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Agricultural Research Service
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Business and Defense Services Administration
Civil Aeronautics Board
Civil Service Commission
Commodity Credit Corporation
Consumer and Marketing Service
Customs Bureau
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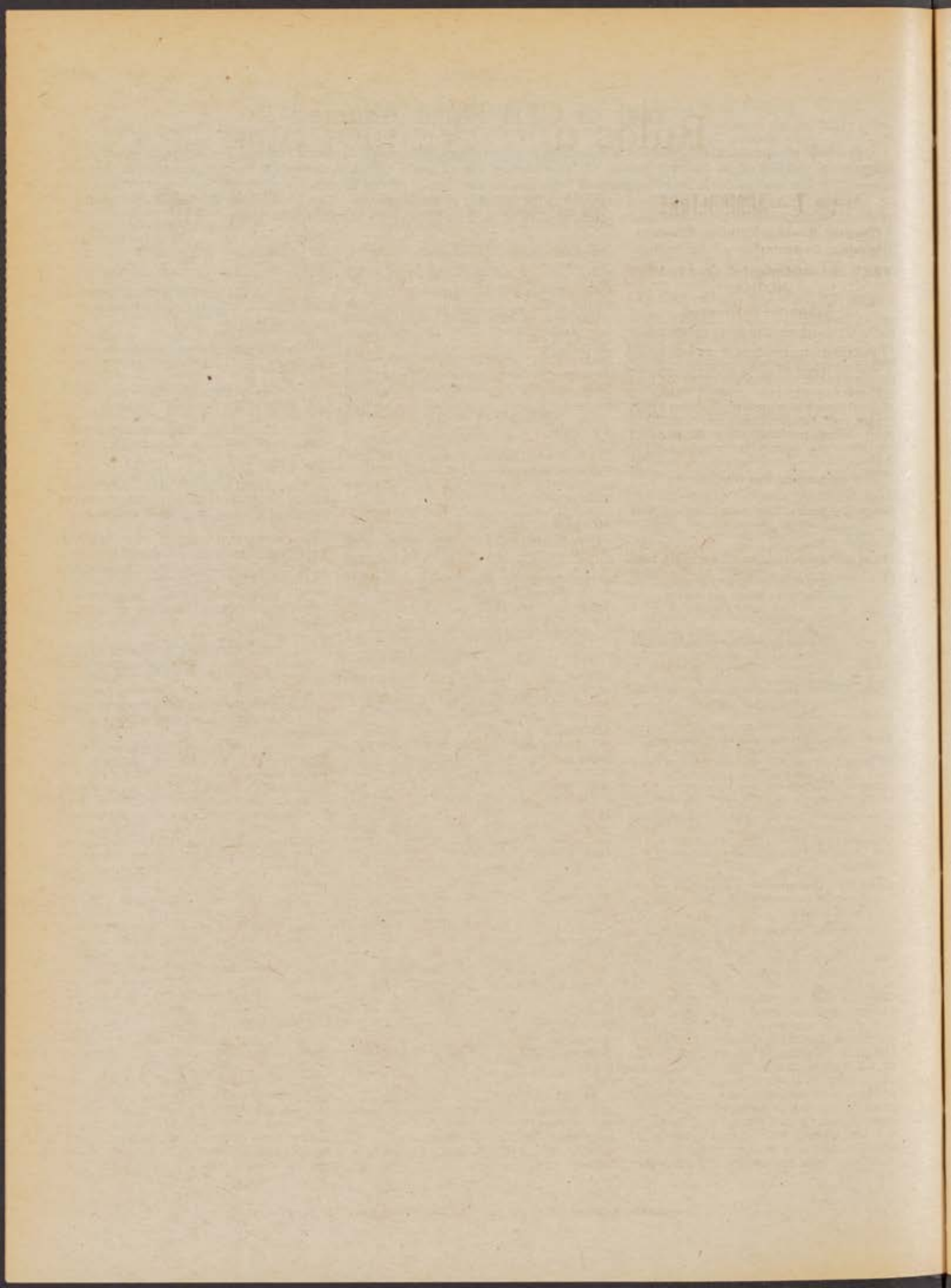
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Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Witchweed

QUARANTINE AND REGULATIONS

Pursuant to sections 8 and 9 of the Plant Quarantine Act, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), Notice of Quarantine No. 80 relating to the witchweed and regulations supplemental to said quarantine (7 CFR 301.80, 301.80-1, et. seq.) are hereby revised to read as follows:

QUARANTINE AND REGULATIONS

Sec.	
301.80	Quarantine; restriction on interstate movement of specified regulated articles.
301.80-1	Definitions.
301.80-2	Authorization to designate regulated areas and suppressive or generally infested areas; and articles which are exempt from certification, permit, or other requirements.
301.80-3	Conditions governing the interstate movement of regulated articles from quarantined States.
301.80-4	Issuance and cancellation of certificates and permits.
301.80-5	Compliance agreements; and cancellation thereof.
301.80-6	Assembly and inspection of regulated articles.
301.80-7	Attachment and disposition of certificates or permits.
301.80-8	Inspection and disposal of regulated articles and pests.
301.80-9	Movement of witchweed.
301.80-10	Nonliability of the Department.

AUTHORITY: The provisions of this subpart issued under secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended, 33 F.R. 15485.

§ 301.80 Quarantine; restriction on interstate movement of specified regulated articles.

(a) *Notice of quarantine.* Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the Secretary of Agriculture heretofore determined, after public hearing, that it was necessary to quarantine the States of North Carolina and South Carolina, in order to prevent the spread of witchweed (*Striga* spp.), a parasitic plant which causes a dangerous disease of corn, sorghum, and other crops of the grass family, not theretofore widely prevalent or distributed within and throughout the United States, and accordingly quarantined said States. Under the authority of said provisions, the Secretary

hereby continues such quarantine in effect with respect to the interstate movement from the quarantined States of the articles described in paragraph (b) of this section, issues the regulations in this subpart governing such movement, and gives notice of said quarantine and regulations.

(b) *Quarantine restrictions on interstate movement of specified regulated articles.* No common carrier or other person shall move interstate from any quarantined State any of the following articles (defined in § 301.80-1 (c) as regulated articles), except in accordance with the conditions prescribed in this subpart:

(1) Soil, compost, peat, humus, muck, and decomposed manure, separately or with other things; sand; and gravel.

(2) Plants with roots.

(3) Grass sod.

(4) Plant crowns and roots for propagation.

(5) True bulbs, corms, rhizomes, and tubers of ornamental plants.

(6) Root crops, except those from which all soil has been removed.

(7) Peanuts in shells and peanut shells, except boiled or roasted peanuts.

(8) Small grains and soybeans.

(9) Hay, straw, fodder, and plant litter of any kind.

(10) Seed cotton and gin trash.

(11) Stumpwood.

(12) Long green cucumbers, cantaloupes, peppers, squash, tomatoes, and watermelons, except those from which all soil has been removed.

(13) Pickling cucumbers, string beans, and field peas.

(14) Cabbage, except firm heads with loose outer leaves removed.

(15) Leaf tobacco, except Flue-cured leaf tobacco.

(16) Ear corn, except shucked ear corn.

(17) Used crates, boxes, burlap bags, and cotton-picking sacks, and other used farm products containers.

(18) Used farm tools.

(19) Used mechanized cultivating equipment and used harvesting equipment.

(20) Used mechanized soil-moving equipment.

(21) Any other products, articles, or means of conveyance, of any character whatsoever, not covered by subparagraphs (1) through (20) of this paragraph, when it is determined by an inspector that they present a hazard of spread of witchweed, and the person in possession thereof has been so notified.

§ 301.80-1 Definitions.

Terms used in the singular form in this subpart shall be deemed to import the plural, and vice versa, as the case may demand. The following terms, when used in this subpart, shall be construed, respectively to mean:

(a) *Certificate.* A document issued or authorized to be issued under this subpart by an inspector to allow the interstate movement of regulated articles to any destination.

(b) *Compliance agreement.* A written agreement between a person engaged in growing, handling, or moving regulated articles, and the Plant Protection Division, wherein the former agrees to comply with the requirements of this subpart identified in the agreement by the inspector who executes the agreement on behalf of the Division as applicable to the operations of such person.

(c) *Director.* The Director of the Plant Protection Division, Agricultural Research Service, U.S. Department of Agriculture, or any other officer or employee of said Service to whom authority to act in his stead has been or may hereafter be delegated.

(d) *Farm tools.* An instrument worked or used by hand, e.g., hoes, rakes, shovels, axes, hammers, and saws.

(e) *Generally infested area.* Any part of a regulated area not designated as a suppressive area in accordance with § 301.80-2.

(f) *Infestation.* The presence of witchweed or the existence of circumstances that make it reasonable to believe that witchweed is present.

(g) *Inspector.* Any employee of the Plant Protection Division, Agricultural Research Service, U.S. Department of Agriculture, or other person authorized by the Director to enforce the provisions of the quarantine and regulations in this subpart.

(h) *Interstate.* From any State, Territory, or District into or through any other State, Territory, or District of the United States (including Puerto Rico).

(i) *Limited permit.* A document issued or authorized to be issued by an inspector to allow the interstate movement of noncertified regulated articles to a specified destination for limited handling, utilization, or processing, or for treatment.

(j) *Mechanized cultivating equipment; and mechanized harvesting equipment.* Mechanized equipment used for soil tillage, including tillage attachments for farm tractors, e.g., tractors, disks, plows, harrows, planters and subsoilers; mechanized equipment used for harvesting purposes, e.g., mechanical cotton harvesters, hay balers, corn pickers, and combines.

(k) *Mechanized soil-moving equipment.* Equipment used for moving or transporting soil, e.g., draglines, bulldozers, dumptrucks, road scrapers, etc.

(l) *Moved (movement, move).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved or allowed to be moved by any means. "Movement" and

"move" shall be construed accordingly.

(m) *Person*. Any individual, corporation, company, society, or association, or other organized group of any of the foregoing.

(n) *Regulated area*. Any quarantined State, or any portion thereof, listed as a regulated area in § 301.80-2a or otherwise designated by the Director in accordance with § 301.80-2(a).

(o) *Regulated articles*. Any articles described in § 301.80(b).

(p) *Restricted destination permit*. A document issued or authorized to be issued by an inspector to allow the interstate movement of regulated articles not certified under all applicable Federal domestic plant quarantines to a specified destination for other than scientific purposes.

(q) *Suppressive area*. That portion of a regulated area where eradication of infestation is undertaken as an objective, as designated by the Director under § 301.80-2(a).

(r) *Scientific permit*. A document issued by the Director to allow the interstate movement to a specified destination of regulated articles for scientific purposes.

(s) *Soil*. That portion of the upper layer of earth in which plants can grow.

(t) *Treatment manual*. The provisions currently contained in the "Manual of Administratively Authorized Procedures to be Used Under the Witchweed Quarantine" and the "Fumigation Procedures Manual" and any amendments thereto.¹

(u) *Witchweed*. Parasitic plants of the genus *Striga* and any reproductive parts thereof, including seeds.

§ 301.80-2 Authorization to designate regulated areas and suppressive or generally infested areas; and articles which are exempt from certification, permit, or other requirements.

(a) *Regulated areas and suppressive or generally infested areas*. (1) The Director shall list as regulated areas in a supplemental regulation designated as § 301.80-2a, the quarantined States, or portions thereof, in which witchweed has been found or in which there is reason to believe that witchweed is present, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. The Director, in the supplemental regulation, may divide any regulated area into a suppressive area or a generally infested area in accordance with the definition thereof in § 301.80-1. Less than an entire quarantined State will be designated as a regulated area only if the Director is of the opinion that:

(i) The State has adopted and is enforcing a quarantine or regulation which imposes restrictions on the intrastate movement of the regulated articles

which are substantially the same as those which are imposed with respect to the interstate movement of such articles under this subpart; and

(ii) The designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of witchweed.

(2) The Director, or an authorized inspector, may temporarily designate any other premises in a quarantined State as a regulated area and a suppressive or generally infested area, in accordance with the criteria specified in subparagraph (1) of this paragraph for listing such areas, by serving written notice thereof on the owner or person in possession of such premises, and thereafter the interstate movement of regulated articles from such premises by any person having notice of this designation shall be subject to the applicable provisions of this subpart. As soon as practicable, such premises shall be added to the list in § 301.80-2a if a basis then exists for their designation.

(b) *Articles which are exempt from certification, permit, or other requirements*. The Director may, in a supplemental regulation designated as § 301.80-2b, list regulated articles which shall be exempt from the certification and permit or other requirements of this subpart under such conditions as he may prescribe, if he finds that facts exist as to the pest risk involved in the movement of such regulated articles which make it safe to so relieve such requirements.

§ 301.80-3 Conditions governing the interstate movement of regulated articles from quarantined States.²

(a) Any regulated articles, except soil samples for processing, testing, or analysis, may be moved interstate from any quarantined State under the following conditions:

(1) With certificate or permit issued and attached in accordance with §§ 301.80-4 and 301.80-7, if moved:

(i) From any generally infested area or any suppressive area into or through any point outside of the regulated areas; or

(ii) From any generally infested area into or through any suppressive area; or

(iii) Between any noncontiguous suppressive areas; or

(iv) Between contiguous suppressive areas when it is determined by the inspector that the regulated articles present a hazard of spread of the witchweed and the person in possession thereof has been so notified; or

(v) Through or reshipped from any regulated area when such movement is not authorized under subparagraph (2) (v) of this paragraph; or

(2) Without certificate or permit, if moved:

(i) From any generally infested area or any suppressive area, under the provisions of § 301.80-2b which exempts certain articles from certification and permit requirements; or

² Requirements under all other applicable Federal domestic plant quarantines must also be met.

(ii) From a generally infested area to a contiguous generally infested area; or

(iii) From a suppressive area to a contiguous generally infested area; or

(iv) Between contiguous suppressive areas unless the person in possession of the articles has been notified by an inspector that a hazard of spread of the witchweed exists; or

(v) Through or reshipped from any generally infested area or suppressive area if the articles originated outside the regulated areas and if the point of origin of the articles is clearly indicated, their identity has been maintained, and they have been safeguarded against infestation while in the regulated area in a manner satisfactory to the inspector; or

(3) From any area outside the regulated areas, if moved:

(i) With a certificate or permit attached; or

(ii) Without a certificate or permit, if:

(a) The regulated articles are exempt under the provisions of § 301.80-2b; or

(b) The point of origin of such movement is clearly indicated on the articles or shipping document which accompanies the articles and if the movement is not made through any regulated area.

(b) Unless specifically authorized by the Director in emergency situations, soil samples for processing, testing, or analysis may be moved interstate from any regulated area only to laboratories approved³ by the Director and so listed by him in a supplemental regulation.⁴ A certificate or permit will not be required to be attached to such soil samples except in those situations where the Director has authorized such movement only with a certificate or permit issued and attached in accordance with §§ 301.80-4 and 301.80-7. A certificate or permit will not be required to be attached to soil samples originating in areas outside of the regulated areas if the point of origin of such movement is clearly indicated on the articles or shipping document which accompanies the articles and if the movement is not made through any regulated area.

§ 301.80-4 Issuance and cancellation of certificates and permits.

(a) Certificates may be issued for any regulated articles (except soil samples for processing, testing, or analysis) by an inspector if he determines that they are eligible for certification for movement to any destination under all Federal domestic plant quarantines applicable to such articles and:

(1) Have originated in noninfested premises in a regulated area and have not been exposed to infestation while within the regulated areas; or

(2) Have been treated to destroy infestation in accordance with the treatment manual; or

³ Pamphlets containing provisions for laboratory approval may be obtained from the Director, Plant Protection Division, ARS, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782.

⁴ For list of approved laboratories, see PPD 639.

