.L.Y. Inc.[3]) c/o Richard Nernberg, Esq., 305 Frick Bldg., Pittsburgh, Pa. 15219.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	25.0	15.325
CI61-130 ..... E 4-20-70	Terra Resources, Inc. (successor to CRA, Inc.), 1410 Fourth National Bank Bldg., Tulsa, Okla. 74119.	Natural Gas Pipeline Co. of America, Panhandle Field, Carson County, Tex.	13.2	14.65
CI61-1355 ..... E 4-23-70	Turnco, Inc. & Fiske (successor to Turner & Fiske), Box 1168, Graham, Tex. 76046.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., El Puerto Field, Starr County, Tex.	17.24	14.65
CI62-710 ..... C 4-17-70	PetroDynamics, Inc. (Operator) et al., Post Office Box 1006, Amarillo, Tex. 79106.	Panhandle Eastern Pipe Line Co., Mocane-Laverne Gas Area, Beaver County, Okla.	[4] 18.0	14.65
CI62-902 ..... E 11-14-69	E. A. Trinkle (successor to N. G. Clark et al., d.b.a. Grundy Associates) c/o John T. Law, agent, Post Office Box 389, Weston, W. Va. 26452.	Consolidated Gas Supply Corp., Freeman's Creek District, Lewis County, W. Va.	25.0	15.325
CI63-173 ..... E 4-17-70	Excelsior Oil Corp. (Operator) et al. (successor to Associated Programs, Inc. (Operator) et al.), 300 North St. Joseph Ave., Hastings, Nebr. 68901.	Kansas-Nebraska Natural Gas Co., Inc., Bijou Field, Morgan County, Colo.	12.0	15.025
CI63-887 ..... 4-20-70 [5]	J. M. Huber Corp., 2300 West Loop, Houston, Tex. 77027.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	18.09	14.65
CI63-906 ..... E 3-30-70	L. E. Ostrom (Operator) et al. (successor to Maxwell D. Simmons (Operator) et al.), Post Office Box 896, Kilgore, Tex. 75662.	Lone Star Gas Co., Danville Field, Rusk County, Tex.	[4] 14.49	14.65
CI63-1380 ..... E 4-20-70	Go Distribution Co., Inc. (successor to D.L.Y. Inc.[3]).	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	25.0	15.325
CI64-735 ..... E 4-23-70	PetroDynamics, Inc. (Operator) et al. (successor to Jas. F. Smith), Post Office Box 1006, Amarillo, Tex. 79106.	Kansas-Nebraska Natural Gas Co., Inc., Dombey Field, Beaver County, Okla.	[6] 11.0 [7] 15.0	14.65
CI64-1259 ..... E 4-16-70	White Shield Oil & Gas Corp. (successor to Marvin E. Wilhite et al.), c/o Richard M. Reddecliff, Attorney, Post Office Box 306, Buckhannon, W. Va. 26201.	Consolidated Gas Supply Corp., Warren District, Upshur County, W. Va.	25.0	15.253
CI65-274 ..... D 4-30-70	Cities Service Oil Co., Post Office Box 300, Tulsa, Okla. 74102.	Natural Gas Pipeline Co. of America, Camrick Field, Beaver County, Okla.	Assigned	
CI66-478 ..... 4-21-70 [8]	Thomas E. Berry et al., Post Office Box 488, Stillwater, Okla. 74074.	Arkansas Louisiana Gas Co., acreage in Haskell County, Okla.	15.0	14.65
CI66-945 ..... E 4-2-70	Sun Oil Co. (successor to VanGrisso Oil Co.), 1608 Walnut St., Philadelphia, Pa. 19103.	Panhandle Eastern Pipe Line Co., acreage in Woods County, Okla.	[7] 15.0	14.65
CI66-1206 ..... E 4-17-70	Ray A. Jones (successor to E. B. Clark d.b.a. E. B. Clark Drilling Co. et al.), Sand Fork, W. Va. 26430.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	25.0	15.325
CI66-1264 ..... D 4-24-70	Shell Oil Co. (Operator) et al., 50 West 50th St., New York, N.Y. 10020.	Panhandle Eastern Pipe Line Co., Northeast Gage and Tangier Fields, Ellis and Woodward Counties, Okla.	Assigned	
CI67-1563 ..... E 4-17-70	Phillip H. Brown Oil & Gas Co. (successor to Hays and Co., agent for Parker Petroleum Co. et al.), Rinard Mills, Ohio 45774.	Consolidated Gas Supply Corp., Parkersburg District, Wood County, W. Va.	25.0	15.325
CI67-1608 ..... E 4-20-70	Go Distribution Co., Inc. (successor to D.L.Y. Inc.[3]).	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	25.0	15.325
CI67-1648 ..... E 4-17-70	Phillip H. Brown Oil & Gas Co. (successor to Hays and Co., agent for Parker Petroleum Co. et al.).	Consolidated Gas Supply Corp., Williams District, Wood County, W. Va.	25.0	15.325
CI68-546 ..... E 4-17-70	do	Consolidated Gas Supply Corp., Parkersburg District, Wood County, W. Va.	25.0	15.325
CI68-589 ..... (G-10686) C 4-20-70 [9]	Jerome P. McHugh et al., 930 Petroleum Club Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., Tapacito Pictured Cliffs, Blanco Mesa Verde, Gallup and Basin Dakota Fields, Rio Arriba County, N. Mex.	[9] 15.0619	15.025
CI69-50 ..... E 4-17-70	Phillip H. Brown Oil & Gas Co. (successor to Hays and Co., agent for Parker Petroleum Co. et al.).	Consolidated Gas Supply Corp., Williams District, Wood County, W. Va.	25.0	15.325
CI70-486 ..... E 4-20-70	White Shield Oil & Gas Corp. (successor to Whitney Operating Co.).	Arkansas Louisiana Gas Co., Ames Area, Major County, Okla.	[9] 15.0	14.65
CI70-595 ..... C 4-20-70	Patrick Petroleum Co., 744 West Michigan Ave., Jackson, Mich. 49201.	United Fuel Gas Co., Elk District, Kanawha County, W. Va.	28.0	15.325
CI70-850 ..... CI70-851 [9] (G-9538) (G-10192) F 3-9-70	Delbert R. Wallace (successor to H. J. Porter et al. and Monsanto Co.), Post Office Box 1262, Alice, Tex. 78332.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Sullivan City Field, Hidalgo and Starr Counties, Tex.	[9] 15.0	14.65
CI70-901 ..... (G-14645) F 3-30-70 [9]	J. Gregory Merrion et al. (successor to El Paso Products Co.), Box 1541, Farmington, N. Mex. 87401.	El Paso Natural Gas Co., Hospah Gallup Field, San Juan County, N. Mex.	[9] 12.0495	15.025