¹ Pamphlets containing such provisions are available, upon request from the Director, Plant Protection Division, Agricultural Research Service, U.S. Department of Agriculture, Hyattsville, Md. 20782, or from an inspector.

(3) Have been grown, produced, manufactured, stored, or handled in such a manner that no infestation would be transmitted thereby.

(b) Limited permits may be issued by an inspector to allow interstate movement of regulated articles (except soil samples for processing, testing, or analysis) not eligible for certification under this subpart, to specified destinations for limited handling, utilization, or processing, or for treatment in accordance with the treatment manual, when upon evaluation of the circumstances involved in each specific case he determines that such movement will not result in the spread of witchweed and requirements of other applicable Federal domestic plant quarantines have been met.

(c) Restricted destination permits may be issued by an inspector to allow the interstate movement (for other than scientific purposes) of regulated articles (except soil samples for processing, testing, or analysis) to any destination permitted under all applicable Federal domestic plant quarantines if such articles are not eligible for certification under all such quarantines but would otherwise qualify for certification under this subpart.

(d) Scientific permits to allow the interstate movement of regulated articles, and certificates or permits to allow the movement of soil samples for processing, testing, or analysis in emergency situations, may be issued by the Director under such conditions as may be prescribed in each specific case by the Director.

(e) Certificate, limited permit, and restricted destination permit forms may be issued by an inspector to any person for use by the latter for subsequent shipments of regulated articles (except for soil samples for processing, testing, or analysis), provided such person is operating under a compliance agreement; and any such person may be authorized by an inspector to reproduce such forms on shipping containers or otherwise. Any such person may use the certificate forms, or reproductions of such forms, for the interstate movement of regulated articles from the premises of such person identified in the compliance agreement if such person has made appropriate determinations as specified in paragraph (a) of this section with respect to such articles. Any such person may use the limited permit forms, or reproductions of such forms, for interstate movement of regulated articles to specified destinations authorized by the inspector in accordance with paragraph (b) of this section. Any such person may use the restricted destination permit forms, or reproductions of such forms, for the interstate movement of regulated articles not eligible for certification under all Federal domestic plant quarantines applicable to such articles, under the conditions specified in paragraph (c) of this section.

(f) Any certificate or permit which has been issued or authorized may be withdrawn by the inspector or the Director if he determines that the holder thereof

has not complied with any condition for the use of such document imposed by this subpart.

§ 301.80-5 Compliance agreements; and cancellation thereof.

(a) Any person engaged in the business of growing, handling, or moving regulated articles may enter into a compliance agreement to facilitate the movement of such articles under this subpart. Compliance agreement forms may be obtained from the Director or an inspector.

(b) Any compliance agreement may be canceled by the inspector who is supervising its enforcement whenever he finds, after notice and reasonable opportunity to present views has been accorded to the other party thereto, that such other party has failed to comply with the conditions of the agreement.

§ 301.80-6 Assembly and inspection of regulated articles.

Persons (other than those authorized to use certificates, limited permits, or restricted destination permits, or reproductions thereof, under § 301.80-4(e)) who desire to move interstate regulated articles which must be accompanied by a certificate or permit shall, as far in advance as possible, request an inspector to examine the articles prior to movement. Such articles shall be assembled at such points and in such a manner as the inspector designates to facilitate inspection.

§ 301.80-7 Attachment and disposition of certificates or permits.

(a) If a certificate or permit is required for the interstate movement of regulated articles, the certificates or permit shall be securely attached to the outside of the container in which such articles are moved except that, where the certificate or permit is attached to the waybill or other shipping document, and the regulated articles are adequately described on the certificate, permit or shipping document, the attachment of the certificate or permit to each container of the articles is not required.

(b) In all cases, certificates or permits shall be furnished by the carrier to the consignee at the destination of the shipment.

§ 301.80-8 Inspection and disposal of regulated articles and pests.

Any properly identified inspector is authorized to stop and inspect, and to seize, destroy, or otherwise dispose of, or require disposal of regulated articles and witchweed as provided in section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and section 105 of the Plant Pest Act (7 U.S.C. 150dd), in accordance with instructions issued by the Director.

§ 301.80-9 Movement of witchweed.

Regulations requiring a permit for, and otherwise governing the movement of witchweed in interstate or foreign commerce are contained in the Federal plant pest regulations in Part 330 of this chapter. Applications for permits for the movement of the pest may be made to the Director.

§ 301.80-10 Nonliability of the Department.

The United States Department of Agriculture disclaims liability for any costs incident to inspections or compliance with the provisions of the quarantine and regulations in this subpart, other than for the services of the inspector.

This revision shall become effective July 1, 1970, when it shall supersede the Notice of Quarantine and Regulations effective July 1, 1967.

In the revision a provision is made for the Director to designate regulated areas as suppressive or generally infested areas. Also provision is made for the Director or an authorized inspector to temporarily designate any premises in a quarantined State as a regulated area and suppressive or generally infested area by serving written notice thereof on the owner or person in possession of such premises.

Cotton lint and linters have been deleted from the list of regulated articles because they are no longer considered hazardous. The revision also generally requires that soil samples for processing, testing, or analysis from regulated areas be moved only to approved laboratories.

The revision of § 301.80-4(f) merely clarifies the long-standing administrative interpretation of said section by expressly stating the power of the Director to withdraw certificates or permits issued or authorized.

Notice of rule making was published in the FEDERAL REGISTER on November 7, 1969 (34 F.R. 18042), with respect to proposed amendments of the regulations relating to the movement of soil samples. Due consideration has been given to all comments received pursuant thereto and to all other relevant information.

Other changes made by the revision are of a clarifying nature or relate to matters of agency organization and procedure or relieve certain restrictions presently imposed and should be made effective promptly in order to accomplish their purposes in the public interest. Insofar as other changes made by the revision may be deemed to make more stringent the conditions for interstate movement of regulated articles it should be made effective promptly in order to prevent the interstate spread of witchweed.

Accordingly, it is found under the administrative procedure provisions of 5 U.S.C. 553, that further notice and other public procedure with respect to this revision are unnecessary and impracticable, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of June 1970.

GEORGE W. IRVING, Jr.,
Administrator,
Agricultural Research Service.

[F.R. Doc. 70-8257; Filed, June 29, 1970; 8:47 a.m.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Witchweed

REGULATED AREAS

Under the authority of § 301.80-2 of the Witchweed Quarantine regulations, 7 CFR 301.80-2, as amended, 35 F.R. 10554, a supplemental regulation designating regulated areas is hereby issued to appear in 7 CFR 301.80-2a, as follows:

§ 301.80-2a Regulated areas; suppressive and generally infested areas.

The civil divisions, and parts of civil divisions, described below, are designated as witchweed regulated areas within the meaning of the provisions of this subpart; and such regulated areas are hereby divided into generally infested areas or suppressive areas as indicated below:

NORTH CAROLINA

(1) Generally infested area.

Bladen County. The entire county.

Columbus County. That part of the county lying north and west of a line beginning at a point where Livingston Creek junctions with the Cape Fear River and extending south along said creek to its intersection with the Seaboard Air Line Railroad, thence west along said railroad to its intersection with State Secondary Road 1740, thence west and south along said road to its junction with U.S. Highways 74 and 76, thence west along said highways to their intersection with Bogue Swamp, thence south along said swamp to its junction with the Waccamaw River and continuing south along said river to its junction with White Marsh Swamp, thence north and northwest along said swamp to its junction with Cypress Creek, thence southwest along said creek to its intersection with State Highway 130, thence northwest along said highway to its junction with State Secondary Road 1166, thence southwest along said road to its junction with State Secondary Road 1157, thence southwest along said road to its junction with U.S. Highway 701, thence south and west along said highway to its intersection with State Secondary Road 1314, thence west along said road to its junction with State Secondary Road 1346, thence southwest along said road to its junction with the North Carolina-South Carolina State line.

Cumberland County. All of Cumberland County excluding the Fort Bragg Military Reservation, the area within the corporate limits of the city of Fayetteville and the unincorporated communities of East Fayetteville and Bonnie Doone.

Duplin County. That area bounded by a line beginning at a point where State Secondary Road 1104 intersects the Duplin-Sampson County line, thence extending north along said county line to its intersection with State Secondary Road 1337, thence northeast along said road to its junction with State Highway 50, thence northwest along said highway to its junction with State Secondary Road 1355, thence northeast along said road to its junction with State Secondary Road 1332, thence northeast along said road to its junction with State Secondary Road 1304, thence north along said road to its junction with State Highway 403, thence northeast along said highway to its junction with State Secondary Road 1363, thence south along said road to its junction with State Secondary Road 1367, thence southeast along said road to its junction with State Secondary Road 1365, thence northeast along said road to its junction

with State Secondary Road 1004, thence southeast along said road to its junction with State Secondary Road 1503, thence northeast along said road to its intersection with State Secondary Road 1500, thence southeast along said road to its intersection with State Secondary Road 1507, thence north along said road to its junction with State Secondary Road 1526, thence northeast along said road to its junction with State Secondary Road 1519, thence southeast along said road to its intersection with State Secondary Road 1502, thence south along said road to its intersection with State Secondary Road 1500, thence southeast along said road to its junction with State Secondary Road 1306, thence west along said road to its intersection with State Secondary Road 1004, thence south along said road to its junction with State Highway 11, thence northeast along said highway to its junction with State Secondary Road 1700, thence southeast along said road to its intersection with the Northeast Cape Fear River, thence south along said river to its junction with Grove Creek, thence west along said creek to its junction with the Kenansville city limits, thence southwest along said city limits to its intersection with State Highway 11, thence south along said highway to its junction with State Secondary Road 1922, thence southwest along said road to its junction with State Secondary Road 1909, thence south along said road to its junction with State Secondary Road 1912, thence west along said road to its intersection with the Magnolia city limits, thence south, west, and north along said city limits to its intersection with State Secondary Road 1003, thence southwest along said road to its junction with State Secondary Road 1104, thence northwest along said road to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Road 1702 intersects State Highway 24, thence extending east along said highway to its junction with State Secondary Road 1962, said junction being 0.7 mile west of Beulaville, thence south along State Secondary Road 1962 to its junction with State Secondary Road 1724, thence southwest along said road to its junction with State Secondary Road 1800, thence northwest along said road to its junction with State Secondary Road 1951, thence west along said road to its junction with State Secondary Road 1702 at Hallsville, thence north along said road to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Road 1002 intersects the Duplin-Lenoir County line, thence extending southeast along said county line to its intersection with State Highway 11, thence west along said highway to its junction with State Highway 111, thence west and north along said highway to its junction with State Secondary Road 1002 at Albertson, thence north along said road to the point of beginning, excluding the town of Albertson.

The Beasley, E. M., farm located on the southwest side of State Secondary Road 1104 and at the junction of said road and State Secondary Road 1107.

The Bonham, Paisley, farm located on the north side of State Secondary Road 1977 and 1 mile west of Pin Hook.

The Bostic, F. J., farm located on the west side of State Highway 50, at the junction of said highway and State Secondary Road 1730.

The Byrd, David O., farm located on the north side of State Secondary Road 1003 and the east side of State Secondary Road 1100 at the junction of said road.

The Crow, T. C., farm located on the south side of State Secondary Road 1321 and

0.8 mile west of the junction of said road with State Secondary Road 1302.

The Falson, I. R., farm located on the east side of State Secondary Road 1301 and 1.4 miles north of its junction with State Secondary Road 1335.

The Garner, S. B., farm located on the south side of State Secondary Road 1306 and 0.8 mile west of the junction of said road and State Secondary Road 1511.

The Hall, Janie Mae, farm located on the south side of State Secondary Road 1100 and 0.1 mile west of the junction of said road and State Secondary Road 1120.

The Hall, John, farm located at the junction of State Secondary Roads 1100 and 1120 on both sides of State Secondary Road 1100.

The Herring, Mary J., farm located on the west side of State Secondary Road 1100, and 0.7 mile south of the intersection of said road with State Secondary Road 1003.

The Jackson, Emmitt, farm located on the east side of State Secondary Road 1301 and 1.3 miles north of its junction with State Secondary Road 1335.

The Johnson, C. M., farm located on the southwest side of State Secondary Road 1139 and 0.6 mile northwest of the junction of said road with State Secondary Road 1133.

The Jones, J. A., farm located on the south side of State Secondary Road 1703 and 0.4 mile west of the junction of said road with State Secondary Road 1732.

The Kalmar, J. N., farm located on the south side of State Highway 403 and 0.5 mile west of its junction with State Secondary Road 1304.

The Kennedy, Owen, farm located on the east side of State Secondary Road 1726 and the southeast side of State Secondary Road 1702 at the junction of said roads.

The Kissner, Henry, farm located on the southwest side of State Secondary Road 1139 and 0.7 mile northwest of its junction with State Secondary Road 1133.

The Kornegay, Ethel, farm located 0.2 mile east of State Secondary Road 1501 at a point 0.6 mile south of the intersection of said road with State Secondary Road 1519.

The Lee, Julian Hall, farm located on the north side of State Secondary Road 1003, and 0.2 mile east of the intersection of said road with State Secondary Road 1100.

The Marshburn, Freeman J., farm located on the northeast side of State Secondary Road 1128 and 0.5 mile southwest of the intersection of said road and State Secondary Road 1129.

The Maxwell, Myra, farm located on the southeast side of State Secondary Road 1306 and 0.1 mile northeast of the intersection of said road and State Highway 111.

The Melvin, E. W., farm located at the end of a farm road 0.3 mile north of the junction of said farm road with State Secondary Road 1130, said junction being 0.3 mile east of the intersection of State Secondary Road 1130 and the Duplin-Sampson County line.

The Mercer, Cathleens, farm located on the south side of State Secondary Road 1703 and 0.8 mile west of the junction of said road with State Secondary Road 1732.

The Mercer, Herbert C., farm located on the south side of State Secondary Road 1703 and 0.7 mile west of the junction of said road with State Secondary Road 1732.

The Norris, Maggie T., farm located on the south side of State Secondary Road 1700 and 1.4 miles east of Sarecta.

The Page, H. J., farm located on the west side of State Secondary Road 1128 and on the north side of State Secondary Road 1129 at the intersection of said roads.

The Parrott, Mrs. Frank, Jr., farm located on the south side of State Secondary Road 1703 and 0.4 mile east of the intersection of said road and State Secondary Road 1704.

The Peterson, W. C., farm located on the north side of State Secondary Road 1130 and

0.2 mile east of the intersection of said road with the Duplin-Sampson County line.

The Powell, William F., farm located on both sides of State Secondary Road 1128 and 0.1 mile southeast of the intersection of said road and State Secondary Road 1129.

The Rhodes, Lucion, farm located on the south side of State Secondary Road 1003 and 0.5 mile east of the intersection of said road and State Secondary Road 1100.

The Rivenbark, George W., farm located on the northwest side of State Secondary Road 1131 and 0.4 mile southwest of the junction of said road with State Secondary Road 1128.

The Summerlin, D. C., farm located on the north side of State Secondary Road 1513 and 1.5 miles west of the junction of said road and State Secondary Road 1500.

The Summerlin, Oliver, farm located on the south side of State Highway 403 and 0.1 mile east of the corporate limits of the town of Paison.

The Thomas, J. R., farm located on the north side of State Secondary Road 1700 and 1.5 miles east of Sarecta.

The Turner, Lumas, farm located on the south side of State Secondary Road 1703 and 0.5 mile west of the junction of said road with State Secondary Road 1732.

The Westbrook, Joseph, farm located 0.7 mile west of State Highway 11 at a point 0.2 mile southwest of the junction of said highway with State Secondary Road 1501.

The Williams, Fats, farm located on the south side of State Secondary Road 1003 and 0.5 mile east of its intersection with State Secondary Road 1100.

The Williams, Lewis, farm located on the northeast side of State Secondary Road 1100 and 0.7 mile southeast of its intersection with State Secondary Road 1003.

Harnett County. That area bounded by a line beginning at a point where the Harnett-Lee County line and State Secondary Road 1209 intersect and extending southeast along said road to its junction with State Highway 27, thence east along said highway to its junction with State Secondary Road 1117, thence south along said road to its junction with State Secondary Road 1128, thence east along said road to its junction with State Highway 210, thence northeast along said highway to its junction with State Secondary Road 2030, thence southeast along said road to its junction with State Secondary Road 2031, thence south along said road to its intersection with the Harnett-Cumberland County line, thence west along said county line to its junction with the Harnett-Moore County line, thence northwest along said county line to its junction with the Harnett-Lee County line, thence northeast along said county line to the point of beginning.

The Edwards, Charles, farm located on the north side of State Secondary Road 1128 and 0.9 mile southwest of the junction of said road with State Secondary Road 1130.

The Harrington, Luke, farm located on both sides of State Highway 27 and 0.4 mile west of the junction of said highway with State Secondary Road 1242.

The Harrington, Redin, farm located at the end of a dirt road and 0.8 mile north of the junction of said road with State Highway 27, said junction being 1 mile west of the junction of said highway with State Secondary Road 1242.

The Jenkins, Cecil, farm located on both sides of State Secondary Road 1251 and 1 mile south of the junction of said road with State Secondary Road 1291.

The McLeod, Carl, farm located on both sides of State Highway 27 and 0.8 mile west of the junction of said highway and State Secondary Road 1242.

The Morgan, Robert, farm located on the south side of State Secondary Road 1291 and 0.4 mile east of the junction of said road with State Secondary Road 1251.

The Parker, E. O., farm located on the north side of State Secondary Road 2034 and 0.7 mile west of the junction of said road with U.S. Highway 401.

Hoke County. All of Hoke County lying south and west of the Fort Bragg Military Reservation.

Games Preserve Plot No. 16 located on the east side of King Road and 0.7 mile northwest of its junction with Plank Road lying within the Fort Bragg Military Reservation.

Johnston County. That area bounded by a line beginning at a point where State Secondary Road 1116 and State Highway 50 intersect and extending southeast along said highway to its intersection with the Johnston-Sampson County line, thence west along said county line to its intersection with State Highway 242, thence north along said highway to its intersection with State Secondary Road 1116, thence east along said road to the point of beginning.

Lenoir County. That area bounded by a line beginning at a point where State Secondary Road 1311 and State Secondary Road 1002 junction, and extending northeast along State Secondary Road 1311 to its junction with State Secondary Road 1309, thence north along said road to its junction with State Secondary Road 1324, thence southeast along said road to its junction with State Secondary Road 1331, thence north along said road to its junction with State Secondary Road 1332, thence east along said road to its junction with State Secondary Road 1333, thence north along said road to its junction with State Secondary Road 1330, thence east along said road to its junction with State Secondary Road 1336, thence southeast along said road to its junction with State Secondary Road 1324, thence southwest along said road to Whitelace Creek, thence east and south along said creek to State Secondary Road 1161, thence west along said road to its junction with State Highway 55, thence southwest along said road to Squirrel Creek, thence north and northwest along said creek to the Neuse River, thence west along said river to Dailys Creek, thence south and west along said creek to its intersection with State Highway 55, thence west along said highway to State Secondary Road 1002, thence north along said road to the point of beginning.

Pender County. That area bounded by a line beginning at a point where State Secondary Road 1104 intersects the Pender-Bladen County line, and extending northeast along said county line to its junction with Black River, thence east along said river to its junction with Colvines Creek, thence north and northwest along said creek to its intersection with State Secondary Road 1201, thence east along said road to its intersection with the Atlantic Coast Line Railroad, thence southeast along said railroad to its intersection with State Secondary Road 1125, thence northeast along said road to its intersection with Moores Creek, thence northeast and northwest along said creek to its intersection with State Secondary Road 1128, thence southwest along said road to its junction with State Secondary Road 1207, thence northwest along said road to its junction with State Secondary Road 1208, thence west along said road to its junction with State Secondary Road 1206, thence northeast along said road to its intersection with State Secondary Road 1207, thence northwest along said road to its junction with State Secondary Road 1209, thence east along said road to its intersection with U.S. Highway 421, thence southeast along said highway to its intersection with State Secondary Road 1113, thence southwest along said road to its intersection with the Atlantic Coast Line Railroad, thence northwest along said railroad to its intersection with State Highway 210, thence southwest along said

highway to its junction with State Secondary Road 1103, thence southeast along said road to its junction with State Secondary Road 1104, thence southwest and northwest along said road to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Road 1517 junctions with U.S. Highway 117, and extending northwest along said highway to its intersection with State Secondary Road 1412, thence east along said road to its junction with State Secondary Road 1411, thence southwest along said road to its intersection with Pike Creek, thence southeast along said creek to its junction with the Northeast Cape Fear River, thence south along said river to its intersection with State Highway 210, thence southwest along said highway to its junction with State Secondary Road 1518, thence southeast along said road to its junction with State Secondary Road 1517, thence west along said road to the point of beginning.

The Armstrong, Wille, farm located 0.5 mile west of State Secondary Road 1408 and 0.3 mile south of the junction of said road with State Highway 210.

The Eakins, Cecil, farm located on the northwest side of State Secondary Road 1217 and 0.2 mile north of the junction of said road with State Secondary Road 1209.

The Kea, Nora, farm located 0.1 mile west of the end of State Secondary Road 1108.

The Pridgen, W. D., farm located on the southwest side of State Secondary Road 1103 and 0.7 mile southeast of the junction of said road with State Secondary Road 1104.

The Shaw, Katy, farm located on the east side of State Secondary Road 1520 and 3.6 miles north of the junction of said road and State Highway 210.

The Taylor, G. S., farm located on the northwest side of State Secondary Road 1408 and 0.2 mile southwest of the junction of said road and State Highway 210.

The Williams, John H., and Heirs, farm located on the east side of State Secondary Road 1530 and 2.7 miles north of the junction of said road and State Highway 210.

Richmond County. The Autry, J. H., farm located on the north side of State Secondary Road 1803 and 0.7 mile east of Osborne.

The David, Ethel, farm located on both sides of State Secondary Road 1803, on the west side of the intersection of said road with State Secondary Road 1825.

The Dial, Dormie, farm located on the north side of State Secondary Road 1607 and 0.8 mile west of the intersection of said road and State Secondary Road 1608.

The Elishbugar, Charity, farm located on the northeast side of State Secondary Road 1003 and 2 miles northwest of its junction with State Secondary Road 1475.

The Halley, Annie, farm located on the north side of State Secondary Road 1475 and 1.7 miles west of its junction with U.S. Highway 1.

The Hamlet Gin & Supply Co. farm located on both sides of State Secondary Road 1803 and on the east side of the intersection of said road and State Secondary Road 1825.

The Harrington, Will, farm located on the south side of State Secondary Road 1803 and 0.8 mile east of Osborne.

The Ingram, Rome, farm located on the southwest side of State Secondary Road 1003 and 1.8 miles northwest of its junction with State Secondary Road 1475.

The Jenkins, Dewey, farm located on a dirt road 0.3 mile southwest of its junction with State Secondary Road 1803, said junction being 0.8 mile east of Osborne.

The Jenkins, George W., farm located on the southwest side of State Secondary Road 1486 and 1.3 miles northwest of its junction with U.S. Highway 1.

The Jones, W. R., farm located on the south side of State Secondary Road 1607 and 0.8

mile west of the intersection of said road and State Secondary Road 1608.

The Little, John, farm located on the southeast side of State Secondary Road 1442 and at the junction of said road with State Secondary Road 1476.

The Long, H. A., farm located on the northwest side of State Highway 177 and 0.5 mile northeast of the junction of said road and State Secondary Road 1607.

The Love, John T., farm located in the northeast corner of the junction of State Secondary Road 1442 with State Secondary Road 1477.

The McDonald, Leonard, farm located on the north side of State Secondary Road 1607 and 0.9 mile west of the intersection of said road and State Secondary Road 1608.

The McLaurin, Etta, farm located on the southwest side of State Secondary Road 1803 and 0.3 mile southeast of the intersection of said road and State Secondary Road 1825.

The McNeill, Dalton, farm located on the southwest side of State Secondary Road 1003 and 1.9 miles northwest of its junction with State Secondary Road 1475.

The Mabe, Charlie, farm located on both sides of State Secondary Road 1607 and 0.4 mile southeast of the intersection of said road and State Secondary Road 1608.

The Paul, B. T., farm located on the northeast side of State Secondary Road 1803 and 0.4 mile northwest of the intersection of said road and North Carolina Highway 38.

The Quick, Douglas, farm located in the northwest quadrant of the intersection of State Secondary Roads 1802 and 1800.

The Rush, James, farm located on the southeast side of State Secondary Road 1442 and 0.7 mile northeast of its junction with State Secondary Road 1489.

The Sorenzen, Gladys, farm located on the southwest side of State Secondary Road 1803 and 0.4 mile northwest of the intersection of said road and North Carolina Highway 38.

The Strong, Marvin, farm located on the north side of State Secondary Road 1803 and 1.3 miles southwest of the intersection of said road and State Secondary Road 1825.

The Teal, Robert, farm located on the northwest side of State Secondary Road 1802 and 0.3 mile southwest of the intersection of said road and State Secondary Road 1800.

The Terry, Ruth, farm located on both sides of State Secondary Road 1442 and 0.2 mile northeast of its junction with State Secondary Road 1477.

The Wallace, Talley, farm located on both sides of State Secondary Road 1800 and 1.2 miles northwest of the intersection of said road and State Secondary Road 1802.

The Watkins, John Q., farm located on the southeast side of State Secondary Road 1476 and 0.3 mile northeast of its junction with State Secondary Road 1442.

The Watkins, Mosby, farm located on both sides of State Secondary Road 1476 and 0.2 mile northeast of its junction with State Secondary Road 1442.

Robeson County. The entire county.

Sampson County. The entire county.

Scotland County. That area bounded by a line beginning at a point where U.S. Highways 15-401 intersect the North Carolina-South Carolina State line and extending northeast along said highway to its junction with U.S. Highways 15A-401A, thence north along said highway to its junction with U.S. Highway 501, thence north along said highway to its intersection with U.S. Highway 15-401, thence southwest along said highway to its intersection with State Secondary Road 1300, thence northwest along said road to its junction with State Secondary Road 1116, thence northwest along said road to its junction with State Secondary Road 1324, thence north along said road to its junction with State Secondary Road 1345, thence

northwest along said road to its intersection with State Secondary Road 1341, thence northeast along said road to its junction with State Secondary Road 1328, thence north along said road to its intersection with the southern boundary of the Sandhills Game Management Area, thence east along said boundary to its intersection with U.S. Highway 15-501, thence north along said highway to its intersection with the Scotland-Hoke County line, thence southeast along said county line to the Scotland-Robeson County line, thence south and southwest along said county line to the North Carolina-South Carolina State line, thence northwest along said State line to the point of beginning, excluding the area within the corporate limits of the city of Laurinburg and the town of East Laurinburg.

The Bunch, Archie W., farm located at the intersection of State Secondary Roads 1323 and 1001.

The Butler, Luther, farm located on the south side of State Secondary Road 1154 and 0.2 mile east of the junction of said road with State Secondary Road 1155.

The Calhoun, L. E., farm located on the south side of State Highway 79 and 0.3 mile west of its junction with State Secondary Road 1118.

That area on the Camp Mackall Military Reservation (Fort Bragg Military Reservation) known as the Game Reserve Plot located on the west side of the Rhine-Luzon jumpzone.

The King, J. Lloyd, farm located on the northwest side of State Secondary Road 1128 and 0.3 mile southwest of its junction with State Secondary Road 1101.

The Morgan, J. D., farm located on the east side of State Secondary Road 1346 and 0.5 mile north of the junction of said road with State Secondary Road 1343.

The Morgan, J. D., farm located on both sides of State Secondary Road 1345 and 0.1 mile northwest of its junction with State Secondary Road 1342.

The Newton, Peter F., farm located at the intersection of State Secondary Roads 1334, 1336, and 1345.

The Odoms, Hobson, farm located on both sides of State Secondary Road 1108 and 0.4 mile west of its junction with State Secondary Road 1100.

The Steele, J. D., farm located on both sides of State Secondary Road 1351 and 0.9 mile northwest of the junction of said road with State Secondary Road 1346.

Wayne County. That area bounded by a line beginning at a point where U.S. Highway 70 and the Wayne-Lenoir County line intersect and extending south along said county line to its junction with the Wayne-Duplin County line, thence southwest and west along said county line to its intersection with State Secondary Road 1937, thence north on said road to its intersection with Buck Swamp Creek, thence westward along said creek to its intersection with U.S. Highway 117, thence northward along said highway to its junction with State Secondary Road 1929, thence east along State Secondary Road 1929 to its intersection with State Secondary Road 1926, thence north along said road to its junction with 1918, thence northeastward along said road to its junction with State Secondary Road 1915, thence southeast and south along said road to its junction with State Secondary Road 1120, thence east along a line projected from a point at the junction of State Secondary Roads 1120 and 1915 to the junction of said line with a point located at the junction of Sleepy Creek and Neuse River, thence east along the Neuse River to its intersection with State Highway 111, thence north along said highway to its junction with U.S. Highway 70, thence southeast along said highway to the point of beginning.

That area bounded by a line beginning at a point where U.S. Highway 13 and State

Secondary Road 1006 intersect, and extending south along said road to its junction with State Secondary Road 1108, thence west along said road to its junction with State Secondary Road 1109, thence west along said road to its junction with State Secondary Road 1105, thence south along said road to its intersection with the Wayne-Sampson County line, thence northwest along said county line to its intersection with State Secondary Road 1009, thence north along said road to its junction with State Secondary Road 1103, thence north along said road to its junction with State Secondary Road 1101, thence east along said road to its intersection with State Secondary Road 1105, thence north along said road to its intersection with U.S. Highway 13, thence east along said highway to the point of beginning.

The Brock, Odell, farm located on the north side of State Secondary Road 1210 and 0.3 mile east of its junction with State Secondary Road 1209.

The Carraway, Ethel, farm located on the east side of State Secondary Road 1915 and 0.1 mile north of the junction of said road and State Secondary Road 1120.

The Casey, Emma E., farm located 7 miles east of Goldsboro on the north side of U.S. Highway 70 and 0.4 mile east of the junction of State Secondary Road 1721 and said highway.

The Daly, J. B., farm located on the west side of State Highway 111 and 0.6 mile south of the junction of said highway with State Secondary Road 1730.

The Dawson, L. A., farm located on the west side of State Highway 111 and 0.5 mile south of the junction of said highway and State Secondary Road 1730.

The Griffin, Oliver H., farm located 0.6 mile north of Dudley and 0.2 mile west of U.S. Highway 117.

The Ham, George E., farm located southeast of Seymour Johnson Air Base on the south side of State Secondary Road 1909, and 0.7 mile west of the junction of said road with State Secondary Road 1910.

The Herring, Thel, farm located on the west side of State Secondary Road 1711, and 0.4 mile north of its junction with U.S. Highway 70A.

The Hines, J. D., farm located on both sides of State Secondary Road 1236, and 0.8 mile east of the intersection of said road with State Highway 581.

The Hollaman, R. J., farm located on the northwest corner of State Secondary Road 1125 and 0.7 mile north of the junction of said road and State Secondary Road 1122.

The Hollowell, D. Virgil, farm located on the southeast side of State Secondary Road 1008 and 0.2 mile northeast of the junction of said road with State Secondary Road 1214.

The Hollowell, H. M. and J. C., farm located at the northwest end of State Secondary Road 1240.