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	Price per Mcf	Pressure base
CI70-943 A 4-17-70	Davis Oil Co., 340 Oil and Gas Bldg., New Orleans, La., 70112.	Transcontinental Gas Pipe Line Corp., Thibodaux Field, Lafourche Parish, La.	20.0	15.025
CI70-951 (G-20465) F 4-3-70	Kenneth P. Milliken et al. (successor to Mountain States Natural Gas Corp.), c/o Edward S. Martin, attorney, 27 South College St., Washington, Pa. 15301.	El Paso Natural Gas Co., acreage in Rio Arriba and San Juan Counties, N. Mex.	11.0	15.025
CI70-952 A 4-20-70	Patrick Petroleum Co	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	28.0	15.325
CI70-953 A 4-20-70	Cayman Corp., Post Office Box 2099, Palos Verdes Peninsula, Calif. 90274.	Michigan Wisconsin Pipe Line Co., Woodward Area, Major County, Okla.	[2] 21.0	14.65
CI70-954 B 4-20-70	Sierra Petroleum Co., Inc. (Operator), et al.	Cities Service Gas Co., Northeast Rhodes Field, Barber County, Kans.	Depleted	
CI70-955 B 4-20-70	Terteling Land Co., Post Office Box 1428, Boise, Idaho 83701.	Texas Gas Transmission Corp., Midland Field, Muhlenberg County, Ky.	[20]	
CI70-956 A 4-20-70	Cresleun Oil Co., 1111 Mercantile Dallas Bldg., Dallas, Tex. 75201.	Michigan Wisconsin Pipe Line Co., acreage in Woodward County, Okla.	[3] 20.0	14.65
CI70-957 A 4-20-70	McCulloch Oil Corp., 6151 West Century Blvd., Los Angeles Calif. 90045.	McCulloch Interstate Gas Corp., various plants, Powder River Basin, Campbell County, Wyo.	15.0	14.65
CI70-958 A 4-22-70	J. L. Trittipo and N. G. Clark, c/o Paul N. Bowles, agent, Post Office Box 1386, Charleston, W. Va. 25326.	United Fuel Gas Co., acreage in Gilmer County, W. Va.	28.0	15.325
CI70-959 B 4-20-70	Thomas H. Allan (Operator) et al., 925 Union Center Bldg., Wichita, Kans. 67202.	Northern Natural Gas Co., acreage in Pawnee County, Kans.	Uneconomical	
CI70-960 A 4-20-70	Pan American Petroleum Corp	Michigan Wisconsin Pipe Line Co., Ship Shoal Block 219 Field, Offshore Louisiana.	22.25	15.025
CI70-961 A 4-22-70	Cities Service Oil Co., Post Office Box 300, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., Harmon Unit, Major County, Okla.	[3] 20.0	14.65
CI70-962 A 4-22-70	Shenandoah Oil Corp. (Operator) et al., 1018 Commerce Bldg., Fort Worth, Tex. 76102.	Michigan Wisconsin Pipe Line Co., acreage in Woodward County, Okla.	[3] 19.5	14.65
CI70-963 A 4-22-70	Savery Oil & Gas, Inc., c/o Marsden W. Miller, Jr., attorney, Miller, Bachman & Hoecker, 1650 Denver Club Bldg, Denver, Colo. 80202.	Western Transmission Corp., acreage in Carbon County, Wyo.	15.0	14.65
CI70-964 A 4-22-70	Mana Resources, Inc. (Operator), et al., 311 Bank of the Southwest Bldg., Amarillo, Tex. 79109.	Panhandle Eastern Pipe Line Co., Kismet Extention Field, Seward County, Kans.	[3] 19.0	14.65
CI70-965 A 4-24-70	An-Son Corp., 3814 North Santa Fe, Oklahoma City, Okla. 73118.	Lone Star Gas Co., Oak Hill Field, Rusk County, Tex.	17.0	14.65
CI70-966 A 4-24-70	Marshall Exploration, Inc., Post Office Box 729, Marshall, Tex. 75670.	Texas Eastern Transmission Corp., Whalen Field, Harrison County, Tex.	[3] 17.5	14.65
CI70-967 (CI65-1154) F 4-20-70	Terra Resources, Inc. (successor to C.R.A., Inc.).	Florida Gas Transmission Co., Jones Creek Field, Wharton County, Tex.	17.5	14.65
CI70-968 (CI66-942) F 4-20-70	Texas Oil & Gas Corp. (Operator) (successor to Pan American Petroleum Corp. (Operator) et al.), 2700 Fidelity Union Tower, Dallas, Tex. 77002.	Northern Natural Gas Co., acreage in Ellis County, Okla.	[10] 18.0	14.65
CI70-969 B 4-23-70	Houston Natural Gas Production Co. (Operator) et al., Post Office Box 1188, Houston, Tex. 77001.	United Gas Pipe Line Co., North La Ward Field, Jackson County, Tex.	Depleted	
CI70-971 B 4-24-70	Getty Oil Co. (Operator) et al., Post Office Box 1404, Houston, Tex. 77001.	Wunderlich Development Co., Southwest Ponca City Field, Kay County, Okla.	Depleted	
CI70-972 A 4-23-70	The Superior Oil Co. (Operator), Post Office Box 1521, Houston, Tex. 77001.	Transwestern Pipeline Co., South Carlsbad Field, Eddy County, N. Mex.	[16] 22.37	14.65
CI70-973 A 4-23-70	Afkman Bros. Corp., 311 Bank of the Southwest Bldg., Amarillo, Tex. 79109.	Northern Natural Gas Co., Locena West Field, Texas County, Okla.	[3] 20.0	14.65
CI70-974 A 4-24-70	Texas Oil & Gas Corp. (Operator) et al., 2700 Fidelity Union Tower, Dallas, Tex. 77002.	Northern Natural Gas Co., acreage in Ellis, Harper and Beaver Counties, Okla.	[3] 17.0	14.65
CI70-975 B 4-21-70	Pennzoil Producing Co., 900 Southwest Tower, Houston, Tex. 77002.	Florida Gas Transmission Co., Kain Field, Matagorda County, Tex.	Assigned	
CI70-976 (CI68-495) F 4-23-70	B. J. Brown (successor to Tenneco Oil Co.), 701 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	Arkansas Louisiana Gas Co., Mansfield Field, Logan County, Ark.	15.0	14.65
CI70-977 (CI60-466) F 4-23-70	J. M. Huber Corp. (successor to Cabot Corp.), 2300 West Loop, Houston, Tex. 77027.	Northern Natural Gas Co., Laverne Field, Beaver County, Okla.	[16] 24.64	14.65
CI70-978 A 4-29-70	Amerada Hess Corp., Post Office Box 2040, Tulsa, Okla. 74102.	Panhandle Eastern Pipe Line Co., North Avard Area, Woods County, Okla.	[3] 20.0	14.65
CI70-979 (G-11832) F 4-21-70	Afkman Bros. Corp. (successor to Pan American Petroleum Corp.).	Northern Natural Gas Co., Hansford Upper Morrow Field, Ochiltree County, Tex.	[16] 18.07	14.65
CI70-980 (CI66-266) F 4-27-70	Hassle Hunt Trust (Operator) et al. (successor to Crystal Oil Co.), 1401 Elm St., Dallas, Tex. 75202.	Texas Eastern Transmission Corp., Northeast Lisbon Field, Claiborne Parish, La.	19.0	15.025
CI70-981 A 4-29-70	Union Texas Petroleum, a division of Allied Chemical Corp., Post Office Box 2120, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., acreage in Major County, Okla.	[3] 18.0	14.65
CI70-982 A 4-29-70	Cities Service Oil Co	United Fuel Gas Co., Union, Ripley, and Ravenswood Districts, Jackson County, W. Va.	28.0	15.325
CI70-983 A 4-30-70	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052.	Texas Gas Transmission Corp., Block 273 Field, Eugene Island Area, Offshore Louisiana.	22.0	15.025
CI70-984 A 4-30-70	do	United Fuel Gas Co., Block 273 Field, Eugene Island Area, Offshore Louisiana.	22.0	15.025

See footnotes at end of table.

[1] Adds acreage acquired from the Midland National Bank, Trustee, Docket No. C168-40.
[2] Successor to Petroleum Drilling Corp.
[3] Subject to upward and downward B.t.u. adjustment.
[4] Amendment to certificate filed to include interests of nonsignatory parties.
[5] Includes 0.49-cent tax reimbursement. Simmons filed a rate increase to 16.56 cents per Mcf, including 0.56-cent tax reimbursement, which was suspended in Docket No. RI63-477 but never made effective. On April 3, 1970, applicant filed a motion to place the 16.56-cents rate into effect subject to refund in Docket No. RI63-477.
[6] Successor to George L. Yaste doing business as Oil States Sales Co.
[7] Above the base of the Wolfcampian Series.
[8] Below base of the Wolfcampian Series to 7,500 feet and all casinghead gas to 7,500 feet.
[9] Amendment to certificate filed to include interest of R. C. Wynn.
[10] Adds acreage acquired from Northwest Production Corp., Docket No. G-19696.
[11] Rate in effect subject to refund in Docket No. RI69-289.
[12] Subject to upward and downward B.t.u. adjustment. Also subject to deduction for compression, if required.
[13] Application filed in Dockets Nos. CI70-850 and CI70-851 being processed as a single application in Docket No. CI70-850 and Docket No. CI70-851 is canceled.
[14] Settlement rate approved by Commission order issued Dec. 30, 1966, in Docket No. G-18269 et al. Subject to compression charge and a transportation charge.
[15] As amended by letter dated Apr. 20, 1970.
[16] Includes minimum guarantee for liquids.
[17] Includes B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[18] Converted to underground gas storage field.
[19] Rate in effect subject to refund in Docket No. RI69-224. Subject to upward and downward B.t.u. adjustment.
[20] Includes upward B.t.u. adjustment and tax reimbursement.
[21] Includes upward B.t.u. adjustment. Rate in effect subject to refund in Docket No. RI67-257.
[22] Rate in effect subject to refund in Docket No. RI69-302. An increase in rate has been filed for and suspended in Docket No. RI70-1008, but not yet made effective.

[F.R. Doc. 70-6400; Filed, May 25, 1970; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1079]

NORTH CAROLINA SHIPPING CO.

Order of Revocation

On May 12, 1970, North Carolina Shipping Co. advised that it had ceased operations as an independent ocean freight forwarder and wished to voluntarily relinquish its License No. 1079.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, section 6.03,

It is ordered, That the Independent Ocean Freight Forwarder License No. 1079 of North Carolina Shipping Co. be

and is hereby revoked effective May 12, 1970, without prejudice to reapplication for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon North Carolina Shipping Co., c/o Mrs. Margaret W. Davies, 1207 Shackleford Street, Morehead City, N.C. 28557.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 70-6430; Filed, May 25, 1970; 8:45 a.m.]

FLAGSHIP CRUISES, LTD.

Notice of Application for Performance Certificate

Security for the protection of the public; indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Flagship Cruises, Ltd., Bank of Bermuda Building, Hamilton, Bermuda.

Dated: May 19, 1970.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-6431; Filed, May 25, 1970; 8:45 a.m.]

CALCUTTA, EAST COAST OF INDIA AND EAST PAKISTAN/U.S.A. CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

William L. Hamm, Secretary, Calcutta, East Coast of India and East Pakistan/U.S.A. Conference, 25 Broadway, New York, N.Y. 10005.

Agreement No. 8650-5, between the member lines of the Calcutta, East Coast of India and East Pakistan/U.S.A. Conference modifies the basic agreement by (1) qualifying the present language of paragraph 3 of clause 1 which provides that no member and/or their agent shall represent any vessel in the trade other than those operated for account of a signatory to the agreement, by the addition of the language "except where no other agents are available,"; (2) by the addition of the following new paragraph to clause 7 which reads as follows:

No brokerage shall be paid except as set forth in the Conference tariff and except as authorized by the members.

and (3) incorporating all previous modifications of the basic agreement, superseding and canceling agreement No. 8650, as amended.

Dated: May 21, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-6495; Filed, May 25, 1970; 8:50 a.m.]

INTERGULF LASH LINE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Ronald A. Capone, Esq., Kirlin, Campbell & Keating, 900 17th Street NW., Washington, D.C. 20006.

Agreement No. 9862 is a cooperative working arrangement between International Paper Overseas, Ltd., and Central Gulf Steamship Corp. to establish a LASH (Lighter-Aboard-Ship) service under the trade name of "Intergulf Lash Line" to operate in the eastbound trade from U.S. South Atlantic and Gulf ports, including ports and/or places on inland waterways to ports in the United Kingdom, Eire, Continental Europe North of Gibraltar, including ports in Scandinavia and the Baltic Sea (including ports and places on inland waters). International is to be the operator of the service and Central Gulf is to be appointed General Agents.