The Hollowell, Mrs. Mattie, farm located on the east side of State Secondary Road 1214 and 0.4 mile south of its junction with State Secondary Road 1008.

The Lane, M. Duffey, farm located on the north side of State Secondary Road 1007 and 0.1 mile west of its intersection with the Southern Railway.

The Lofton, C. L., Estate located on the southwest side of State Secondary Road 1003 and 0.4 mile southeast of the junction of said road and State Secondary Road 1720.

The McClenny, George A., farm located on the south side of State Secondary Road 1007 and 0.1 mile west of the junction of said road with State Highway 581.

The Murray, D. J., farm located north of and at the junction of State Secondary Roads 1120 and 1122.

The Neal, N. E., farm located on both sides of State Secondary Road 1008 and 0.5 mile east of the junction of State Secondary Road 1211 with said road.

The Oliver, H. H., farm located on the south side of State Secondary Road 1219 and 0.4 mile east of its junction with State Secondary Road 1218.

The Parker, Worth W., farm located on the west side of State Secondary Road 1130 and 1 mile south of the intersection of said road with U.S. Highway 13.

The Perkins, Joe D., farm located on the northwest side of State Secondary Road 1711 and 0.2 mile southwest of the intersection of said road with U.S. Highway 70 Bypass.

The Rogers, Charlie, farm located on both sides of State Secondary Road 1710 and 0.9 mile southwest of the junction of said road with U.S. Highway 70A.

The Smith, Olivia, farm located on the southeast side of State Secondary Road 1122 and both sides of State Secondary Road 1124.

The Tart, John, farm located on the north side of U.S. Highway 13 and 0.1 mile east of the junction of said highway and State Secondary Road 1207.

The Thornton, S. E., farm located on the southeast junction of State Secondary Roads 1210 and 1209.

The Uzzell, Brantley, farm located on the north side of U.S. Highway 70 and 0.8 mile east of the intersection of said highway and State Secondary Road 1719.

The Whitfield, James Weston, farm located on the north side of U.S. Highway 70 and 0.7 mile east of the intersection of said highway and State Secondary Road 1719.

The Whitley, Maude and Sarah, farm located on State Hospital farm road 1.2 miles west and north of its junction with State Secondary Road 1008, said junction being 1.3 miles southwest of the junction of State Highway 581 and State Secondary Road 1008.

The Williams, Eddie, farm located on the north side of State Highway 591 and the east side of State Secondary Road 1236 at the junction of said roads.

The Wise, Ella, farm located on the south side of State Secondary Road 1208 and 1.0 mile west of its junction with State Secondary Road 1209.

(2) *Suppressive area.*

Brunswick County. The Babson, N. L., farm located on the west side of State Secondary Road 1321 and 0.4 mile south of its junction with State Highway 130.

The Frink, D. M., farm located on the north side of State Secondary Road 1145 at its junction with State Secondary Road 1147.

The Griffin, John, farm located on the west side of State Secondary Road 1304, and 1.3 miles northeast of junction of said road with U.S. Highway 17.

The Hughes, Luther H., farm located at the end of a farm road on the west side of State Highway 130, which farm road junctions with State Highway 130 at a point 1.1 miles south of the junction of State Highway 130 and State Secondary Road 1321.

The Inman, Frank D., farm located on the west side of State Secondary Road 1333 and 0.1 mile north of its junction with State Secondary Road 1328.

The Meares, Hobson, farm located on both sides of State Secondary Road 1165, and 2 miles south of the intersection of said road with U.S. Highway 17 at Thomasboro.

The Register, A. M., farm located at the end of a dirt road 0.4 mile west of the junction of said dirt road with State Highway 130, said junction being 1.1 miles northwest of Ash.

The Register, W. C., farm located on the south side of State Secondary Road 1147 and 0.3 mile east of the junction of said road and State Secondary Road 1143.

The Russ, John R., farm located on both sides of State Secondary Road 1308 and 1 mile west of the junction of said road with State Highway 904 at Longwood.

The Simmons, W. V., farm located on the west side of State Secondary Road 1333 and on the north side of its junction with State Secondary Road 1328.

The Smith, B. Coda, farm located on the west side of a dirt road and 0.6 mile north of its junction with State Secondary Road 1322, said junction being 0.1 mile west of the junction of State Secondary Road 1322 and State Secondary Road 1321.

The Smith, Jesse O., farm located on the north side of State Highway 904 and its junction with State Secondary Road 1321.

The Smith, Newman, farm located on the south side of State Secondary Road 1322 at its junction with State Secondary Road 1321.

The Ward, N. G., farm located on the southwest side of State Secondary Road 1300, 0.5 mile west of the junction of said road with U.S. Highway 17.

Columbus County. The Hickman Bros., farm located on the south side of State Highway 904 at the junction of said road with State Secondary Road 1129.

The Long, Ernest H., farm located on the northeast side of State Secondary Road 1934, and 0.1 mile north of its junction with State Secondary Road 1935.

The Prince, J. Carl, farm located on both sides of State Secondary Road 1119 and 2.2 miles west of its junction with State Secondary Road 1103.

The Prince, Jennings L., farm located at the junction of State Secondary Road 1108 and State Secondary Road 1109.

The Squires, Alva O., farm located on the east side of State Highway 211 and 0.3 mile south of the intersection of said highway with State Secondary Road 1740.

The Suggs, Lacy, farm located at the end of a dirt road, 0.5 mile southeast of the junction of said road with State Secondary Road 1108, said junction being 0.7 mile northeast of the junction of State Secondary Road 1108 and State Secondary Road 1118.

The Watts, Gaddle, farm located on the southwest side of State Highway 904 at a point 136 yards southeast of the junction of said road with State Secondary Road 1127.

Craven County. The Norman, Jerome, farm located on the north side of the State Secondary Road 1003, and 0.8 mile east of its junction with State Secondary Road 1623.

The Mareadith, Mrs. Maggle S., farm located on the north side of State Secondary Road 1400 and 1.3 miles west of the junction of said road with State Secondary Road 1440.

Harnett County. The Blalock, Clarence J., farm located at the end of a dirt road and 0.4 mile northwest of the junction of said road with State Secondary Road 1540, said junction being 0.4 mile northeast of the junction of said secondary road with State Secondary Road 1542.

The Blalock, F. P., farm located on the northeast side of State Highway 55 and 0.3 mile northwest of the intersection of said highway with State Secondary Road 1006.

The Parrish, Eddie L., farm located on both sides of State Secondary Road 1532 and 0.1 mile west of the junction of said road with State Secondary Road 1547.

The Wagner, W. L., farm located on both sides of State Highway 55 and 0.2 mile northwest of the intersection of said highway and State Secondary Road 1006.

Johnston County. The Barefoot, Wade H., farm located on a farm road and 0.4 mile south of its junction with State Secondary Road 1144 and 0.4 mile west of the intersection of said road with State Secondary Road 1145.

The Beasley, Rufus P., farm located on the west side of State Secondary Road 1138, and

0.4 mile south of its junction with Secondary Road 1144.

The Blackman, Dewey, farm located on the south side of State Secondary Road 1146, and 0.4 mile east of the junction of said road with State Secondary Road 1145.

The Braswell, J. G., farm located on the east side of State Secondary Road 2519 and 0.4 mile north of the junction of State Secondary Roads 2519 and 2520.

The Davis, I. H., farm located on the southwest side of State Secondary Road 1197 and 0.1 mile southeast of the junction of said road with State Secondary Road 1198.

The Everett, Betty, farm located on the west side of State Secondary Road 2541 and 0.5 mile south of the junction of said road with State Secondary Road 1007.

The Everett, Betty, farm located on a farm road and 0.6 mile west of its junction with State Secondary Road 2541, said junction being 1.9 miles south of the junction of State Secondary Roads 2541 and 1007.

The Everett, Jaspas, farm located on a farm road and 0.5 mile west of its junction with State Secondary Road 2541, said junction being 1.9 miles south of the junction of State Secondary Roads 2541 and 1007.

The Hudson, Price, Estate farm located on a farm road and 0.4 mile north of its junction with State Secondary Road 1008, said junction being 0.8 mile northeast of the intersection of State Secondary Road 1008 with U.S. Highway 701.

The Johnson, Wade, farm located on both sides of State Secondary Road 1144 and 0.2 mile west of the junction of said road with State Secondary Road 1138.

The Lee, Blanche, Maye, and Mildred, farm located on the south side of State Secondary Road 1144 and 0.8 mile west of the junction of said road with U.S. Highway 701.

The Martin, Emmitt, farm located on the east side of State Secondary Road 2519 and 0.3 mile north of the junction of State Secondary Roads 2519 and 2520.

The McArthur, Margaret, farm located on a farm road and 1.4 miles north of its junction with State Secondary Road 1199 and 0.9 mile west of the junction of said road with State Secondary Road 1008.

The right-of-way of State Secondary Road 1144 beginning 1.4 miles west of its junction with U.S. 701 and extending west for one-fourth mile from this point.

Jones County. That area bounded by a line beginning at a point where State Secondary Road 1117 intersects the Jones-Onslow County line, and extending northwest along said road to its junction with State Secondary Road 1116, thence east and southeast along said road to its junction with State Secondary Road 1118, thence southwest along said road to its intersection with the Jones-Onslow County line, thence northwest and west along said county line to the point of beginning.

The Eubanks, Eugene, farm located at the end of State Secondary Road 1126 and 0.8 mile south of the junction of said road with State Secondary Road 1124.

The Greene, Earl F., farm located on both sides of State Secondary Road 1127 and 0.9 mile northwest of the junction of said road and State Highway 41.

The McDaniel, W. F., farm located on the south side of State Secondary Road 1122 at a point 0.8 mile southwest of the junction of said road and State Highway 58, said junction being 1.2 miles northwest of Olive Cross Roads.

The Smith, Leah, property located in the town of Trenton on the south side of Jones Street at a point 0.5 mile west of the junction of said street and Webber Street.

The Taylor, Mary L., farm located on the east side of State Secondary Road 1142 and 0.8 mile south of the junction of said road with State Secondary Road 1130.

The Whiley, Garland, farm located on the east side of State Secondary Road 1142 and 0.6 mile south of the junction of said road with State Secondary Road 1130.

The Whiley, Garland, farm located on the east side of State Secondary Road 1146 and 0.5 mile south of the Jones-Lenoir County line.

The Williams, Roscoe, farm located on the north side of State Secondary Road 1116 and 3.2 miles west of the junction of said road with State Secondary Road 1115.

Lee County. The Battle, Wilbert, farm located on the north side of State Secondary Road 1188 and 0.3 mile east of the junction of said road with State Secondary Road 1001.

The Dickens, Mrs. Lena, farm located on both sides of State Secondary Road 1174 and 0.7 mile northeast of the junction of said road with State Secondary Road 1173.

The Douglass, Grady C., farm located in the northeast quadrant of the junction of State Secondary Roads 1188 and 1001.

The Douglass, Grady C., farm located on both sides of State Secondary Road 1188 and 0.5 mile east of the junction of said road with State Secondary Road 1001.

The McGilvary, Aquilla, farm located north of State Secondary Road 1188 and 0.6 mile east of the junction of said road with State Secondary Road 1001.

The McIntyre, James, farm located on both sides of State Secondary Road 1188 and 0.4 mile east of the junction of said road with State Secondary Road 1001.

Lenoir County. The Blizzard, Robert E., farm located on the south side of State Secondary Road 1105 and 0.3 mile southwest of the intersection of State Secondary Road 1105 and U.S. Highway 258.

The Braxton, Clyde, Estate located on both sides of State Secondary Road 1802 and 0.9 mile northeast of the junction of State Secondary Road 1802 and State Highway 11.

The Carter, Roland, farm located on the east side of State Highway 11 and the south side of State Secondary Road 1113 at the junction of said roads.

The Chambers, Eugene, farm located on the northeast side of the junction of State Secondary Road 1167 and State Secondary Road 1143.

The Davis, Earl R., farm located on the south side of State Secondary Road 1143 and 0.8 mile west of the town of Deep Run.

The Edwards, Kate, farm located on the southeast side of the junction of State Secondary Roads 1143 and 1145.

The Grady, J. D., farm located on the south side of State Secondary Road 1143 and the east side of State Secondary Road 1154 at Wootens Crossroads.

The Grady, W. Clifton, farm located on the west side of State Secondary Road 1154 and the south side of State Secondary Road 1143 at Wootens Crossroads.

The Herring, Ben D., farm located on the north side of State Secondary Road 1330 and 0.2 mile west of the junction of State Secondary Roads 1330 and 1331.

The Howard, Clarence, farm located on the south side of State Secondary Road 1105 and 0.1 mile east of its intersection with State Secondary Road 1118.

The Nobles, Hugh, farm located on both sides of State Secondary Road 1120 and 0.7 mile west of its junction with U.S. Highway 258.

The Rouse, George R., farm located on the southwest intersection of State Secondary Roads 1143 and 1167.

The Smith, Nick, farm located on the south side of State Secondary Road 1163 and 0.1 mile west of its junction with State Secondary Road 1111.

The Sutton, Prentice, farm located on the south side of State Secondary Road 1503 and 0.3 mile southeast of its intersection with State Secondary Road 1327.

The Whitfield, James A., farm located on the south side of State Secondary Road 1300 and 0.1 mile east of the junction of State Secondary Roads 1300 and 1305.

The Whitfield, Marietta, farm located on the northwest side of State Secondary Road 1154, at its junction with State Secondary Road 1155.

The Whitfield, William R., farm located on the north side of State Highway 55 and 0.2 mile west of the junction of State Secondary Road 1300 and State Highway 55.

Montgomery County. The Glover, Therese Edward, farm located at the end of a dirt road and 0.1 mile southwest of the junction of said road with State Secondary Road 1524, said junction being 0.7 mile northwest of the intersection of said road with the Montgomery-Moore County line.

The Hoover, Colon, farm located at the end of a dirt road and 0.1 mile southwest of the junction of said road with State Secondary Road 1524, said junction being 0.7 mile northwest of the intersection of said road with the Montgomery-Moore County line.

The Lane, Walter, farm located at the end of a dirt road and 0.3 mile southwest of the junction of said road with State Secondary Road 1524, said junction being 1 mile northwest of the intersection of the said secondary road with the Montgomery-Moore County line.

The Poole, Frank, Estate located on the northeast side of State Secondary Road 1524 and 0.8 mile northwest of the intersection of said road with the Montgomery-Moore County line.

The Thomas, Haywood N., farm located on the southwest side of State Secondary Road 1524 and 0.8 mile northwest of the intersection of said road with the Montgomery-Moore County line.

Moore County. That area bounded by a line where State Secondary Road 2075 and State Highway 211 junction and extending west along State Highway 211 to its intersection with State Secondary Road 2063, thence north and northwest along said road to its junction with State Highway 5, thence northeast along said highway to its junction with State Secondary Road 2042, thence northeast along said road to its junction with State Secondary Road 2074, thence east along said road to its intersection with State Secondary Road 2075, thence south and southwest along said road to the point of beginning.

The Barker, T. M., farm located on both sides of State Secondary Road 2026 and 0.7 mile east of the junction of said road with U.S. Highway 1.

The Bass, M. C., farm located at the end of a dirt road and 0.1 mile south of the junction of said road and State Secondary Road 2005, said junction being 0.7 mile east of the junction of said road and State Secondary Road 1001.

The Beasley, R. P., farm located on the east side of U.S. Highway 1 and 0.7 mile northeast of the junction of said highway with U.S. Highway 1A.

The Black, Walter, farm located at the end of State Secondary Road 1289 and 0.4 mile north of the junction of said road with State Secondary Road 1216.

The Bryant, R. E., farm located on both sides of State Secondary Road 1815 and 0.5 mile southwest of the junction of said road with U.S. Highway 15-501.

The Burnette, Florence, farm located on the northeast side of State Secondary Road 1825 and 0.2 mile northwest of the intersection of said road with State Secondary Road 2005.

The Burwell, Sam, farm located on the south side of State Secondary Road 2023 and 0.4 mile southwest of the junction of said road with State Secondary Road 1853.

The Currie, Wilbur, farm located on the east side of State Secondary Road 1806 and 0.3 mile south of the junction of said road with State Secondary Road 1805.

The Faulk, Elijah, farm located at the end of State Secondary Road 2016 and 0.4 mile east of the junction of said road with State Secondary Road 2014.

The Hardy, N. W., farm located on both sides of State Secondary Road 2007 and 0.2 mile southeast of the junction of said road with State Secondary Road 2005.

The Henning's, J. G., Estate farm located on both sides of State Secondary Road 2017 and 0.4 mile north of the intersection of said road with State Secondary Road 1001.

The Jones, Martin, farm located on the north side of State Secondary Road 2016 and 0.2 mile east of its junction with State Secondary Road 2014.

The Kelley, Herman, farm located on the west side of State Secondary Road 1229 and 0.4 mile south of the intersection of said road and State Secondary Road 1239.

The Laton, William A., farm located on the east side of State Secondary Road 1004 and 0.3 mile north of the intersection of said road with State Secondary Road 1113.

The Marks, E. M., farm located on the south side of State Secondary Road 2019 and 2.5 miles east of the junction of said road and State Secondary Road 2018.

The Martin, Conner, farm located on both sides of State Secondary Road 1802 and 0.9 mile southeast of the intersection of said road with State Secondary Road 1853.

The McCrimmon, Grover, farm located at the end of State Secondary Road 2028 and 1 mile southeast of the junction of said road with State Secondary Road 2026.

The McNeill, Lena Bell, farm located on the northwest side of State Secondary Road 2077 and 0.5 mile southwest of the junction of said road with State Highway 211.

The Page, Jack, farm located on the south side of State Secondary Road 2026 and 0.9 mile east of the junction of said road with U.S. Highway 1.

The Smith, M. L., farm located on the east side of State Secondary Road 1004 and 0.8 mile north of the intersection of said road with State Secondary Road 1113.

The Vaughn, A. C., farm located on the west side of State Secondary Road 1210 and 0.4 mile south of the intersection of said road with State Secondary Road 1229.

Onslow County. The Bryant, Ira, farm located on the north side of State Secondary Road 1425, 0.8 mile west of its junction with State Secondary Road 1434.

The Freeman, John E., farm located on the southwest side of State Secondary Road 1434 and 1.1 miles northwest of its junction with State Secondary Road 1425.

The Henderson, Bill, farm located on the east side of State Secondary Road 1528 and on the north side of State Secondary Road 1518 at the junction of said roads.

The Henderson, Charles, farm located on the east side of State Secondary Road 1528 and 0.2 mile north of the junction of said road with State Secondary Road 1518.

The Morton, Leo E., farm located on the south side of State Secondary Road 1435 and 0.6 mile west of its junction with State Secondary Road 1434.

Pitt County. The Garris, Allen, farm located on the northeast side of State Secondary Road 1401 and 0.6 mile northwest of its junction with State Secondary Road 1402.

The Hice, J. D., farm located on the northeast side of State Secondary Road 1401 and 0.5 mile northwest of its junction with State Secondary Road 1402.

The Roger, R. E., farm located on the northeast side of State Secondary Road 1401 and 0.6 mile northwest of its junction with State Secondary Road 1402.

Richmond County. The Campbell, Daniel, E., farm located on the southeast side of State Secondary Road 1971 and 0.7 mile northeast of the junction of said road with State Secondary Road 2001.

The Hailey, Maria, farm located on the southwest side of State Secondary Road 1440 and 0.3 mile southeast of its junction with State Secondary Road 1433.

The Layton, E. D., farm located in the southwest corner of the junction of State Secondary Road 1003 with State Secondary Road 1468.

The Mathews, Lizzie, farm located in the southwest quadrant of the intersection of State Secondary Roads 1108 and 1971.

The Porter, Mrs. A. W., farm located on the northeast side of State Secondary Road 1999 and 1 mile east of the intersection of said road with U.S. Highway 1.

The Quick, Julius, farm located on the northeast side of State Secondary Road 1992 and 0.6 mile northwest of its junction with State Secondary Road 1994.

The Terry, Wade, farm on the west side of State Secondary Road 1424 and 0.4 mile south of its junction with State Secondary Road 1432.

The Thomas, Walter, farm located on both sides of U.S. Highway 220 and 0.4 mile northeast of its junction with State Secondary Road 1433.

The Waddell, A. M., farm located on both sides of U.S. Highway 1 and on both sides of State Secondary Road 1103 and on both sides of State Secondary Road 1971 at the intersection of said highway and said roads at Diggs.

Wilson County. The Francis, Marie G., farm located on both side of State Secondary Road 1302 and 0.7 mile east of its intersection with State Secondary Road 1301.

The Williams, Dafney, farm located on the north side of State Secondary Road 1302 and 0.7 mile east of its intersection with State Secondary Road 1301.

SOUTH CAROLINA

(1) Generally infested area.

Darlington County. That area bounded by a line beginning at a point where State Secondary Highway 29 and State Secondary Highway 133 junction, thence extending north along State Secondary Highway 133 to its junction with State Secondary Highway 524, thence east along said highway to its intersection with the Atlantic Coast Line Railroad, thence south along said railroad to its intersection with State Secondary Highway 29, thence east along said highway to its intersection with Hurricane Branch, thence northeast along said branch to its junction with Byrds Island, thence south along a line projected due south from said junction to the intersection of the projected line and State Primary Highway 34, thence west along said highway to its intersection with a dirt road, said intersection being 0.9 mile east of Mechanicville, thence south along said dirt road to its intersection with the Darlington-Florence County line, thence west and south along said county line to its intersection with State Secondary Highway 173, thence northwest along said highway to its junction with State Secondary Highway 228, thence northwest along said highway to its intersection with the Atlantic Coast Line Railroad, thence north along said railroad to its intersection with State Secondary Highway 29, thence west along said highway to the point of beginning.

The Barr, Minnie C., farm located on the north side of State Secondary Highway 179 and 1.7 miles east of its intersection with State Secondary Highway 35.

The Carrigan, L. F., Estate located on the east side of U.S. Highway 52 and 0.2 mile southwest of its junction with State Secondary Highway 133.

The Cooper, Robert, farm located 0.1 mile west of a dirt road and 1.1 miles north of its junction with State Secondary Highway 179, said junction being 1.9 miles southeast of the junction of said highway and State Secondary Highway 35.

The Cooper, William, farm located 0.25 mile west of a dirt road and 1.1 miles north of its junction with State Secondary Highway 179, said junction being 1.9 miles southeast of the junction of said highway and State Secondary Highway 35.

The County Prison Farm located on the south side of State Primary Highway 34 and 1 mile west of the junction of said highway and State Secondary Highway 42.

The Daly, Sarah, farm located on the south side of a dirt road and 0.8 mile northwest of its junction with State Secondary Highway 133, said junction being 0.8 miles northeast of the junction of said highway and State Secondary Highway 29.

The Flowers, William M., farm located on the north side of State Secondary Highway 14 and 1.4 miles east of its intersection with State Secondary Highway 13.

The Grandy, B. L., farm located on the south side of a dirt road and 0.9 mile northwest of its junction with State Secondary Highway 133, said junction being 0.8 mile northeast of the junction of said highway and State Secondary Highway 29.

The Griggs, Bobby, farm located on the northwest side of State Secondary Highway 23 and 1 mile northeast of its intersection with State Primary Highway 102.

The Jackson, McLendon, farm located on the west side of U.S. Highway 52 and 0.2 mile south of its junction with State Secondary Highway 397.

The Johnson, William, farm located on the north side of a dirt road and 0.6 mile northwest of its junction with State Secondary Highway 133, said junction being 2 miles south of the intersection of said highway and State Secondary Highway 41.

The Pickett, James and J. W., farm located on the north side of State Secondary Highway 179 and 1.5 miles east of its intersection with State Secondary Highway 35.

The Pickett, Liston J., farm located on the west side of a dirt road and 0.2 mile north of its junction with State Secondary Highway 179, said junction being 1 mile southeast of the junction of said highway and State Secondary Highway 35.

The Robinson, Charlie, farm located on the east side of a dirt road and 0.6 mile southeast of its intersection with State Primary Highway 34, said intersection being 0.9 mile northeast of State Secondary Highway 35 and State Primary Highway 34.

The Sanderson, Rebecca F., farm located on the north side of State Secondary Highway 14 and 1.2 miles east of its intersection with State Secondary Highway 13.

Dillon County. The entire county.

Florence County. That area bounded by a line beginning at a point where State Secondary Highway 925 and State Secondary Highway 24 junction and extending east and southeast along State Secondary Highway 24 to its junction with State Secondary Highway 13, thence along a line projected due east from said junction to its intersection with the Great Pee Dee River, thence south along said river to its junction with Barfield's Old Mill Creek, thence northwest and west along said creek to its intersection with State Secondary Highway 57, thence north along said highway to its junction with State Secondary Highway 893, thence west and southwest along State Secondary Highway 893 to its junction with State Secondary Highway 70, thence northwest along said highway to its junction with State Secondary Highway 897, thence southwest and south along said highway to its junction with State Primary Highway 51, thence west and northwest along said

highway to its intersection with State Primary Highway 327, thence northwest and west along said highway to its junction with State Secondary Highway 552, thence north along said highway to its junction with State Secondary Highway 551, thence northwest along a dirt road to its junction with a second dirt road, said junction being 0.1 mile east of Goodland School, thence northeast along said second dirt road to its junction with State Secondary Highway 57, thence southeast along said highway to its intersection with the Seaboard Air Line Railroad, thence northwest along said railroad to its intersection with State Secondary Highway 13, thence east along said highway to its junction with State Secondary Highway 918, thence north and northeast along said highway to its junction with State Primary Highway 327, thence north along said highway to its intersection with U.S. Highway 76, thence west along said highway to its junction with State Secondary Highway 925, thence north along said highway to the point of beginning, excluding the area within the unincorporated limits of the town of Hyman.

That area bounded by a line beginning at a point where State Secondary Highway 794 and State Secondary Highway 72 junction and extending south along State Secondary Highway 72 to its intersection with State Secondary Highway 46, thence northeast along said highway to its intersection with State Secondary Highway 34, thence southeast along said highway to its junction with State Secondary Highway 360, thence northeast along said highway to its junction with a dirt road, said junction being 1.6 miles northeast of the junction of State Secondary Highways 34 and 360, thence southeast along said dirt road for a distance of 1.2 miles to its junction with a second dirt road, thence southwest along said dirt road to its junction with State Secondary Highway 34, thence south along said highway to its junction with U.S. Highway 378, thence west along said highway to its junction with State Secondary Highway 47, thence northwest and west along said highway to the corporate limits of the town of Scranton, thence north and west along the east and north perimeter of said corporate limits to its intersection with the Atlantic Coast Line Railroad, thence north along said railroad to the corporate limits of the town of Coward, thence north along the east perimeter of the town of Coward to its intersection with State Secondary Highway 794, thence northeast along said highway to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Highway 66 and the Seaboard Air Line Railroad intersect and extending southeast along said railroad to its intersection with State Secondary Highway 57, thence south along said highway to its junction with U.S. Highway 378, thence west along said highway to its intersection with Deep Creek, thence southwest along said creek to its junction with Lynchess River, thence west along said river to its junction with Little Swamp, thence north along said swamp to its intersection with State Secondary Highway 66, thence east along said highway to the point of beginning.

The Alford, A. A., farm located on both sides of State Secondary Highway 164 and 0.1 mile south of its intersection with Cypress Branch.

The Bacot, Mary Hart, farm located on the east side of State Secondary Highway 26 and 2.1 miles northeast of its intersection with Black Creek.

The Benjamin, Willie, farm located on the south side of a dirt road and 0.6 mile west of its junction with State Secondary Highway 136, said junction being 1.4 miles north of the intersection of State Secondary Highways 136 and 35.

The Braddy, Elnoreah, farm located on the west side of State Secondary Highway 633 and 0.15 mile south of its intersection with State Secondary Highway 58.

The Burch, Corine Cherry, farm located on the north side of a dirt road and 0.9 mile west of its junction with State Secondary Highway 136, said junction being 0.9 mile north of the intersection of State Secondary Highways 136 and 35.

The Carroway, Hattie, farm located on the south side of State Secondary Highway 72 and 1 mile southwest of its intersection with U.S. Highway 52.

The Carroway, Luther, farm located on both sides of State Primary Highway 51 and 0.1 mile northwest of the intersection of said highway and State Secondary Highway 46.

The Edwards, R. L., farm located on the east side of State Primary Highway 51 and 1.1 miles northwest of its junction with State Secondary Highway 86.

The Gause, L. J., farm located on the south side of State Secondary Highway 72 and 1.1 miles southwest of its intersection with U.S. Highway 52.

The Gause, Luther, farm located on the north side of State Secondary Highway 72 and 1.1 miles southwest of its intersection with U.S. Highway 52.

The Hall, James, farm located on both sides of a dirt road and 0.6 mile south of its junction with State Secondary Highway 501, said junction being 1.5 miles southeast of the junction of said highway and U.S. Highway 301.

The Ham, Ralph, farm located on the east side of a dirt road and 1.7 miles northwest of its junction with U.S. Highway 301, said junction being 0.7 mile northeast of the junction of said highway and State Secondary Highway 45.

The Hannah, Bert, farm located on the south side of a dirt road and 1 mile west of its junction with State Secondary Highway 633, said junction being 0.1 mile south of the junction of said highway and State Secondary Highway 58.

The Holliday, Henry, farm located on the west side of State Primary Highway 51 and 1.6 miles north of its intersection with State Secondary Highway 66.

The Hyman, Melvin, farm located on the west side of State Secondary Highway 64 and 0.2 mile north of its intersection with Black Creek.

The Kelly, Boyd, Estate farm located on the west side of State Secondary Highway 136 and 1.2 miles northwest of its intersection with State Secondary Highway 35.

The Langston, Jimmy, farm located on the west side of a dirt road and 0.7 mile west of its junction with State Secondary Highway 136, said junction being 1.4 miles north of the intersection of State Secondary Highways 136 and 35.

The Lyde, Mamie, farm located on the east side of State Secondary Highway 72 and 0.5 mile south of its junction with State Secondary Highway 794.

The McPherson, R. F., farm located on the south side of State Secondary Highway 57 and 1.5 miles southeast of the intersection of said highway and State Primary Highway 51.

The Nowlin, Ed, farm located on the north side of a dirt road and 0.8 mile west of its junction with State Secondary Highway 136, said junction being 0.9 mile north of the

intersection of State Secondary Highways 136 and 35.

The Poston, Mrs. J. J., farm located on the west side of State Secondary Highway 164 and 0.8 mile northwest of its junction with State Secondary Highway 86.

The Turner, V. A., farm located on the west side of State Secondary Highway 633 and 0.1 mile south of its junction with State Secondary Highway 58.

The Yarborough, S. L., farm located on both sides of State Secondary Highway 95 and 1.7 miles southeast of Sardis.