The agreement shall be for a period of 1 year commencing July 1, 1970, subject to extension by the parties.

Dated: May 21, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-6496; Filed, May 25, 1970; 8:51 a.m.]

SOUTH AND EAST AFRICA RATE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is

alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

William L. Hamm, Secretary, South and East Africa Rate Agreement, 25 Broadway, New York, N.Y. 10004.

Agreement No. 8054–10, among the member lines of the South and East Africa Rate Agreement, amends the basic agreement to provide for "open rates" by adding a new Article 2(b) which reads as follows:

(b) The parties hereto may declare rates on specified commodities to be "open" and may thereafter declare the rates upon such commodities, or any of them, to be "closed", provided however, that in case the rates on any commodities shall be declared "open", the tariffs shall show the commodities on which rates shall have been declared "open" and the extent to which the Rate Agreement shall have relinquished control over the booking and transportation thereof.

Dated: May 21, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-6497; Filed, May 25, 1970; 8:51 a.m.]

UNITED STATES ATLANTIC & GULF-SANTO DOMINGO CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

H. T. Schoonebeek, Vice Chairman, United States Atlantic & Gulf-Santo Domingo Conference, 11 Broadway, New York, N.Y. 10004.

Agreement No. 6080–17, between the member lines of the United States Atlantic & Gulf-Santo Domingo Conference modifies the basic agreement by adding a new paragraph (c) to Article 11 which provides in essence that the failure on the part of a member line to have a sailing in this trade during any 90-day period will result in suspension of such member's voting right on all conference matters except on matters which would require or cause an amendment to the agreement or the rules and regulations thereof.

Dated: May 21, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-6498; Filed, May 25, 1970; 8:51 a.m.]

FOREIGN-TRADE ZONES BOARD

McALLEN, TEXAS

Application for Foreign-Trade Zone

Notice is hereby given that an application has been made by McAllen Trade Zone, Inc., a Texas corporation, for the privilege of establishing and operating a general-purpose foreign-trade zone at McAllen, Tex., within Customs District No. 23, Region VI, of the United States, pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (48 Stat. 998–1003; 19 U.S.C. 81a–81u). The application, filed May 18, 1970, also requests authority to establish a special-purpose subzone at LaPorte, Tex., but this portion of the application will be the subject of a later notice.

The Acting Executive Secretary of the Foreign-Trade Zones Board, pursuant to Board regulations,[1] designated Milton A. Berger, Deputy Director, Office of Commercial and Financial Policy, Bureau of International Commerce, U.S. Department of Commerce, as Examiner to investigate the application and accompanying exhibits for compliance with §§ 400.600–400.608 of said regulations; and, said application having been found to be in order, the Acting Executive Secretary has appointed an Examiners Committee composed of: Milton A. Berger, Chairman; Cleburne M. Maier, Regional Commissioner of Customs, Region VI, Houston, Tex.; and, Colonel Nolan C. Rhodes, U.S. Army Engineer District, Galveston (Post Office Box 1229), Galveston, Tex., to conduct a thorough investigation as to that part of the application relating to the general-purpose zone and report its findings thereon to the Foreign-Trade Zones Board.

Notice is hereby given, pursuant to the Foreign-Trade Zones Act and Board Regulations, that a public hearing on that part of application dealing with the general-purpose zone will be held by the Examiners Committee beginning at 10 a.m., local time, Thursday, June 25, 1970, at the McAllen Municipal Building, City Commission Meeting Room, 311 North 15th Street, McAllen, Tex.

A copy of the application and accompanying exhibits concerning the general-purpose zone is available for public inspection at each of the following locations:

U.S. Post Office Building, Receptionist Office, 406 South 12th Street, McAllen, Tex. (Mr. C. T. Miller, Officer in Charge)

Office of the Director, U.S. Department of Commerce Field Office, Federal Building, Room 5102, 515 Rusk Avenue, Houston, Tex.

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3833, U.S. Department of Commerce, Washington, D.C.

The proposed general-purpose zone will be situated on a 40-acre site owned by the applicant located 5 miles from the center of McAllen. Forty additional acres are available for contiguous expansion. The applicant will construct a general-purpose warehouse within the zone. Plans call for the construction of five additional buildings by zone users, and for the zone to be used for processing food products for export, and the manufacture and assembly of machinery, home appliances, and construction equipment.

The purposes of the hearing are to inform interested persons concerning this application, to give them an opportunity to express their views relative thereto, and to obtain information useful to the Examiners Committee.

Interested persons or their representatives will be afforded the opportunity of being heard at the hearing; however, for the accuracy of the record and to facilitate proceedings, they should file a written request therefor by June 11, 1970, and provide a written summary of their views regarding the application. Requests to be heard and written summaries should be addressed to Mr. Milton A. Berger, Chairman of the Examiners Committee (McAllen), Foreign-Trade Zones Board, Room 3833, U.S. Department of Commerce, Washington, D.C. 20230. Persons not submitting advance written requests may be heard at the hearing at the discretion of the Examiners Committee.

As soon after the hearing as the transcript is available, a copy will be placed for public inspection at the three locations mentioned above for a period of 30 days from the close of the hearing. The hearing record will remain open for this same period during which time submissions in writing may be made by interested persons to Mr. Milton A. Berger, Chairman of the Examiners Committee (McAllen), Foreign-Trade Zones

[1] See 15 CFR Part 400, rules of procedure and practice, §§ 400.1300–400.1321.

Board, Room 3833, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: May 21, 1970.

JOHN J. DAPONTE, Jr.,
Acting Executive Secretary, Foreign-Trade Zones Board.

[F.R. Doc. 70-6487; Filed, May 25, 1970; 8:50 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MALAYSIA

Entry or Withdrawal From Warehouse for Consumption

MAY 21, 1970.

On April 30, 1970, there was published in the FEDERAL REGISTER (35 F.R. 6882), a letter dated April 27, 1970, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, establishing a level of restraint on cotton textile products in part of Category 64 produced or manufactured in Malaysia. That letter inadvertently directed that exports in that part of the category should be restrained for the 12-month period beginning February 27, 1970, and extending through February 26, 1971. The correct period of restraint, however, should extend from February 28, 1970, through February 27, 1971.

Accordingly, there is published below a letter of May 20, 1970, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs amending the directive of April 30, 1970, by changing the dates of the commencement and termination of the 12-month period of restraint to February 28, 1970, and February 27, 1971 respectively.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

MAY 20, 1970.

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C. 20226.

DEAR MR. COMMISSIONER: This directive amends but does not cancel the directive issued to you on April 27, 1970, by the Chairman of the President's Cabinet Textile Advisory Committee, establishing levels of restraint for the entry into the United States for consumption and the withdrawal from warehouse for consumption, of cotton textile products in part of Category 64, produced or manufactured in Malaysia.

The first paragraph of that directive is amended by deleting the phrase "for the twelve-month period beginning February 27, 1970 and extending through February 26, 1971", and substituting for it the phrase "for the twelve-month period beginning February 28, 1970 and extending through February 27, 1971".

The second paragraph of that directive is amended by deleting the phrase "prior to February 27, 1970" and substituting for it the phrase "prior to February 28, 1970".

This letter will be published in the FEDERAL REGISTER.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 70-6535; Filed, May 25, 1970; 8:51 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 768]

TEXAS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May 1970, because of the effects of certain disasters, damage resulted to residences and business property located in Hays County, Tex.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on May 15, 1970.

OFFICE

Small Business Administration District Office,
301 Broadway,
San Antonio, Tex. 78205.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1970.

Dated: May 15, 1970.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 70-6467; Filed, May 25, 1970; 8:48 a.m.]

[Delegation of Authority 30-C, Oklahoma City Disaster 2]

MANAGER OF DISASTER BRANCH OFFICE, TULSA, OKLA.

Delegations Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the District Director by Delegation of Authority No. 30-C, 35 F.R. 5440, the following authority is hereby redelegated to the positions as indicated herein:

A. *Manager, Tulsa Disaster Branch Office.* 1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (a) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens on mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (b) $350,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan; to approve disaster guaranteed loans up to $350,000, and to decline disaster guaranteed loans in any amount.

2. To execute loan authorizations for Central, regional, and district office approved loans and disaster loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
Manager, Disaster Branch Office.

3. To cancel, reinstate, modify, and amend authorizations for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

Effective date: May 12, 1970.

E. BRUCE CAFKY,
District Director, Oklahoma City.

[F.R. Doc. 70-6468; Filed, May 25, 1970; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

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.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage

rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

Abourezk's Store, variety-department store; Mission, S. Dak.; 2-1-70 to 1-31-71.

George Ade Memorial Hospital, hospital; Brook, Ind.; 2-1-70 to 1-31-71.

Aero Pharmacy, Inc., drugstore; 2100 Orems Road, Middle River, Md.; 2-1-70 to 1-31-71.

Alexander's Super Market, foodstore; 2023 East Overland, Scottsbluff, Nebr.; 2-1-70 to 1-31-71.

Alleghany County Memorial Hospital, hospital; Sparta, N.C.; 2-1-70 to 1-31-71.

Anderson's Food Center, foodstore; 523 Oathcaloga Street, Calhoun, Ga.; 2-1-70 to 1-31-71.

Andy's Smorgasbord & Prime Rib, restaurant; 3350 Highland Drive, Salt Lake City, Utah; 2-1-70 to 1-31-71.

Art's Super Valu, foodstore; 116 Lindbergh Drive, Little Falls, Minn.; 2-1-70 to 1-31-71.

B. J.'s A. G. Food Store, foodstore; 2808 North 19th, Waco, Tex.; 1-22-70 to 1-21-71.

Baenziger Model Market, foodstore; 510 Court, Sequin, Tex.; 2-1-70 to 1-31-71.