Horry County. That area bounded by a line beginning at a point where State Secondary Highway 33 intersects the South Carolina-North Carolina State line and extending south along said highway to its intersection with State Secondary Highway 306, thence west along said highway to its intersection with State Secondary Highway 142, thence south along said highway to its junction with State Primary Highway 9, thence northwest along said highway to its intersection with State Secondary Highway 59, thence southwest and south along said highway to its junction with State Primary Highway 917, thence southwest along said highway to its intersection with State Secondary Highway 19, thence south and southeast along said Highway 19 to its intersection with U.S. Highway 701 at Allbrook, thence northeast along said highway to its intersection with State Primary Highway 9, thence southeast and south along said highway to its intersection with the Waccamaw River, thence northeast along said river to its intersection with the South Carolina-North Carolina State line, thence southeast along said State line to its intersection with U.S. Highway 17, thence southwest along said highway to its junction with State Primary Highway 90, thence west along said highway to its intersection with a dirt road known as Telephone Road, said intersection being 1.3 miles west of Wampee, thence southwest and south along Telephone Road to its end, thence northwest along a projected line for 1.9 miles to its junction with Jones Big Swamp, thence northwest along said swamp to its junction with the Waccamaw River, thence west along said river to its intersection with Stanley Creek, thence north along said creek 1.6 miles, thence northwest along said creek 2.8 miles, thence north along a line projected from a point beginning at the end of the main run of said creek, and extending north to the junction of said line with State Primary Highway 905, thence southwest along said highway to its junction with State Secondary Highway 19, thence north along said highway 2.4 miles to its junction with a dirt road, thence southwest along said road to its intersection with Maple Swamp, thence north along said swamp to its intersection with State Secondary Highway 65, thence southwest along said highway to its junction with U.S. Highway 701, thence south along said highway to its intersection with U.S. Highway 501, thence northwest along said highway to its intersection with State Secondary Highway 548, thence west along said highway to its junction with a dirt road, thence west along said dirt road to its junction with State Secondary Highway 78, thence north along said highway to its junction with State Secondary Highway 391, thence northeast along said highway to its junction with U.S. Highway 501, thence southeast along

said highway to its junction with State Secondary Highway 591, thence north along said highway to its intersection with State Secondary Highway 97, thence east 0.2 mile to its intersection with a dirt road, thence north along said dirt road to its junction with State Primary Highway 319, thence northwest along said highway to its junction with State Secondary Highway 131, thence east and north along said highway to its intersection with Loosing Swamp, thence west and northwest along said swamp to its intersection with State Secondary Highway 45, thence southwest along said highway to its junction with State Highway 129, thence northwest along said highway to its junction with U.S. Highway 501, thence northwest along the latter highway to its intersection with Little Pee Dee River, thence northwest along said river to its junction with the Lumber River, thence northeast along said river to its intersection with the South Carolina-North Carolina State line, thence southeast along said State line to the point of beginning, excluding the area within the corporate limits of the towns of Conway and Loris.

The Alford, Alex, farm located on the south side of a dirt road and being 2 miles southwest and west of the junction of said dirt road and State Secondary Highway 99, said junction being 1.75 miles north of the junction of said highway and State Secondary Highway 97.

The Arnett, Henry and D. C., farm located on both sides of a dirt road and 2.5 miles east of its junction with State Secondary Highway 33, said junction being 2.5 miles north of the junction of said highway and State Primary Highway 410.

The Atkinson, John A., farm located on the east side of a dirt road and being 1 mile north of the junction of said dirt road with U.S. Highway 378 and State Secondary Highway 63.

The Barnhill, Edgar, farm located on both sides of a dirt road and 0.4 mile east of its junction with State Primary Highway 90, said junction being 0.1 mile northeast of the junction of said highway and State Secondary Highway 377.

The Bowns, Willie, farm located at the end of a field road and 0.6 mile south of its junction with State Secondary Highway 319, said junction being 0.4 mile east of Aynor Post Office.

The Cooper, James E., farm located on the south side of a dirt road and 0.5 mile east of its junction with State Secondary Highway 78, said junction being 1.25 miles northwest of the junction of said highway and U.S. Highway 378.

The Edge, Nina L., farm located on the west side of a dirt road and 0.8 mile southeast of its junction with a second dirt road, said junction being 0.5 mile south of the junction of the second dirt road and State Primary Highway 90, said second junction being 0.8 mile southwest of the junction of said highway and State Secondary Highway 31.

The Fowler, Jennie Bell, farm located at the end of a farm road which junctions with a county road, said junction being 0.5 mile east of the Oakdale Baptist Church.

The Fowler, O. R., farm located on both sides of a dirt road and 0.1 mile north of the intersection of said dirt road and State Primary Highway 9, said intersection being at Goretown.

The Frye, L. C., farm located on the south side of a dirt road and 1 mile west of the junction of State Secondary Highways 24 and 62, said junction being in the Dog Bluff community.

The Gore, Sumpter, farm located on both sides of a dirt road and 0.75 mile north of the intersection of said dirt road and State Primary Highway 9, said intersection being at Goretown.

The Graham, Bud Neals, farm located at the end of a dirt road and 0.8 mile east of its junction with a second dirt road said junction being 0.75 mile south of the junction of the second dirt road and State Secondary Highway 78, said second junction being 0.75 mile southeast of Juniper Bay Church.

The Holliday Brothers farm located on the south side of a dirt road and 0.8 mile west of its intersection with U.S. Highway 501, said intersection being 1.8 miles south of the junction of said highway and State Secondary Highway 129.

The Johnson, Mayberry, farm located on the south side of State Primary Highway 917 at its junction with State Secondary Highway 59.

The Johnson, Sam, farm located on the north side of a dirt road and 1 mile east of its junction with State Secondary Highway 78, said junction being 1.9 miles northwest of the junction of said highway and U.S. Highway 378.

The Jordan, Blease, farm located on the north side of a dirt road and 0.6 mile east of its junction with State Secondary Highway 78, said junction being 1.9 miles northwest of the junction of said highway and U.S. Highway 378.

The Lewis, Boyd, farm located on the north side of a dirt road and 0.75 mile west of the intersection of said dirt road and State Secondary Highway 24, said intersection being in the Dog Bluff community.

The Lewis, J. T., farm located on the south side of State Secondary Highway 100, and 1.9 miles west of the junction of said highway and U.S. Highway 501, said junction being at Aynor.

The Martin, Daniele E., farm located on the east side of State Primary Highway 90 and 0.9 mile northeast of the junction of said highway and State Secondary Highway 377.

The Milligan, O. L., farm located on both sides of a dirt road and 0.1 mile southwest of its junction with the South Carolina-North Carolina State line, said junction being 1.6 miles northeast of a second junction with said dirt road and State Secondary Highway 420.

The Page, Cordie, farm located on the north side of State Secondary Highway 128 and 0.4 mile west of the junction of said highway and U.S. Highway 501, said junction being at Aynor.

The Page, Mattie C., farm located on the north side of a dirt road and 0.2 mile east of the junction of said dirt road and State Secondary Highway 129, said junction being 0.3 mile southeast of the intersection of said highway and State Secondary Highway 130.

The Reynolds, Dick, farm located on the south side of a dirt road and 0.4 mile west of its intersection with U.S. Highway 501, said intersection being 1.8 miles south of the junction of said highway and State Secondary Highway 129.

The Richardson, Talmage, farm located on the north side of a dirt road and 1 mile southwest of the junction of said dirt road and State Secondary Highway 99, said junction

being 1.75 miles north of the junction of said highway and State Secondary Highway 97.

The Sarvis, Ida B., farm located on the northwest side of State Secondary Highway 109 and 1.5 miles northeast of its junction with State Secondary Highway 79.

The Sarvis, Ida B., farm located on the southwest side of a dirt road and 0.1 mile northwest of its junction with State Secondary Highway 109, said junction being 1.5 miles northeast of the junction of said highway and State Secondary Highway 79.

The Shelley, O. R., farm located on the east side of a dirt road and 0.8 mile northeast of the junction of said dirt road and State Secondary Highway 306, said junction being 1.1 miles west of the intersection of State Secondary Highway 306 and the South Carolina-North Carolina State line.

The Williamson, Vide, farm located on both sides of a dirt road and 0.4 mile from the junction of said dirt road and State Primary Highway 410, said junction being 0.7 mile northeast of the intersection of State Primary Highway 410 and State Secondary Highway 19.

Marion County. The entire county.

Marlboro County. That portion of the county lying south and east of U.S. Highway 15, excluding the area within the corporate limits of the towns of Bennettsville, McColl, and Tatum.

The Bass, Phillip, farm located on the west side of State Secondary Highway 257 and 0.5 mile northeast of its intersection with State Secondary Highway 165.

The Bell, Nettle, farm located on the south side of the South Carolina-North Carolina State line and 0.4 mile east of its intersection with State Primary Highway 177.

The Bowen, Gus, farm located on the south side of the junction of State Secondary Highways 22 and 46, said junction being 2.9 miles northwest of Tatum.

The Caulk, C. C., farm located on the north side of State Secondary Highway 283 and 0.3 mile east of the junction of said highway and State Primary Highway 38.

The Chavis, Dewey, farm located on the northwest side of State Secondary Highway 209 and 0.1 mile northeast of its intersection with State Primary Highway 9.

The Chavis, Graham Lee, farm located on the northwest side of State Secondary Highway 209 and 0.2 mile northeast of its intersection with State Primary Highway 9.

The Chavis, Homer, farm located in the north corner of the intersection of State Secondary Highway 209 with State Primary Highway 9.

The Conwell, Hossie, farm located on both sides of a dirt road and 1.3 miles northeast from the junction of said dirt road and State Secondary Highway 30, said junction being 0.5 mile northwest from the intersection of said State Secondary Highway 30 and State Secondary Highway 165.

The Croft, Lucille, farm located on the east side of State Primary Highway 79 and 0.3 mile south of its junction with State Secondary Highway 345.

The Fletcher, Oscar J., farm located on the southwest side of State Secondary Highway 28 and 0.6 mile northwest of the junction of said highway and U.S. Highway 15.

The Hamer, Lois P., farm located on both sides of a dirt road and 0.1 mile north of the junction of said dirt road and U.S. Highway 15, said junction being 0.1 mile northwest of the intersection of U.S. Highway 15 and State Secondary Highway 22 at Tatum.

The Holmes, T. H., farm located on the south side of the South Carolina-North Carolina State line and 0.5 mile east of its intersection with State Primary Highway 177.

The Joseph, James, farm located on the southeast side of State Secondary Highway 165 and 1.2 miles southwest of its intersection with State Secondary Highway 257.

The McCall, Jim, Estate farm located on the south side of a dirt road and 0.4 mile west of its junction with State Secondary Highway 257, said junction being 0.4 mile northeast of the intersection of said highway and State Secondary Highway 165.

The McColl, D. D., Estate farm located on the northeast side of State Primary Highway 9 and 0.6 mile southeast of its junction with State Secondary Highway 383.

The McEachern, Lula, farm located on the north side of U.S. Highway 15 at the intersection of said highway and the South Carolina-North Carolina State line.

The McKay, Cleveland, farm located on the north side of State Secondary Highway 54 and the west side of State Secondary Highway 30 at the intersection of said highways.

The McQueen, Mable N., farm located on the northwest side of State Secondary Highway 17 and 0.6 mile northeast of its junction with State Secondary Highway 22.

The Odom, Ina, farm located on the northwest side of a dirt road and 0.4 mile northeast of its junction with State Secondary Highway 30, said junction being 0.3 mile northeast of the intersection of said highway and State Secondary Highway 54.

The Oxendine, Kay Frances, farm located on the east side of State Primary Highway 79, 0.3 mile south of the junction of said highway and State Secondary Highway 345.

The Parker, D. M., farm located on the northeast side of State Secondary Highway 28 and 0.2 mile northwest of its junction with U.S. Highway 15.

The Pearson, Archie, farm located on the east side of a dirt road and 0.5 mile southwest of the junction of said dirt road and State Primary Highway 79, said junction being 0.3 mile south of the intersection of said highway and State Secondary Highway 71.

The Pearson, Daniel J., farm located on the west side of State Primary Highway 79, 1 mile south of the intersection of said highway and State Secondary Highway 71.

The Pearson, Queen, farm located on the east side of a dirt road and 0.7 mile southwest of its junction with State Primary Highway 79, said junction being 0.3 mile south of the intersection of said highway and State Secondary Highway 71.

The Rainwater, D. C., farm located on the west side of State Primary Highway 79 at the junction of said highway and State Secondary Highway 345.

The Rogers, John B., farm located on both sides of State Secondary Highway 48 and 1.4 miles northeast of its intersection with State Secondary Highway 47.

The Rosser, Tony, farm located on the east side of a dirt road and 0.6 mile northeast of the junction of said dirt road and State Secondary Highway 30, said junction being 0.3 mile north of the junction of said highway and State Secondary Highway 54.

The Smith, James Tyson, farm located on the northwest side of State Secondary Highway 165 and 1.2 miles southwest of its intersection with State Secondary Highway 257.

The Spears, James, farm located on the east side of State Primary Highway 79 and 0.3 mile south of its junction with State Secondary Highway 345.

The Steele, Pauline, farm located on the north side of State Secondary Highway 63 and the east side of Crooked Creek at the intersection of said highway and creek.

The Strong, Marvin, farm located on the south side of the South Carolina-North Carolina State line and 1.3 miles east of its intersection with State Primary Highway 177.

The Talbert, B. F., farm located on the north side of the intersection of State Primary Highway 9 and State Secondary Highway 165.

The Walker, R. W., farm located on the southeast side of State Secondary Highway 17 and 0.7 mile northeast of its intersection with State Primary Highway 79.

(2) *Suppressive area.*

Chesterfield County. The Campbell, Coyt J., farm located on the south side of a dirt road and 0.6 mile east of its intersection with State Secondary Highway 144, said intersection being 0.4 mile south of the intersection of State Secondary Highway 22 and State Secondary Highway 144.

The Chapman, C. S., farm located on the west side of U.S. Highway 52 and 0.4 mile north of its junction with State Secondary Highway 335.

The Evans, Jule, farm located on the south side of a dirt road and 0.4 mile east of its intersection with State Secondary Highway 144, said intersection being 0.4 mile south of the intersection of State Secondary Highway 22 and State Secondary Highway 144.

The Funderburk, Abraham, farm located on the east side of a dirt road and 0.2 mile south of its junction with State Secondary Highway 115, said junction being 0.8 mile northeast of the junction of said highway and State Secondary Highway 114.

The Griggs, Fuller, farm located on the west side of a dirt road and 0.4 mile north of its intersection with a second dirt road, said intersection being 0.6 mile north of the intersection of said dirt road and State Secondary Highway 149, said intersection being 1.6 miles northwest of the intersection of said highway and State Primary Highway 102.

The Holdbrook, Alton, farm located on the north side of State Secondary Highway 22, and 1.5 miles east of its intersection with State Secondary Highway 20.

The Howie, James Earle, farm located on the north side of a dirt road and 1 mile east of the intersection of said dirt road and State Secondary Highway 81, said intersection being 1 mile south of the intersection of State Secondary Highway 149 and State Secondary Highway 81.

The Johnson, Clyde, farm located on the north side of a dirt road and 1 mile west of its junction with State Primary Highway 102, said junction being 1.5 miles north of the intersection of State Primary Highway 102 and State Secondary Highway 22.

The Keith, Julius, farm located on the east side of a dirt road and 0.5 mile north of its junction with a second dirt road, said junction being 0.1 mile north of the junction of the latter dirt road and State Secondary Highway 114, said second junction being 0.1 mile north of the junction of State Secondary Highways 114 and 115.

The Parker, Elsie J., farm located on the south side of State Secondary Highway 61

and 0.1 mile east of its intersection with State Secondary Highway 348.

The Rainwater, R. D., farm located on the east side of State Secondary Highway 113 and 0.5 mile northeast of its intersection with State Secondary Highway 20.

Clarendon County. The Hodge, J. W., farm located on the south side of State Secondary Highway 211 and 1.5 miles west of its junction with State Secondary Highway 50.

Lee County. The Evans, Hattie, farm located on the south side of State Secondary Highway 168 and 0.3 mile east of its junction with State Primary Highway 58.

The Thomas, Clark W., farm located on the north side of State Secondary Highway 168 and 1.1 miles east of its junction with State Primary Highway 58.

The Thomas, E. W., farm located on the north side of State Secondary Highway 168 and 1.4 miles east of its junction with State Primary Highway 58, said farm being immediately north of the Clark W. Thomas farm.

Williamsburg County. The Carter, Ernest V., farm located on the north side of a dirt road and 1.6 miles west of its junction with State Secondary Highway 51, said junction being 0.8 mile south of the junction of said highway and State Primary Highway 261.

The McCrea, Laurie, farm located on both sides of a dirt road and 0.1 mile southeast of its junction with State Secondary Highway 455, said junction being 2 miles northeast of the junction of said highway and State Primary Highway 261.

(Secs. 8 and 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.80-2)

The Director of the Plant Protection Division has determined that witchweed infestations have been found or that there is reason to believe they exist, in the civil divisions, parts of civil divisions, or premises in the quarantined States listed above, or that it is necessary to regulate such areas because of their proximity to witchweed infestations or their inseparability for quarantine enforcement purposes from witchweed infested localities. The Director has further determined that each of the quarantined States is enforcing a quarantine or regulation with restrictions on intrastate movement of the regulated articles substantially the same as the restrictions on interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of witchweed. Accordingly, such civil divisions, parts of civil divisions, and premises, listed above, are designated as witchweed regulated areas.

The purpose of this revision is to delete from regulation Anson and Wake Counties and portions of eight other counties in North Carolina, and Georgetown County and portions of five other counties in South Carolina. This is the first time any area has been released from regulations in the witchweed quarantine. Wilson County in North Carolina was added as a regulated area. Portions

of 13 counties in North Carolina and four counties in South Carolina were changed from generally infested to suppressive areas. This is the first time that suppressive areas have been designated in the witchweed quarantine.

Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice of rule making and other public procedure with respect to the revision are impracticable and unnecessary, and contrary to the public interest, and good cause is found for making the revision effective less than 30 days after publication in the FEDERAL REGISTER.

This revision shall become effective July 1, 1970, when it shall supersede § 301.80-2a, effective February 11, 1969.

Done at Hyattsville, Md., this 24th day of June 1970.

JOSEPH F. SPEARS,
Acting Director,
Plant Protection Division.

[F.R. Doc. 70-8259; Filed, June 29, 1970; 8:47 a.m.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Witchweed

EXEMPTIONS

Under authority of § 301.80-2 of the Witchweed Quarantine regulations (7 CFR 301.80-2, as amended, 35 F.R. 10554), a supplemental regulation exempting certain articles from specified requirements of the regulations is hereby issued to appear in 7 CFR 301.80-2b as set forth below. The Director of the Plant Protection Division has found that facts exist as to the pest risk involved in the movement of such articles which make it safe to relieve the requirements as provided therein.

§ 301.80-2b Exempted articles.¹

(a) The following articles are exempt from the certification and permit requirements of this subpart if they meet the applicable conditions prescribed in subparagraphs (1) through (7) of this paragraph and have not been exposed to infestation after cleaning or other handling as prescribed in said subparagraphs:

(1) Small grains, if harvested in bulk or into new or treated containers, and if the grains and containers for the grains have not come in contact with the soil or if they have been cleaned at a designated facility.²

(2) Soybeans, other than for seed purposes, if harvested in bulk or into new or treated containers and if the beans and containers for the beans did not come in contact with the soil, and if such beans are moving forthwith to a designated oil

See footnotes at end of document.

mill or facility² for crushing or cleaning; or, if they have been cleaned with an airblast cleaner having a capacity of 2,500 cubic feet per minute.

(3) Pickling cucumbers, string beans, and field peas, if washed free of soil with running water.

(4) Unshucked ear corn, if harvested without coming in contact with the soil.

(5) Root crops, such as turnips, carrots, and sweet potatoes, if moving to a designated processing plant.³

(6) Used farm tools, if cleaned free of soil.

(7) Used mechanized cultivating equipment and used mechanized soil-moving equipment, if cleaned and repainted.

(b) The following article is exempt from the certification and permit requirements of § 301.80-4 under the applicable conditions as prescribed in the following subparagraph:

(1) Seed cotton, if moving to a designated gin.³

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ec; 29 F.R. 16210, as amended; 7 CFR 301.80-2)

This list of exempted articles shall become effective July 1, 1970, when it shall supersede the list of exempted articles in 7 CFR 301.80-2b which became effective July 1, 1967.

The purpose of this revision is to delete from the list of exempted articles soil samples of any size if collected and shipped to a U.S. Army Corps of Engineers soil laboratory located in the conterminous United States. Effective July 1, 1970, soil samples for processing, testing, or analysis may be moved interstate from any regulated area only to laboratories approved by the Director and so listed by him. The document also deletes the specified 60 pounds per square inch water pressure required for washing pickling cucumbers, string beans, and field peas, and used harvesting machinery if cleaned and repainted. Used harvesting machinery is being deleted because this type of equipment cannot be adequately cleaned in most instances.

Done at Hyattsville, Md., this 24th day of June 1970.

JOSEPH F. SPEARS,
Acting Director,
Plant Protection Division.

[F.R. Doc. 70-8256; Filed, June 29, 1970;
8:47 a.m.]

¹ The articles hereby exempted remain subject to applicable restrictions under other quarantines.

² Information as to designated facilities, gins, oil mills, and processing plants may be obtained from an inspector. Any facility, gin, oil mill, or processing plant is eligible for designation under this subpart if the operator thereof enters a compliance agreement (as defined in § 301.80-1(b)).

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime Work at Border Ports, Seaports, and Airports

Pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 7 U.S.C. 2260) and section 53 of Title I—Airport and Airway Development Act of 1970 (Public Law 91-258, 84 Stat. 236), § 354.1 of Part 354, Title 7, Code of Federal Regulations, is amended to read as follows:

§ 354.1 Overtime work at border ports, seaports, and airports.

(a) Any person, firm, or corporation having ownership, custody, or control of plants, plant products, or other commodities or articles subject to inspection, certification, or quarantine under this chapter, who requires the services of an employee of the Plant Quarantine Division, on a holiday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday service request the Division inspector in charge to furnish inspection, quarantine, or certification service during such overtime or holiday period, and shall pay the Government therefor at the rate of \$8.72 per man-hour per employee; except that for any services performed on or after July 1, 1970, on a Sunday or holiday, or at any time after 5 o'clock p.m. or before 8 o'clock a.m. on a week day, in connection with the arrival in or departure from the United States of a private aircraft or vessel, the total amount payable shall not exceed \$25 for all inspectional services performed by the Customs Service, Immigration and Naturalization Service, Public Health Service, and the Department of Agriculture. A minimum charge of 2 hours shall be made for any holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning either at least 1 hour before his scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each such period of unscheduled overtime or holiday work to which the 2-hour minimum charge provision applies which requires the employee involved to perform additional travel may include a commuted travel time period the amount of which shall be prescribed in administrative instructions to be issued by the Director of the Plant Quarantine Division for the areas in which the holiday or overtime work is performed and such period shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the

place at which the employee performs such overtime or holiday duty if such travel is performed solely on account of such overtime or holiday service. With respect to places of duty within the metropolitan area of the employee's headquarters, such commuted travel period shall not exceed 3 hours. When inspection, quarantine or certification services are performed at locations outside the metropolitan area in which the employee's headquarters is located, one-half of the commuted travel period applicable to the point at which the services are performed shall be charged when duties involve overtime that begins less than 1 hour before the beginning of the regular tour and/or in continuation of the regular tour of duty. It will be administratively determined from time to time which days constitute holidays.

(b) The Division inspector in charge in honoring a request to furnish inspection, quarantine, or certification service, shall assign employees to such holiday or overtime duty with due regard to the work program and availability of employees for duty.

(c) As used in this section—

(1) The term "private aircraft" means any civilian aircraft not being used to transport persons or property for compensation or hire, and

(2) The term "private vessel" means any civilian vessel not being used (i) to transport persons or property for compensation or hire, or (ii) in fishing operations or in processing of fish or fish products.

(64 Stat. 561, 7 U.S.C. 2260; Public Law 91-258, 84 Stat. 236)

The foregoing amendment shall become effective July 1, 1970, when it shall supersede 7 CFR 354.1, effective April 23, 1970.

The purpose of this amendment is to conform the overtime services regulations to section 53 of Title I—Airport and Airway Development Act of 1970 (Public Law 91-258), effective July 1, 1970, by adding an exception at the end of the first sentence to show that a maximum limitation of \$25 shall be assessed against an owner, operator, or agent of a private aircraft or vessel otherwise subject to reimbursable services under the reimbursable provisions of the Import-Export Overtime Act of 1950 (7 U.S.C. 2260) concerning border clearance.

It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the administrative provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the

public interest and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of June 1970.

[SEAL] GEORGE W. IRVING, JR.,
Administrator,
Agricultural Research Service.

[F.R. Doc. 70-8258; Filed, June 29, 1970;
8:47 a.m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 2]

PART 404—APPLE CROP INSURANCE

Subpart—Regulations for the 1967 and Succeeding Crop Years

APPLES

Correction

In F.R. Doc. 70-7724 appearing on page 9997 in the issue for Thursday, June 18, 1970, the reference to "§ 404.52" in the second paragraph should read "§ 404.25".

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

[Valencia Orange Reg. 318, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, es-

tablished under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraphs (b) (1) (i), (ii), and (iii) of § 908.618 (Valencia Orange Regulation 318, 35 F.R. 9999) are hereby amended to read as follows:

§ 908.618 Valencia Orange Regulation 318.

- (b) *Order.* (1) * * *
- (i) District 1: 204,000 cartons;
 - (ii) District 2: 252,000 cartons;
 - (iii) District 3: 144,000 cartons.

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

Dated: June 25, 1970.

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

[F.R. Doc. 70-8261; Filed, June 29, 1970;
8:48 a.m.]

PART 911—LIMES GROWN IN FLORIDA

Expenses and Rate of Assessment

On June 13, 1970, notice of rule making was published in the FEDERAL REGIS-

TER (35 F.R. 9287) regarding proposed expenses and the related rate of assessment for the period April 1, 1970, through March 31, 1971, pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in the State of Florida. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Florida Lime Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 911.209 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Florida Lime Administrative Committee during the period April 1, 1970, through March 31, 1971, will amount to \$14,600.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 911.41, is fixed at \$0.03 per bushel of limes.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of limes are now being made, (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable limes handled during the aforesaid period, and (3) such period began on April 1, 1970, and said rate of assessment will automatically apply to all such limes beginning with such date.

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

Dated: June 24, 1970.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Veg-
etable Division, Consumer and
Marketing Service.

[F.R. Doc. 70-8262; Filed, June 29, 1970;
8:48 a.m.]

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

[Milk Order 33]

- PART 1005—MILK IN TRI-STATE MARKETING AREA
- PART 1033—MILK IN OHIO VALLEY MARKETING AREA
- PART 1034—MILK IN MIAMI VALLEY, OHIO, MARKETING AREA
- PART 1035—MILK IN COLUMBUS, OHIO, MARKETING AREA
- PART 1041—MILK IN NORTHWESTERN OHIO MARKETING AREA

Order Amending Orders

7 CFR Part	Marketing area	Docket No.
1033	Greater Cincinnati	AO-166-A-60
		AO-166-A-60-E02
1034	Miami Valley, Ohio	AO-166-A-60-E04
		AO-175-A-29
1035	Columbus, Ohio	AO-175-A-29-E02
		AO-175-A-29-E03
		AO-176-A-26
1041	Northwestern Ohio	AO-176-A-26-E02
		AO-176-A-26-E03
		AO-72-A-26
1005	Tri-State	AO-72-A-26-E02
		AO-72-A-26-E03
		AO-177-A-33
		AO-177-A-33-E02
		AO-177-A-33-E03

FINDINGS AND DETERMINATIONS

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) Findings. A public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Cincinnati, Miami Valley, Columbus, Northwestern Ohio, and Tri-

State marketing areas. The hearing was held 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 (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The Ohio Valley order, which amends and merges the Cincinnati, Miami Valley, Columbus, Northwestern Ohio, and Tri-State orders and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) 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 Ohio Valley marketing area, and the minimum prices specified in the Ohio Valley order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The Ohio Valley order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreements upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the Ohio Valley order, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(i) His producer milk (including such handler's own farm production);

(ii) Other source milk allocated to Class I pursuant to § 1033.46(a) (6), (7), and (11) and the corresponding steps of § 1033.45(b), except such other source

milk on which no handler obligation applies pursuant to § 1033.60(g); and (iii) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the Class I milk;

(a) Received during the month at such plant from pool plants and other order plants that is not used as an offset under a similar provision of another order issued pursuant to the Act; and (b) Specified in § 1033.57(b) (2) (ii).

(c) Determinations. It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the Ohio Valley marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, which amends and merges the Cincinnati, Miami Valley, Columbus, Northwestern Ohio and Tri-State orders, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the Ohio Valley order; and

(3) The issuance of the Ohio Valley order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the Ohio Valley marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the orders regulating the handling of milk in the Cincinnati, Miami Valley, Columbus, Northwestern Ohio and Tri-State marketing areas (Parts 1033, 1034, 1035, 1041, and 1005, respectively) shall be amended and merged into one order regulating the handling of milk in the "Ohio Valley" marketing area. The merged order shall be designated Part 1033 in the Code of Federal Regulations, and Parts 1034, 1035, 1041, and 1005 shall be vacated. The handling of milk in the Ohio Valley marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

Sec.	DEFINITIONS
1033.1	Act.
1033.2	Department.
1033.3	Secretary.
1033.4	Person.
1033.5	Cooperative association.
1033.6	Ohio Valley marketing area.
1033.7	Fluid milk product.
1033.8	Route disposition.
1033.9	Plant.
1033.10	Distributing plant.
1033.11	Supply plant.
1033.12	Pool plant.
1033.13	Nonpool plant.
1033.14	Producer.
1033.15	Producer milk.
1033.16	Handler.
1033.17	Producer-handler.
1033.18	Other source milk.
1033.19	Chicago butter price.
1033.20	Filled milk.

MARKET ADMINISTRATOR

1033.25	Designation.
1033.26	Powers.
1033.27	Duties.

REPORTS, RECORDS, AND FACILITIES

1033.30	Reports of receipts and utilization.
1033.31	Other reports.
1033.32	Records and facilities.
1033.33	Retention of records.

CLASSIFICATION

1033.40	Skim milk and butterfat to be classified.
1033.41	Classes of utilization.
1033.42	Shrinkage.
1033.43	Interplant movements.
1033.44	Responsibility of handlers and reclassification of milk.
1033.45	Computation of skim milk and butterfat in each class.
1033.46	Allocation of skim milk and butterfat classified.

MINIMUM PRICES

1033.50	Basic formula price.
1033.51	Class prices.
1033.52	Butterfat differentials to handlers.
1033.53	Location differentials.
1033.54	Use of equivalent prices.

APPLICATION OF PROVISIONS

1033.56	Plants subject to other Federal orders.
1033.57	Obligation of handler operating a partially regulated distributing plant.

COMPUTATION OF UNIFORM PRICE

1033.60	Computation of the net pool obligation of each handler.
1033.61	Computation of the uniform price.

fluid or frozen form, including such products or mixtures that are flavored, cultured, modified (with added nonfat milk solids), concentrated, or reconstituted: Milk, skim milk, lowfat milk, milk drinks, eggnog, buttermilk, filled milk, milk shake mixes containing less than 15 percent total milk solids, and mixtures of cream and milk or skim milk containing less than 10.5 percent butterfat. The term "fluid milk product" shall not include yogurt, frozen desserts, frozen dessert mixes, dietary products and infant formulas in hermetically sealed metal or glass containers, evaporated or condensed milk or skim milk in plain or sweetened form, and any product containing 5 percent or more nonmilk fat (or oil).