Bailey's, variety-department store; Coffeeville, Miss.; 2-1-70 to 1-31-71.

Barrow Nursing Home, Inc., nursing home; 1338 East Chocolate Avenue, Hershey, Pa.; 2-1-70 to 1-31-71.

Bayless Drug Store, drugstore; No. 89, Phoenix, Ariz.; 2-1-70 to 1-31-71.

A. J. Bayless Markets, Inc., foodstores, from 2-1-70 to 1-31-71: No. 29, Goodyear, Ariz.; No. 3, Mesa, Ariz.; Nos. 2, 4, 5, 7, 11, 12, 16, 18, 19, 20, 21, 22, 23, 25, 26, and 30, Phoenix, Ariz.; Nos. 31 and 38, Scottsdale, Ariz.; No. 6, Tempe, Ariz.; No. 33, Tucson, Ariz.; Nos. 14, 24, and 82, Yuma, Ariz.

H. Berkman & Co., variety-department store; Simonton, Tex.; 1-24-70 to 1-23-71.

Bernhardt Hardware Inc., hardware store; 113 North Main Street, Salisbury, N.C.; 2-1-70 to 1-31-71.

Bethany Home for the Aged, nursing home; 1005 Lincoln Avenue, Dubuque, Iowa; 1-23-70 to 1-22-71.

Biltmore Farms, agriculture; Biltmore, N.C.; 2-1-70 to 1-31-71.

Bishop Stoddard Cafeteria Co., restaurants; from 2-1-70 to 1-3-71: Kimberly Road, Bettendorf, Iowa; 4444 Fifth Avenue NE., Cedar Rapids, Iowa; Brady and Second Streets, Davenport, Iowa; Merle Hay Road at Douglas, Des Moines, Iowa; 4301 Fleur Drive, Des Moines, Iowa; 524 Nebraska Street, Sioux City, Iowa; 210 East Fifth Street, Waterloo, Iowa.

Bob's Grocery, foodstore; 200 First Avenue NE., Cairo, Ga.; 2-1-70 to 1-31-71.

J. Oviatt Bowers Co., Inc., hardware store; 2105 Second Street, Tuscaloosa, Ala.; 2-1-70 to 1-31-71.

Broaddus Super Market, Inc., foodstore; Caldwell, Tex.; 2-1-70 to 1-31-71.

Bud & Luke Restaurant, Inc., restaurant; 1919 Madison Avenue, Toledo, Ohio; 2-1-70 to 1-31-71.

Burger Chef, restaurant; 61 Hendersonville Road, Asheville, N.C.; 2-1-70 to 1-31-71.

Burnette Food Town, foodstore; West Gate Plaza, Barnesville, Ga.; 2-1-70 to 1-31-71.

Butrus Food Center, Inc., foodstore; 4301 10th Avenue North, Birmingham, Ala.; 2-1-70 to 1-31-71.

Calmar, Inc., foodstore; Uptown Plaza, Gallup, N. Mex.; 1-22-70 to 1-21-71.

Cap's Super Market, foodstore; 1000 Allo Street, Marrero, La.; 2-1-70 to 1-31-71.

Carr's Cash & Carry Grocery, foodstore; 316 West Main, Lumberton, Miss.; 1-19-70 to 1-18-71.

Carson Pirie Scott and Co., variety-department store; 124 Southwest Adams, Peoria, Ill.; 2-1-70 to 1-31-71.

Carter's Shopping Center, foodstore; 120 West Illinois, Vinita, Okla.; 2-1-70 to 1-31-71.

Carty's Department Store, variety-department store; 215 East Main Street, West Point, Miss.; 2-1-70 to 1-31-71.

Cheatham Stores, variety-department store; 533 Harrison, Pawnee, Okla.; 2-1-70 to 1-31-71.

Coplon-Smith Co., apparel store; 232 Middle Street, New Bern, N.C.; 2-1-70 to 1-31-71.

Covington Drug Co., drugstore; McKenzie, Tenn.; 1-30-70 to 1-29-71.

Cronan's IGA Store, foodstore; Lincoln, Kans.; 2-1-70 to 1-31-71.

Davis 5 & 10¢ Store, variety-department store; 4061 Barrancas Avenue, Warrington, Fla.; 2-1-70 to 1-31-71.

Dick's IGA Store, foodstore; Valley, Nebr.; 1-29-70 to 1-28-71.

Duckwall Stores Co., variety-department stores, from 2-1-70 to 1-31-71: No. 3, Manhattan, Kans.; No. 8, McPherson, Kans.; No. 49, Topeka, Kans.

Eagle Stores Co., Inc., variety-department store; 337 Hay Street, Fayetteville, N.C.; 2-1-70 to 1-31-71.

Egg-A-Day Farm Store, foodstore; 217 South 77th Street, Birmingham, Ala.; 2-1-70 to 1-31-71.

Ehlers of Redwood Falls, Inc., variety-department store; Redwood Falls, Minn.; 2-1-70 to 1-31-71.

Eikenberry's IGA Foodliners, Inc., foodstore; 1120 Dayton Road, Greenville, Ohio; 2-1-70 to 1-31-71.

Epps Super Market, Inc., foodstores, from 2-1-70 to 1-31-71: Nos. 1 and 2, Houston, Tex.; No. 3, Pasadena, Tex.

Erdman Super Market, foodstore; 204 North Main, Stewartville, Minn.; 2-1-70 to 1-31-71.

F & F Grocery, foodstore; Lake View, S.C.; 2-1-70 to 1-31-71.

Franz Store, foodstore; Mountain Lake, Minn.; 2-1-70 to 1-31-71.

Goldblatt Bros., Inc., variety-department store; 645 Broadway, Gary, Ind.; 1-24-70 to 1-23-71.

Golden Arches, Inc., restaurant; Evansville, Ind.; 2-1-70 to 1-31-71.

Graham's Department Store, Inc., variety-department store; 124-26 South Main Street, Red Springs, N.C.; 2-1-70 to 1-31-71.

W. T. Grant Co., variety-department stores: No. 283, Bloomfield, N.J., 2-1-70 to 1-31-71; No. 381, Elizabeth, N.J., 1-29-70 to 1-28-71.

Green Derby Restaurant, restaurant; 1510 Ellis Avenue, Jackson, Miss.; 1-30-70 to 1-29-71.

Gross Food Market, foodstore; 3012 Bosque Boulevard, Waco, Tex.; 2-1-70 to 1-31-71.

Grover-Cronin, Inc., variety-department store; 223 Moody Street, Waltham, Mass.; 2-1-70 to 1-31-71.

Hahn's, Inc., foodstore; 101 West Main, Belle Plaine, Minn.; 2-1-70 to 1-31-71.

Benjamin Hershey Memorial Convalescent Home, nursing home; 1810 Mulberry Avenue, Muscatine, Iowa; 1-30-70 to 1-29-71.

Hogan's Super Market, foodstore; 2936 Cypress Street, West Monroe, La.; 2-1-70 to 1-31-71.

Holiberg's, variety-department store; 306-8-10 Main Street, Senoia, Ga.; 2-1-70 to 1-31-71.

Irving's Super Market, foodstore; 2029 Savannah Road, Augusta, Ga.; 2-1-70 to 1-31-71.

W. H. Jarrard Grocery, foodstore; Marietta, S.C.; 2-1-70 to 1-31-71.

Jay's IGA Foodliner, foodstore; 425 South Jefferson, Mexico, Mo.; 2-1-70 to 1-31-71.

Jordan's Market, foodstore; 3044 Isleta Boulevard SW., Albuquerque, N. Mex.; 1-27-70 to 1-26-71.

Kelloff's Food Market, Inc., foodstore; La Jara, Colo.; 2-1-70 to 1-31-71.

Kemper Drug, drugstore; 323 Jackson Avenue, Elk River, Minn.; 2-1-70 to 1-31-71.

S. S. Kresge Co., variety-department stores: No. 565, Detroit, Mich., 2-1-70 to 1-31-71; No. 4602, Marquette, Mich., 1-22-70 to 1-21-71; No. 604, Columbus, Ohio, 1-23-70 to 1-22-71.

Meador's Pharmacy, drugstore; 101 West Waterman, Dumas, Ark.; 2-1-70 to 1-31-71.

Meyers Department Store, Inc., variety-department store; 4805 South Ashland Avenue, Chicago, Ill.; 1-11-70 to 1-10-71.

Midwest Covenant Home, Inc., nursing home; Stromsburg, Nebr.; 1-27-70 to 1-26-71.

Minimax, foodstore; 1411 Ahrens Street, Houston, Tex.; 2-1-70 to 1-31-71.

Morgan & Lindsey, Inc., variety-department stores, from 1-22-70 to 1-21-71, except as otherwise indicated: No. 3204, Amite, La.; No. 3004, DeRidder, La.; No. 3021, Hammond, La. (1-23-70 to 1-22-71).

OK Market Co., foodstore; 514 North Saginaw Street, Holly, Mich.; 1-29-70 to 1-28-71.

J. Polk Morris & Sons, Inc., variety-department store; 100 Avenue F, Kentwood, La.; 2-1-70 to 1-31-71.

Myatt Brothers Food Store, foodstore; Purvis, Miss.; 2-1-70 to 1-31-71.

Nipple Convalescent Home, nursing home; Thompsontown, Pa.; 2-1-70 to 1-31-71.

Nu-Way Grocery, foodstore; 104 East Broadway, Drumright, Okla.; 2-1-70 to 1-31-71.

Pak-A-Sak Food Stores, Inc., foodstores, from 2-1-70 to 1-31-71: 206 North East Street, Kinston, N.C.; 1400 Arendell Street, Morehead City, N.C.

Langston's Grocery, foodstore; West Blocton, Ala.; 2-1-70 to 1-31-71.

Leggett's Super Market, foodstore; 403 John Small Avenue, Washington, N.C.; 2-1-70 to 1-31-71.

Leon's Food Mart, Inc., foodstore; 2200 Winthrop Road, Lincoln, Nebr.; 2-1-70 to 1-31-71.

Liberty Cash Grocery, foodstore; No. 17; Memphis, Tenn.; 2-1-70 to 1-31-71.

Long's Food Market, foodstore; 1114 Main Street, Bastrop, Tex.; 1-29-70 to 1-28-71.

Lydia Mills Store, variety-department store; Poplar Street, Clinton, S.C.; 2-1-70 to 1-31-71.

Lynch Motor Co., Inc., auto dealer; West Main Street, Lebanon, Va.; 1-28-70 to 1-27-71.

Mac's Store, foodstore; 202 Thomas Avenue, Chickamauga, Ga.; 2-1-70 to 1-31-71.

Mapes Nursing Home, nursing home; 609 18th Street, Hawarden, Iowa; 12-29-69 to 12-28-70.

Mars Brothers, Inc., variety-department store; Philadelphia, Miss.; 1-27-70 to 1-26-71.

Mason's Market, foodstore; Minden, Nebr.; 2-1-70 to 1-31-71.

McCalmont IGA Store, foodstore; Sublette, Kans.; 2-1-70 to 1-31-71.

McCoy's Pharmacy, drugstore; 139 East North Front, New Boston, Tex.; 2-1-70 to 1-31-71.

McCulley's Big Saver, foodstore; 35 South Main Street, Montevallo, Ala.; 1-23-70 to 1-22-71.

McDonalds Hamburgers, restaurant; 4725 Northwest 39th Street, Oklahoma City, Okla.; 2-1-70 to 1-31-71.

McKay and Vine Grocery & Market, foodstore; Centreville, Miss.; 2-1-70 to 1-31-71.

Parkers Supermarket, foodstore; New Boston, Tex.; 2-1-70 to 1-31-71.

Peoples Inc., variety-department store; Espanola, N. Mex.; 2-1-70 to 1-31-71.

The Peoples Store of Roseland, variety-department store; 11201 South Michigan Avenue, Chicago, Ill.; 2-1-70 to 1-31-71.

Piggly Wiggly, foodstores, from 2-1-70 to 1-31-71 except as otherwise indicated: Aliceville, Ala.; South Main, Brundidge, Ala. (1-21-70 to 1-20-71); Eufaula Avenue South, Clayton, Ala. (1-21-70 to 1-20-71); 304 West Main Street, Hartford, Ala. (1-21-70 to 1-20-71); Senath, Mo.; 555 West Washington, Stephenville, Tex.

Powell's Red & White, foodstore; St. Stephens, S.C.; 2-1-70 to 1-31-71.

Richard's Food Center, foodstore; Blue Ridge, Va.; 1-29-70 to 1-28-71.

Sacred Heart Hospital, hospital; West Fourth Street, Yankton, S. Dak.; 2-1-70 to 1-31-71.

St. Joseph Hospital, hospital; North Church Street, Hazleton, Pa.; 2-1-70 to 1-31-71.

St. Paul Hermitage, nursing home; 501 North 17th Avenue, Beech Grove, Ind.; 2-1-70 to 1-31-71.

Sanitary Bakery, foodstore; 121 East Broadway, Little Falls, Minn.; 2-1-70 to 1-31-71.

Schensul's Cafeteria, Inc., restaurant; 1036 28th Street SW., Wyoming, Mich.; 2-1-70 to 1-31-71.

Schneider's IGA Market, foodstore; 512 South Blackhoof Street, Wapakoneta, Ohio; 1-27-70 to 1-26-71.

Sheheen Brothers Grocery, foodstore; 945 Broad Street, Camden, S.C.; 1-28-70 to 1-27-70.

Sholar's Thrifty Foods, foodstore; First Avenue NE., Cairo, Ga., 2-1-70 to 1-31-71.

Shop-Rite, Inc., foodstore; Trenton, Ga.; 1-29-70 to 1-28-71.

Smith Drug Stores, Inc., drugstore; 614 West Sixth Street, Junction City, Kans.; 2-1-70 to 1-31-71.

Mr. Smorgasbord, Inc., restaurant; Valparaiso, Ind.; 2-1-70 to 1-31-71.

S. L. Spotto Co., hardware; 805 West Crawford Avenue, Connellsville, Pa.; 2-1-70 to 1-31-71.

Spurgeons, variety-department stores: 804 North Side Square, Clinton, Ill., 1-24-70 to 1-23-71; 814 Avenue G, Fort Madison, Iowa, 1-26-70 to 12-29-70; 117 East Second Street, Muscatine, Iowa, 2-1-70 to 1-34-71; 73 East Third, Winona, Minn., 1-26-70 to 1-25-71; 119 Fourth Street, La Crosse, Wis., 1-28-70 to 1-27-71.

Stephens Super Foods, foodstore; Vienna, Ga.; 2-1-70 to 1-31-71.

Sunlite Grocery, foodstore; 211 North Parramore, Orlando, Fla.; 2-1-70 to 1-31-71.

T. G. & Y. Stores Co., variety-department stores: No. 168, Little Rock, Ark., 1-23-70 to 1-22-71; No. 123, Wichita, Kans., 1-22-70 to 1-21-71.

Thompsons Foodland, foodstore; Grand Junction, Iowa; 2-1-70 to 1-31-71.

Tower Super Market, Inc., foodstore; Prospect Park, Emporium, Pa.; 1-27-70 to 1-26-71.

T. A. Turner & Co., Inc., foodstore; Pink Hill, N.C.; 2-1-70 to 1-31-71.

V & M Drugs, drugstore; 108 South Main, Temple, Tex.; 2-1-70 to 1-31-71.

Wall Drug Store, Inc., drugstore; Wall, S. Dak.; 2-1-70 to 1-31-71.

Washington Nursing Center, Inc., nursing home; 1110 New Castle Road, Washington, Ill.; 2-1-70 to 1-31-71.

Wayside Market, foodstore; Radford, Va.; 1-24-70 to 1-23-71.

Louis Weiner Memorial Hospital, hospital; Marshall, Minn.; 2-1-70 to 1-31-71.

Welch's Red & White, foodstore; Isle of Palms, Charleston, S.C.; 2-1-70 to 1-31-71.

Westside Grocery, foodstore; 1020 West First Street, Abilene, Kans.; 1-21-70 to 1-9-71.

Whitehurst & Son, foodstore; Hobgood, N.C.; 2-1-70 to 1-31-71.

Wilbarm Pharmacy, drugstore; 3759 Chicago Avenue, Minneapolis, Minn.; 2-1-70 to 1-31-71.

Wilke's Sure Save, foodstores, from 2-1-70 to 1-31-71: 118 South Main, Elkader, Iowa; 108 West Center, Monona, Iowa.

Wilson Food Store, foodstore; 1033 North Second, Merkel, Tex.; 2-1-70 to 1-31-71.

Wolcottville Economy Store, Inc., foodstore; Wolcottville, Ind.; 2-1-70 to 1-31-71.

Wong's Foodland, foodstore; 520 Anderson Boulevard, Clarksdale, Miss.; 2-1-70 to 1-31-71.

The following certificates were issued to establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

A. J. Bayless Markets, Inc., foodstores, for the occupations of package clerk, service clerk, 22 percent, 2-1-70 to 1-31-71, except as otherwise indicated: No. 32, Apache Junction, Ariz. (24 percent); No. 53, Chandler, Ariz.; No. 37, Douglas, Ariz. (13 to 29 percent); No. 36, Flagstaff, Ariz.; No. 50, Mesa, Ariz.; Nos. 8 and 54, Phoenix, Ariz.; No. 39, Phoenix, Ariz. (20 to 29 percent); No. 40, Phoenix, Ariz. (17 to 25 percent); No. 42, Phoenix, Ariz. (20 to 27 percent); No. 58, Phoenix, Ariz. (16 to 25 percent); No. 10, Sierra Vista, Ariz. (17 to 26 percent); No. 51, Tempe, Ariz.; No. 34, Tucson, Ariz. (10 to 23 percent); No. 35, Tucson, Ariz. (15 to 24 percent); Nos. 44, 45, 46, 47, 49, and 55, Tucson, Ariz.; No. 56, Tucson, Ariz. (20 to 23 percent); No. 41, Youngtown, Ariz.

Baenziger Model Market, foodstore; 580 Coreth Drive, New Braunfels, Tex.; stock clerk, packager, carryout; 10 percent; 2-1-70 to 1-31-71.

Bishop Stoddard Cafeteria Co., restaurant; 101 Omaha Mall, Omaha, Nebr.; tray carrier, bus help; 0 to 15 percent; 1-22-70 to 12-22-70.

California Superamas, Inc., foodstore; Fourth and Aztec, Gallup, N. Mex.; caddy clerk, meat helper; 10 percent; 1-22-70 to 1-21-71.

Carter's Food Center, foodstore; 305 South McQuarrie, Wagoner, Okla.; carryout, stock clerk; 7 to 15 percent; 2-1-70 to 1-31-71.

Carter's, Inc., variety-department store; 114 West Illinois, Vinita, Okla.; stock clerk, maintenance; 5 to 17 percent; 2-1-70 to 1-31-71.

Diamond Food Store, foodstore; Ninth and Shawnee, Dewey, Okla.; carryout, stock clerk; 7 to 15 percent; 2-1-70 to 1-31-71.

Dillon Companies, Inc., foodstore; No. 50, Topeka, Kans.; cashier, carryout, wrapper, office clerk, maintenance, meat cutter; 11 to 32 percent; 2-1-70 to 1-31-71.

Eagle Stores Co., Inc., variety-department store; 217 East Main Street, Forest City, N.C.; stock clerk, salesclerk, checker; 13 to 60 percent; 2-1-70 to 1-31-71.

Eikenberry's IGA Foodliners, Inc., foodstore; Wagner and Russ Roads, Greenville, Ohio; stock clerk, carryout; 16 to 17 percent; 2-1-70 to 1-31-71.

Epps Super Market, Inc., foodstores, for the occupations of carryout, sacker, stock clerk, produce helper, cleanup, checker, 10 percent, 2-1-70 to 1-31-71: Nos. 4 and 5, Houston, Tex.

Gaylord Super Valu, foodstore; Gaylord, Minn.; carryout, cleanup, checker, stock clerk; 14 to 21 percent; 1-22-70 to 1-21-71.

Goldblatt Bros., Inc., variety-department store; McKinley and Hickory Road, Mishawaka, Ind.; salesclerk, stock clerk; 5 to 7 percent; 1-24-70 to 1-23-71.

W. T. Grant Co., variety-department stores, from 2-1-70 to 1-21-71: No. 934, Phenix City, Ala., salesclerk, stock clerk, office clerk, cashier, 3 to 17 percent; No. 732, San Fernado, Calif., salesclerk, stock clerk, 4 to 18 percent; No. 955, Wilmington, Del., salesclerk, stock clerk, office clerk, 7 to 15 percent; No. 476, Pittsburgh, Pa., salesclerk, 6 to 20 percent; No. 624, Carpentersville, Ill., salesclerk, stock clerk, office clerk, cashier, 2 to 19 percent.

H.E.B. Food Store, foodstore; No. 116, Elsa, Tex.; package clerk, sacker, bottle clerk; 10 percent; 2-1-70 to 1-31-71.

Haddad's, Inc., apparel store; 4825 McCorkle Avenue SW., South Charleston, W. Va.; salesclerk; 5 to 23 percent; 2-1-70 to 1-31-71.

S. S. Kresge Co., variety-department stores, for the occupations of salesclerk, stock clerk, maintenance, checker-cashier, office clerk, except as otherwise indicated: No. 4568, Niles, Ill., 18 to 39 percent, 1-24-70 to 1-23-71 (salesclerk, stock clerk, checker-cashier, office clerk); 3810 Falls Avenue, Waterloo, Iowa, 9 to 16 percent, 2-1-70 to 1-31-71 (salesclerk, checker-cashier, stock clerk, office clerk); No. 4174, Wichita, Kans., 16 to 25 percent, 1-23-70 to 12-4-70 (salesclerk, stock clerk, office clerk, checker-cashier); No. 707, Metairie, La., 4 to 15 percent, 1-26-70 to 1-25-71; No. 39, Hyattsville, Md., 10 to 21 percent, 1-29-70 to 1-28-71 (salesclerk); No. 14, Wheaton, Md., 9 to 21 percent, 1-26-70 to 1-25-71 (salesclerk); No. 4040, Flint, Mich., 10 percent, 1-23-70 to 1-22-71 (stock clerk, maintenance, checker-cashier, food preparation, salesclerk, customer service); No. 4075, Raleigh, N.C., 11 to 22 percent, 2-1-70 to 1-31-71 (salesclerk); No. 4057, Fargo, N. Dak., 5 to 10 percent, 1-21-70 to 12-6-71 (salesclerk, stock clerk, office clerk); No. 4500, Cincinnati, Ohio, 0 to 7 percent, 1-21-70 to 1-20-71; No. 4093, Madison, Tenn., 2 to 10 percent, 2-1-70 to 1-31-71; No. 4139, Dallas, Tex., 7 to 27 percent, 1-21-70 to 1-20-71 (salesclerk); No. 780, Midland, Tex., 7 to 27 percent, 1-21-70 to 1-20-71 (salesclerk); No. 4090, Charlottesville, Va., 5 to 9 percent, 2-1-70 to 1-31-71.

Henry Lenda, Inc., foodstore; 6121 Cass City Road, Cass City, Mich; carryout, stock clerk; 13 to 20 percent; 2-1-70 to 1-31-71.

LeSueur Super Valu, foodstore; LeSueur, Minn.; carryout, cleanup, checker, stock clerk; 14 to 21 percent; 1-22-70 to 1-21-71.

McCrory-McLellan-Green Stores, variety-department stores, for the occupations of salesclerk, office clerk, stock clerk, 2-1-70 to 1-31-71, except as otherwise indicated: No. 223, Sierra Vista, Ariz., 9 to 20 percent; No. 338, Fort Lauderdale, Fla., 14 to 27 percent; No. 211, Zephyr Hills, Fla., 10 to 30 percent (salesclerk, office clerk, stock clerk, porter); No. 135, Mannington, W. Va., 5 to 22 percent (1-28-70 to 1-27-71).

Morgan & Lindsey, Inc., variety-department stores, for the occupations of salesclerk, stock clerk, 2-1-70 to 1-31-71, except as otherwise indicated: No. 3031, Camden, Ark., 8 to 31 percent; No. 3104, Houma, La., 3 to 24 percent (salesclerk, office clerk, stock

clerk, 1–26–70 to 1–25–71); No. 3107, Picayune, Miss., 4 to 21 percent (1–16–70 to 1–15–71); No. 3115, Angleton, Tex., 3 to 20 percent (stock clerk, salesclerk, office clerk).

G. C. Murphy Co., variety-department store; No. 304, Atlanta, Ga.; salesclerk, office clerk, stock clerk, janitorial; 5 to 13 percent; 2–1–70 to 1–31–71.

Pak-A-Sak Food Stores, foodstore; Swansboro, N.C.; bagger, carryout; 9 to 10 percent; 2–1–70 to 1–31–71.

Pence Food Center, foodstores, for the occupations of stock clerk, carryout, janitorial, bagger, cashier, 8 to 25 percent: 305 North Main, Ottawa, Kans., 1–30–70 to 1–29–71; 1605 South Main, Ottawa, Kans., 1–31–70 to 1–30–71.

Piggly Wiggly, foodstore; Siloam Springs, Ark.; package clerk, stock clerk, checker; 18 to 25 percent; 1–19–70 to 1–18–71.

Raylass Department Store, variety-department stores, for the occupations of salesclerk, stock clerk, marker, office clerk, janitorial, 13 to 34 percent, 2–1–70 to 1–31–71, except as otherwise indicated: Cedartown, Ga.; 438 North Commerce Street, Summerville, Ga.; 232 South Elm Street, Greensboro, N.C. (10 to 29 percent, 1–29–70 to 1–28–71); 124–126 Main Street, Oxford, N.C. (office clerk, salesclerk, stock clerk, cashier, wrapper, marker, janitorial, 10 to 29 percent, 1–26–70 to 1–25–71).

Ream's Bargain Annex, Inc., foodstores, for the occupations of stock clerk, cleanup, bagger, 26 to 33 percent, 2–1–70 to 1–31–71: No. 5, Bountiful, Utah; Nos. 2 and 6, Salt Lake City, Utah; 4750 South Redwood Road, Taylorsville, Utah.

The Record Bar, Inc., music stores, for the occupation of salesclerk, 13 to 28 percent, 1–21–70 to 1–1–71: Chapel Hill, N.C.; 201 East Main Street, Durham, N.C.; Cameron Village, Raleigh, N.C.; North Hills Shopping Center, Raleigh, N.C.

Rose's Stores, Inc., variety-department stores: No. 95, Forest City, N.C., salesclerk, 11 to 27 percent, 2–1–70 to 1–31–71; No. 87, Chase City, Va., salesclerk, stock clerk, 9 to 27 percent, 1–29–70 to 1–28–71.

Rushing & Swope Maverick Steak House, Inc., restaurant; Pasadena, Tex.; dishwasher, bus boy (girl), cook, cleanup, serving line helper; 20 to 21 percent; 1–29–70 to 1–28–71.

Saxons Sandwich Shoppe, restaurant; 2610 East Belt Line SE., Grand Rapids, Mich.; bus boy (girl), coffee girl (boy), counter worker, dishwasher, food preparation, short-order cook; 49 to 77 percent; 2–1–70 to 1–31–71.

Schensul's Cafeteria, Inc., restaurant; 3635 28th Street, Grand Rapids, Mich.; bus boy (girl), coffee girl (boy), counter worker, dishwasher, food preparation, short-order cook; 49 to 77 percent; 2–1–70 to 1–31–71.

Shines Thriftway, food store; 105 South Michigan Avenue, Manton, Mich.; sacker, carryout, stock clerk; 10 percent; 2–1–70 to 1–31–71.

Mr. Smorgasbord, Inc., restaurants, for the occupations of food preparation, bus boy (girl), cashier, dishwasher, cleanup, 54 to 82 percent, 2–1–70 to 1–31–71: 6933 Indianapolis Boulevard, Hammond, Ind.; 136 East McKinley, Mishawaka, Ind.

Spurgeon's, variety-department stores, for the occupations of salesclerk, stock clerk, janitorial, receiving clerk, marker, 2–1–70 to 1–31–71: 27–29 West Stephenson, Freeport, Ill., 8 to 12 percent; 109–111 West Madison Street, Pontiac, Ill., 8 to 10 percent; Platteville, Wis.; 9 to 15 percent.

Sterling Stores Co., variety-department stores, for the occupations of salesclerk, stock clerk, janitorial, 12 to 43 percent: Dyersburg, Tenn., 1–29–70 to 1–28–71; 4441 Highway 61 South, Memphis, Tenn., 1–27–70 to 1–26–71.

Top Save Department Store, Inc., variety-department store; Streator, Ill.; salesclerk; 10 to 33 percent; 1–22–70 to 1–21–71.

Tower Super Market, Inc., foodstore; Weedville, Pa.; checker, stock clerk, carryout, meat wrapper, produce wrapper; 17 to 37 percent; 1–27–70 to 1–26–71.

Wabasha Super Valu, foodstore; Wabasha, Minn.; carryout, cleanup, checker, stock clerk; 14 to 20 percent; 1–22–70 to 1–21–71.

Walgreen's Market, Inc., foodstores, for the occupations of carryout, stock clerk, meat clerk, 13 percent, 1–30–70 to 1–29–71: 204 East Washington Street, Mount Pleasant, Iowa; West Main Street, New London, Iowa.

Winnebago Super Valu, foodstore; Winnebago, Minn.; carryout, checker, cleanup, stock clerk; 14 to 21 percent; 1–22–70 to 1–21–71.

Zumbrota Super Valu, foodstore; Zumbrota, Minn.; carryout, cleanup, checker, stock clerk; 14 to 21 percent; 1–22–70 to 1–21–71.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 15th day of May 1970.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 70-6438; Filed, May 25, 1970; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 49]

APPLICATIONS FOR MOTOR CARRIERS OF PROPERTY

MAY 21, 1970.

The following applications are governed by the Interstate Commerce Commission's special rules governing property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act, and certain other proceedings with respect thereto (49 CFR 1100.240).

No. MC–F–10042 (Supplement) (RUAN, INC.—Control—ELDON MILLER, INC.), published in the February 21, 1968, issue of the FEDERAL REGISTER, on page 3252. By letter supplement filed May 18, 1970, Applicant, RUAN, INCORPORATED, seeks to control ELDON MILLER, INC., through purchase of all of its capital stock. Hearing remains scheduled for June 1, 1970, at Des Moines, Iowa.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70–6489; Filed, May 25, 1970; 8:50 a.m.]

[Notice 82]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 21, 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 62499 (Sub-No. 8 TA) (Correction), filed May 6, 1970, published in the FEDERAL REGISTER issue of May 15, 1970, and republished as corrected, this issue. Applicant: HAGERSTOWN MOTOR EXPRESS CO., INC., Middleburg Pike, Post Office Box 1946, Hagerstown, Md. 21740. Applicant's representative: Charles E. Creager, 816 Easley Street, Suite 523, Silver Spring, Md. 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities of unusual value); (1) serving Taneytown, Md., and Westminster, Md., as intermediate points in connection with applicant's presently authorized regular-route operations between Hagerstown, Md., and Baltimore, Md.; and (2) serving Littlestown, Pa., and Hampstead, Md., as off-route points in connection with the same regular-route operations, for 150 days. NOTE: The purpose of this republication is to show that applicant only intends to serve Taneytown, Md., and Westminster, Md., and named off-route points in lieu of what was previously published. The authorities will be tacked with other subs and direct and interline service will be performed. Supporting shippers: Cambridge Rubber Co., Taneytown, Md. 21787; Rowan Controller Inc., Post Office Box 306, Bethel Road, Westminster, Md. 21157; The Littlestown Hardware & Foundry Co., Inc., Littlestown, Pa. 17340;

Lincoln Manufacturing Co., Inc., Westminster, Md. 21157; FMC Corp. Canning Machinery Division, Railroad Avenue 1, Westminster, Md. 21157; The Black & Decker Manufacturing Co., Towson, Md. 21204. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 2218, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 76264 (Sub-No. 24 TA), filed May 18, 1970. Applicant: WEBB TRANSFER LINE, INC., Post Office Box 231, U.S. Highway 60E, Shelbyville, Ky. 40065. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and supplies, and materials used in the manufacture of building materials* (except commodities in bulk), between Springfield, Ky., and points within 3 miles thereof, on the one hand, and, on the other, points in Alabama, Arkansas, California, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: James M. VanderBerghe, Secretary-Treasurer, Tech-Panel Corp., 3901 Atkinson Drive, Louisville, Ky. 40218. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 107295 (Sub-No. 385 TA), filed May 18, 1970. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Partitions and prefabricated sections and accessories*, used in the installation thereof, from Merrill, Wis., to points in California, Colorado, Connecticut, Florida, Louisiana, Massachusetts, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, and the District of Columbia, for 180 days. Supporting shipper: W.C.A. Industries, Inc., Post Office Box 427, Merrill, Wis. 54452. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107496 (Sub-No. 781 TA), filed May 18, 1970. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Post Office Box 855, ZIP 50304, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferric chloride*, in bulk, in tank vehicles, from Santa Fe Springs, Calif., to Garland, Tex., for 150 days. Supporting shipper: Southern California Chemical Co., Inc., 8851 Dice Road, Santa Fe Springs, Calif. 90670. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 113855 (Sub-No. 221 TA), filed May 18, 1970. Applicant: INTERNATIONAL TRANSPORT, INC., U.S. Highway 52 South, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Signs, sign parts, and sign accessories*, from Clearfield, Utah, to points in Montana, New Mexico, Wyoming, Colorado, Idaho, Nevada, Washington, Oregon, California, and Arizona for 150 days. Supporting shipper: Cummings & Co., Inc., Post Office Box 1237, Murfreesboro, Tenn. 37130. 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 114273 (Sub-No. 67 TA), filed May 18, 1970. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, 3930 16th Avenue SW., Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, 315 Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, Iowa 52402. 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 and C of appendix I of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, from Albert Lea, Minn., and Cedar Rapids, Iowa, to Indiana, Michigan, and Ohio, for 180 days. Supporting shipper: Wilson-Sinclair Co., Prudential Plaza, Chicago, Ill. 60601. Send protests to: District Supervisor Chas. C. Biggers, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 117765 (Sub-No. 102 TA), filed May 18, 1970. Applicant: HAHN TRUCK LINE, INC., Post Office Box 75267, 5315 Northwest Fifth, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal briquettes*, in containers, from the plantsite of Husky Briquetting, Inc., Dickinson, N. Dak. to points in Colorado, Louisiana, and New Mexico, for 180 days. Supporting shipper: Harvey E. Webb, Traffic Manager, Husky Briquetting, Inc., 4040 East Louisiana Avenue, Denver, Colo. 80222. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla.

No. MC 118318 (Sub-No. 18 TA) (Correction), filed April 28, 1970, published in the FEDERAL REGISTER issue of May 12, 1970, and republished in part as corrected, this issue. Applicant: IDA-CAL FREIGHT LINES, INC., Post Office Box 422, Twin Falls, Idaho 83301. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, Idaho 83701. NOTE: The purpose of this partial republication is to show the commodity description to read as, *"Meat, meat products, meat byproducts, and articles"*, etc. The rest of the application remains as previously published.

No. MC 121114 (Sub-No. 1 TA), filed May 15, 1970. Applicant: OAKLAND VAN & STORAGE, INC., 867 Isabella Street, Oakland, Calif. 94607. Applicant's representative: Edward J. Hegarty, 100 Bush Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, unpacking, uncrating, and decontainerization of such traffic, points in Alameda, Contra Costa, Napa, Sonoma, Solano, Santa Clara, San Francisco, and San Mateo Counties, Calif., for 180 days. Supporting shipper: Higa Fast Pac, Inc., 465 California Street, Suite 530, San Francisco, Calif. 94104. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 124957 (Sub-No. 5 TA), filed May 18, 1970. Applicant: KENNETH KOHLS, Post Office Box 442, Mankato, Minn. 56001. Applicant's representative: Earl Hacking, 503 11th Avenue South, Minneapolis, Minn. 55415. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete conduit*, from Janesville, Wis., to points in Illinois, Iowa, Minnesota, North Dakota, and South Dakota and from Mankato, Minn., to Illinois, Iowa, Nebraska, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Elmore Concrete Products Co., Elmore, Minn. 56027. 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 133192 (Sub-No. 1 TA), filed May 18, 1970. Applicant: LARRY TREBINO CONSTRUCTION COMPANY, INC., 5 Cypress Drive, Burlington, Mass. 01803. Applicant's representative: Arthur A. Wentzell, Post Office Box 720, Worcester, Mass. 01601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products*, such as *bricks, blocks, channel planks, floor, and roof beams*, strapped on pallets, from Hamden,, Hartford, North Haven, and Waterbury, Conn., to points in Massachusetts, for 150 days. Supporting shipper: Plasticrete Corp., 1883 Dixwell Avenue, Hamden, Conn. 06514. Send protests to:

James F. Martin, Jr., Assistant Regional Director, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Building, Government Center, Boston, Mass. 02203.

No. MC 134608 TA, filed May 15, 1970. Applicant: B AND S HAULERS INCORPORATED, Box 216, Highway 441, Sylva, N.C. 28779. Applicant's representative: James N. Golding, Post Office Box 7316, Asheville, N.C. 28807. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Black masterbatch* (rubber), from Houston, Tex., to Franklin, N.C., for 180 days. Supporting shipper: Tire Treads, Inc., Franklin, N.C. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-6490; Filed, May 25, 1970; 8:50 a.m.]

[Notice 539]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 21, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72138. By order of May 19, 1970, the Motor Carrier Board approved the transfer to Keith Marshall, doing business as Marshall Truck Line, Osage, Iowa 50461, of the operating rights in certificate No. MC-111503, issued January 18, 1954, to Ross Decker, Little Cedar, Iowa 50454, authorizing the transportation of: Petroleum products, in containers, from Minneapolis, Minn., to points in Mitchell County, Iowa; empty petroleum containers, from points in Mitchell County, Iowa, to Minneapolis, Minn., and fertilizer, from points in Wisconsin to points in Mitchell County, Iowa. Keith Marshall, Owner, Post Office Box 228, Osage, Iowa 50461.

No. MC-FC-72134. By order of May 19, 1970, the Motor Carrier Board approved the transfer to B.T.L., INC., St. Joseph, Mo., of the operating rights in certificate No. MC-9644, issued July 2, 1947, to Brown Transfer & Storage Co., a corporation, St. Joseph, Mo., authorizing the transportation of general commodities, with usual exceptions, between points in Buchanan County, Mo., on the one hand, and, on the other, points in a specified portion of Missouri, Kansas, Nebraska, and Iowa. B. W. La Tourette, Jr., 611 Olive Street, St. Louis, Mo. 63101, attorney for applicants.

No. MC-FC-72145. By order of May 19, 1970, the Motor Carrier Board approved the transfer to Horizon Moving & Storage Co., a corporation, the evidentiary rights contained in certificate of registration No. MC-133763 (Reassigned No. MC-134615 to cover the instant transaction) acquired by Helen Colletti, doing business under various trade names, in the transportation of property in interstate or foreign commerce to the extent authorized in Arizona State Certificate No. 7936, between points in Arizona. A. Michael Bernstein, Attorney, 1327 United Bank Building, Phoenix, Ariz. 85012.

No. MC-FC-72149. By order of May 19, 1970, the Motor Carrier Board approved the transfer to Admiral Moving & Storage, Inc., South Windsor, Conn., of certificate No. MC-49743 and MC-49743 (Sub-No. 2) issued to Christie's Warehouse & Transfer, Inc., Hartford, Conn., authorizing the transportation of: Household goods as defined by the Commission, between points in Connecticut, on the one hand, and on the other, points in Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, and used office furniture, stationary, and supplies, between Hartford, Conn., New York, N.Y., and Newark, N.J., and coin-operated machines and dispensers, between specified plantsites in Hartford, Conn., and New York, N.Y., and Newark and Springfield, N.J. Reubin Kaminsky, 342 North Main Street, Hartford, Conn. 06117, attorney for transferee. Thomas W. Murrett, 342 North Main Street, Hartford, Conn. 06117, attorney for transferor.

No. MC-FC-72148. By order of May 19, 1970, the Motor Carrier Board approved the transfer to Dewey Freight System, Inc., Overland Park, Kans., of the operating rights in certificates Nos. MC-119931, MC-119931 (Sub-No. 2), and MC-119931 (Sub-No. 4) issued September 2, 1960, March 22, 1962, and July 25, 1968, respectively, to Herman Healzer, doing business as P & H Truck Service, Hutchinson, Kans., authorizing the transportation of malt beverages, from Belleville, Chicago, and Quincy, Ill., to Wichita, Kans., from St. Louis, Mo., and Peoria, Ill., to Hutchinson and Great Bend, Kans., from Peoria, Ill., to Liberal, Kans., from Peoria, Ill., to the warehouse facilities of the Saporito Beverage Co., at or near Scammon, Kans., and Wichita, Kans.; pallets, beverage containers and bottles, from the above-described destinations, to Peoria, Ill.; beer, from Peoria, Ill., to Columbus, Kans.; salt, from Hutchinson, Kans., to St. Louis and Kansas City, Mo., and Peoria and Taylorville, Ill.; paper and paper products, from Kansas City and St. Joseph, Mo., and Chicago and Morris, Ill., to Hutchinson, Kans.; eggs, from Hutchinson, Kans., to Kansas City, Mo.; seed, from St. Louis, Mo., to Hutchinson, Kans.; and groceries, canned goods, and malt beverages, from Kansas City, Mo., and Chicago, Ill., to Hutchinson, Great Bend and Liberal, Kans. J. F. Miller, 6415 Willow Lane, Shawnee Mission, Kans. 66208, attorney for applicants.

No. MC-FC-72152. By order of May 19, 1970, the Motor Carrier Board approved the transfer to The Airfield Service Co., a corporation, Windsor Locks, Conn., of the operating rights in certificate No. MC-113863, issued October 28, 1969, to John Stelmaszek and Pasquale Ciampi, a partnership, New Milford, Conn., authorizing the transportation of passengers and their baggage, and express, mail and newspapers, over regular routes, between Westfield, Mass., and Hoskins, Conn., serving all intermediate points. Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06117, attorney for transferee. John A. March, 14 Essex Street, South River, N.J., attorney for transferor.

[SEAL] H. NEIL GARSON, *Secretary.*

F.R. Doc. 70-6491; Filed, May 25, 1970; 8:50 a.m.]

[Notice 339 A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 21, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will pospone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71701. By order of May 15, 1970, Division 3, acting as an Appellate Division, on further reconsideration, approved the transfer to Kearney's Trucking Service, Inc., Portland, Pa., of that portion of the operating rights in certificate No. MC-114679 issued August 1, 1958, to Howard H. Krapf, doing business as Krapf Truck Service, Allentown, Pa., authorizing the transportation, over irregular routes, of sand and gravel, in dump vehicles, from Kenvil, N.J., to points in Lehigh and Northampton Counties, Pa., and slag, sand, gravel, and stone from Bethelehem and Riegelsville, Pa., to points in New Jersey, subject to certain conditions. Dual operations were authorized. Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517, representative for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-6492; Filed, May 25, 1970; 8:50 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

MAY 21, 1970.

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

LONG-AND-SHORT HAUL

FSA No. 41965—*Urea from points in Montana, Western Trunkline territory, and Canada.* Filed by Western Trunk Line Committee, agent, (No. A-2626), for interested rail carriers. Rates on urea, in carloads, as described in the application, from points in Montana, western trunkline territory, and Canada, to points in western trunkline territory, including Illinois, also points in southern Missouri in southwestern territory.

Grounds for relief—Market competition, short-line distance fomula and grouping.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-6493; Filed, May 25, 1970; 8:50 a.m.]

[Ex Parte 265]

[Special Permission No. 70-4848]

INCREASED FREIGHT RATES, 1970

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on this 15th day of May 1970.

Order. Upon consideration of special permission application No. 92, filed by Atlantic-Gulf Coastwise Steamship Freight Bureau, agent for and on behalf of carriers engaged in transportation by water and partly by motor or rail and parties to tariffs listed in Appendix I to the application, authority is sought to depart from the necessary rules of Tariff Circular No. 20 to amend by connecting-link or conventional supplements, effective upon not less than 30 days' notice, but not earlier than June 2, 1970, Atlantic-Gulf Coastwise Steamship Freight Bureau, agent's tariff ICC No. 16 and its member carriers' tariffs enumerated in Appendix I of the application to provide that all-water, water-motor, motor-water, motor-water-motor, motor-water-rail and rail-water-motor rates and charges published therein will be subject to petitioner's Tariff of Increased Rates and Charges X-265, ICC No. 48, as set forth in the application and exhibits attached thereto. A full investigation of the matter and things involved in the application having been made, which application is hereby referred to and made a part hereof:

It is ordered, That,

1. Authority to depart from the necessary tariff-publishing rules to establish application of the master tariff, and to publish connecting-link supplements and other publications outlined in the application, effective upon not less than statutory notice, be, and it is hereby, granted, on condition that, where the title page of the proposed supplement to ICC No. 16 now reads "Rates and Charges in Tariffs enumerated herein and in prior supplements thereto," will be changed to read "Rates and Charges in this Tariff or in prior supplements hereto."

2. The rule relief granted herein extends only to the publications made under the relief authorized in the preceding ordering paragraph.

3. The connecting-link supplements, and provisions within supplements to tariffs which refer to the master tariff, using the short form method shall bear a notation reading substantially as follows:

This form of publication is permitted by authority of Interstate Commerce Commission Permission No. 70-4848 dated May 15, 1970.

4. Connecting-link supplements authorized herein shall be exempt from the Commission's tariff-publishing rules relating to the number of supplements and volume of supplemental matter permitted. This and all other relief from the Commission's tariff publishing rules authorized herein shall expire March 6, 1971.

5. Outstanding orders of the Commission are modified only to the extent necessary to permit the filing of publications containing the proposed increased rates and charges, and all tariff filings made hereunder shall be subject to protest, suspension, or rejection.

It is further ordered, That, notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-6494; Filed, May 25, 1970; 8:50 a.m.]

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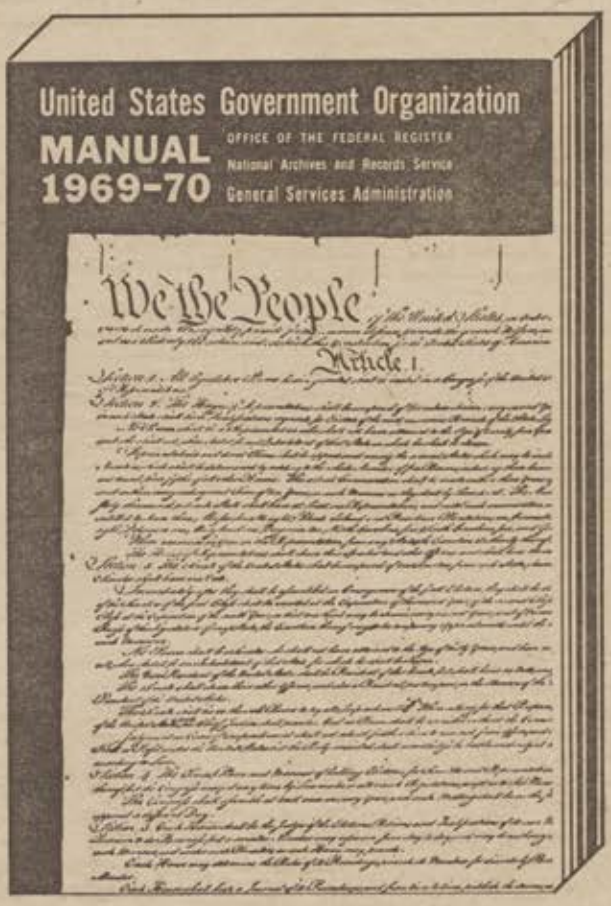

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