§ 1033.3 Route disposition.

"Route disposition" means a delivery, either directly or through any distribution facility (including disposition from a plant store or by a vendor or vending machine), of a fluid milk product classified as Class I pursuant to § 1033.4(a), except a delivery in bulk form to a plant. However, for the single purpose of determining the qualification of a distributing plant as a pool plant pursuant to § 1033.12(a), packaged fluid milk products transferred as Class I milk from the distributing plant to another plant shall be considered as route disposition of the transferor plant and shall be considered as route disposition in the marketing area to the extent of in-area route disposition of the transferee plant.

§ 1033.9 Plant.

(a) Except as provided in paragraph (b) of this section, "plant" means the land and buildings, together with their surroundings, facilities, and equipment, constituting a single operating unit or establishment which contains stationary holding facilities and which is operated for the bulk handling or processing of milk or milk products (including filled milk).

(b) The term "plant" shall not include distribution points (separate facilities used primarily for the transfer to vehicles of packaged fluid milk products

OHIO COUNTIES

Adams.
Brown.
Butler.
Champaign.
Clark.
Clermont.
Clinton.
Darke.
Delaware.
Fairfield.
Fayette.
Franklin.
Gallia.
Greene.
Hamilton.
Highland.
Hocking.

KENTUCKY COUNTIES

Harrison.
Kenton.
Lewisa.
Mason.
Pendleton.
Robertson.

INDIANA COUNTIES

Ohio.

(c) The "Southeastern Zone" shall include the following territory:

OHIO COUNTIES

Athens.
Coshocott (except Adams Township).
Guernsey (except London-Oxford, and Millwood Townships).
Meigs.
Morgan.
Muskingum.
Noble.
Perry.
Washington.

KENTUCKY COUNTIES

Floyd.
Johnson.
Lawrence.
Pike.

WEST VIRGINIA COUNTIES

Boone.
Cabell.
Calhoun.
Fayette.
Glimmer.
Jackson.
Kanawha.
Lincoln.
Logan.
Mason.
Wyoming.

§ 1033.7 Fluid milk product.

"Fluid milk product" means the following products or mixtures in either

§ 1033.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) Is qualified under the provisions of the Act of Congress of February 18, 1922, known as the "Capper-Volstead Act" (7 U.S.C. 291, 292);

(b) Has full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members; and

(c) Has its entire organization and all of its activities under the control of its members.

§ 1033.6 Ohio Valley marketing area.

The "Ohio Valley marketing area" hereinafter called the "marketing area" means all the territory, by designated zones, within the boundaries of the following geographical units, including all waterfront facilities connected therewith and all territory occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments if any part thereof is within the listed geographical units:

(a) The "Northwestern Zone" shall include the following territory:

OHIO COUNTIES

Allen.
Auglaize.
Crawford.
Fulton.
Hancock.
Hardin.
Henry.
Logan.
Lucas.
Marion.
Mercer.

MICHIGAN COUNTIES

Leanswee (Blissfield, Deerfield, Ogdén, Palmyra, and Riga Townships only).
Monroe (except Ash, Berlin, Dundee, Exeter, London, and Milan Townships).

(b) The "Central Zone" shall include the following territory:

PAYMENTS FOR MILK

1033.70 Producer-settlement fund.
1033.71 Payments to the producer-settlement fund.
1033.72 Payments from the producer-settlement fund.
1033.73 Butterfat differential to producers.
1033.74 Location differentials to producers and on nonpool milk.
1033.75 Marketing services.
1033.76 Expense of administration.
1033.77 Correction of errors.

EFFECTIVE TIME AND SUSPENSION OR TERMINATION

1033.80 Effective time.
1033.81 Suspension or termination.
1033.82 Continuing powers, duties, and obligations.
1033.83 Liquidation after suspension or termination.

MISCELLANEOUS PROVISIONS

1033.90 Agents.
1033.91 Separability of provisions.
1033.92 Termination of obligations.
AUTHORITY: The provisions of this Part 1033 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

DEFINITIONS

§ 1033.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1033.2 Department.

"Department" means the U.S. Department of Agriculture or any other Federal agency authorized to perform the functions of the U.S. Department of Agriculture.

§ 1033.3 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States authorized to exercise the powers or perform the duties of the said Secretary of Agriculture.

§ 1033.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

moved there from processing and packaging plants) or bulk reload points (separate facilities at which milk moved from a farm in a tank truck is transferred to another tank truck and commingled with other milk before entering a plant). If a distribution point or bulk reload point is on the premises of a plant, it shall be considered a part of the plant operation.

§ 1033.10 Distributing plant.

"Distributing plant" means a plant in which fluid milk products approved by a duly constituted health authority for fluid consumption, or filled milk, are processed or packaged and from which there is route disposition in the marketing area during the month.

§ 1033.11 Supply plant.

"Supply plant" means a plant from which a fluid milk product approved by a duly constituted health authority for fluid consumption, or filled milk, is transferred to a pool plant during the month.

§ 1033.12 Pool plant.

"Pool plant" means a plant specified in paragraph (a), (b), or (c) of this section that is not an other order plant or a producer-handler plant.

(a) A distributing plant with:

(1) Route disposition in the marketing area during the month of not less than 15 percent of its total route disposition, such route disposition in both cases to be exclusive of packaged fluid milk products received from other plants if priced as Class I milk under this or any other Federal order and of route disposition of filled milk; and

(2) Route disposition during the month of not less than 50 percent for each of the months of September through February, and 45 percent for each of the months of March through August, of its total receipts of fluid milk products (including milk diverted from such plant by the plant operator or a cooperative association but excluding bulk fluid milk products received by transfer or diversion from other plants as Class II or Class III milk) that are approved by a duly constituted health authority for fluid consumption, subject to the following further conditions:

(1) Both such route disposition and receipts shall be exclusive of filled milk and of packaged fluid milk products received from other plants if priced as Class I milk under this or any other Federal order;

(II) A distributing plant that does not meet such percentage requirement in the current month shall not be disqualified under this subparagraph as a pool plant if such percentage was met in the preceding month; and

(III) A distributing plant with route disposition only on the campus of The Ohio State University at Columbus, Ohio, shall be required to meet such percentage requirement only for the months of January, February, October, and November.

(b) A supply plant from which during the month the total quantity of fluid milk products (except filled milk) transferred to and physically received in a plant(s) qualified under paragraph (a) of this section, plus route disposition within the marketing area from the supply plant, is not less than 50 percent of the total quantity of milk approved by a duly constituted health authority for fluid consumption that is received from dairy farmers (excluding any such milk received by diversion from other plants) and from handlers described in § 1033.16 (c). A plant that was qualified under this paragraph in each of the months of September through February shall be a pool plant for the immediately following months of March through August unless the milk received at the plant does not continue to meet such requirements of a duly constituted health authority, or the plant operator files with the market administrator prior to any such month a written request that the plant be designated as a nonpool plant. Such nonpool plant status shall be effective, beginning with the first month following such notice, until the plant qualifies under this section on the basis of shipments.

(c) A plant, other than a distributing plant, that is approved by a duly constituted health authority to handle milk for fluid consumption and is operated by a cooperative association, if during the month more than 50 percent of the producer milk of members of such cooperative association is delivered directly from their farms, or transferred from

such plant, to plants of other handlers qualified under paragraph (a) of this section. If the cooperative association files with the market administrator prior to any month a written request for nonpool status for such plant, the plant shall be a nonpool plant for such month and for each of the next 11 months in which it does not qualify pursuant to paragraph (b) of this section on the basis of shipments.

§ 1033.13 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of such plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a distributing plant that is not an other order plant or a producer-handler plant.

(d) "Unregulated supply plant" means a supply plant that is not an other order plant or a producer-handler plant.

§ 1033.14 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk approved, by farm permit or other approval, by a duly constituted health authority for fluid consumption, which milk is received at a pool plant or diverted within the limitations of § 1033.15 from a pool distributing plant to another pool plant or to a nonpool plant that is not a producer-handler plant. The term "producer" shall not include any such person with respect to milk that is received at a pool plant by diversion from an other order plant if a Class II or Class III classification is designated under this order for such milk, and such milk is subject to the pricing and pooling provisions of another order issued pursuant to the Act.

§ 1033.15 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk of a producer which is:

(a) With respect to a handler described in § 1033.16(a);

(1) Received at the handler's pool plant directly from the producer, excluding any such milk received by diversion from another pool plant. If milk is delivered in the same tank truck to more than one plant, the entire load shall be deemed to have been received at the first pool plant where milk is withdrawn from the tank truck;

(2) Received at the handler's pool plant under the conditions described in § 1033.16(c); and

(3) Diverted for the handler's account from a pool distributing plant to another pool plant or a nonpool plant that is not a producer-handler plant, subject to the further conditions set forth in paragraph (d) of this section;

(b) With respect to a handler described in § 1033.16(b), diverted for such handler's account from the pool distributing plant of another handler to a pool plant or a nonpool plant that is not a producer-handler plant, subject to the further conditions set forth in paragraph (d) of this section; and

(c) With respect to a handler described in § 1033.16(c), received by the handler from the producer's farm in excess of the producer's milk that is received at pool plants pursuant to paragraph (a) (2) of this section. Such producer milk of the handler shall be deemed to have been received by the handler at the location of the pool plant to which the greatest quantity of the milk on the tank truck or trailer load was delivered.

(d) The following conditions shall apply to milk of a producer diverted from a pool distributing plant to another pool plant or a nonpool plant that is not a producer-handler plant:

(1) Not less than 2 days' production of the producer must be physically received during the month at such pool distributing plant;

(2) In any month of September through February, the quantity of milk of any producer diverted to nonpool plants that exceeds the quantity of such

producer's milk physically received at pool plants, as measured by days of production, shall be deemed not to have been received by the diverting handler and shall not be producer milk. The diverting handler shall designate such deliveries to nonpool plants that are not producer milk pursuant to this subparagraph. If the handler fails to make such designation, no milk diverted by him to nonpool plants shall be producer milk;

(3) Diverted milk shall be priced at the location of the plant to which the milk is diverted; and

(4) Milk diverted to an other order plant shall be producer milk only if a Class II or Class III classification is designated for such milk pursuant to the provisions of another order issued pursuant to the Act, and such milk is not subject to the pricing and pooling provisions of the other order.

§ 1033.16 **Handler.**

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) Any cooperative association with respect to producer milk which it causes to be diverted for its account from a pool distributing plant of another person to a pool plant or a nonpool plant that is not a producer-handler plant;

(c) Any cooperative association with respect to producer milk which is delivered for its account from the farm to the pool plant of another person in a tank truck or trailer owned or operated by or under contract to, such cooperative association;

(d) Any person in his capacity as the operator of a partially regulated distributing plant;

(e) Any person defined in § 1033.17; and

(f) Any person in his capacity as the operator of an other order plant described in § 1033.56.

§ 1033.17 **Producer-handler.**

"Producer-handler" means any person who:

(a) Operates a dairy farm and a distributing plant;

(b) Receives no fluid milk products from sources other than his own farm production, pool plants, and other order plants;

(c) Uses no milk products other than fluid milk products for reconstitution into fluid milk products; and

(d) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary for his own farm production and the operation of the processing, packaging, and distribution business are the personal enterprise and risk of such person.

§ 1033.18 **Other source milk.**

"Other source milk" means the skim milk and butterfat contained in or represented by:

(a) Fluid milk products and bulk cream from any source except producer milk, fluid milk products and bulk cream from pool plants, and fluid milk products and bulk cream in inventory at the beginning of the month;

(b) Products, other than fluid milk products and Class II products listed in § 1033.41(b) (1) and (3), from any source (including those produced at the plant) which are reprocessed, converted into, or combined with another product in the plant during the month; and

(c) Any disappearance of nonfluid products in a form in which they may be converted into a Class I product and which are not otherwise accounted for pursuant to § 1033.32.

§ 1033.19 **Chicago butter price.**

"Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported for the month by the Department.

§ 1033.20 **Filled milk.**

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

MARKET ADMINISTRATOR

§ 1033.25 Designation.

The agency for the administration of this part shall be a market administrator selected by the Secretary. The administrator shall be entitled to compensation determined by the Secretary and shall be subject to removal at the Secretary's discretion.

§ 1033.26 Powers.

The market administrator shall have the following powers with respect to this part:

(a) Administer this part in accordance with its terms and provisions;

(b) Make rules and regulations to effectuate the terms and provisions of this part;

(c) Receive, investigate, and report complaints of violations to the Secretary; and

(d) Recommend amendments to the Secretary.

§ 1033.27 Duties.

The market administrator shall perform all the duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Execute and deliver a bond to the Secretary within 45 days after he enters upon his duties. Such bond shall be:

(1) Effective as of the date he enters upon his duties;

(2) Conditioned upon the faithful performance of his duties; and

(3) In an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of persons necessary to enable him to administer the terms and provisions of this part;

(c) Obtain a bond in a reasonable amount and with surety satisfactory to the market administrator covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by the administrative assessment the cost of:

(1) His bond and the bonds of his employees;

(2) His own compensation; and

(3) All other expenses incurred in the maintenance and functioning of his office, except expenses specifically associ-

ated with the performance of marketing services;

(e) Keep books and records which will clearly reflect the transactions provided for in this part, and upon request by the Secretary surrender them to:

(1) His successor; or

(2) Such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary;

(g) Furnish the information and reports requested by the Secretary;

(h) Announce publicly, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such act, has not filed the reports or made the payments required by this part;

(i) Verify the reports and payments of each handler by audit and such other investigation deemed necessary;

(j) Prepare and disseminate publicly for the benefit of producers, handlers, and consumers such statistics and other information concerning the operation of the order and facts relevant to the provisions thereof (or proposed provisions) as do not reveal confidential information;

(k) On or before the dates specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the following:

(1) The fifth day of each month, the Class I price pursuant to § 1033.51(a) and the Class I butterfat differential pursuant to § 1033.52(a), both for the current month, and the Class II and Class III prices pursuant to § 1033.51 (b) and (c) and the Class II and Class III butterfat differentials pursuant to § 1033.52(b), all for the preceding month; and

(2) The 12th day after the end of each month, the uniform price computed pursuant to § 1033.61, and the producer butterfat differential computed pursuant to § 1033.73;

(1) On or before the 12th day after the end of each month:

(1) Provide each pool handler with a written statement of his obligations under this part; and

ated with the performance of marketing services;

(e) Keep books and records which will clearly reflect the transactions provided for in this part, and upon request by the Secretary surrender them to:

(1) His successor; or

(2) Such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary;

(g) Furnish the information and reports requested by the Secretary;

(h) Announce publicly, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such act, has not filed the reports or made the payments required by this part;

(i) Verify the reports and payments of each handler by audit and such other investigation deemed necessary;

(j) Prepare and disseminate publicly for the benefit of producers, handlers, and consumers such statistics and other information concerning the operation of the order and facts relevant to the provisions thereof (or proposed provisions) as do not reveal confidential information;

(k) On or before the dates specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the following:

(1) The fifth day of each month, the Class I price pursuant to § 1033.51(a) and the Class I butterfat differential pursuant to § 1033.52(a), both for the current month, and the Class II and Class III prices pursuant to § 1033.51 (b) and (c) and the Class II and Class III butterfat differentials pursuant to § 1033.52(b), all for the preceding month; and

(2) The 12th day after the end of each month, the uniform price computed pursuant to § 1033.61, and the producer butterfat differential computed pursuant to § 1033.73;

(1) On or before the 12th day after the end of each month:

(1) Provide each pool handler with a written statement of his obligations under this part; and

rate and net amount of payment, together with the amount and nature of any deductions involved.

§ 1033.32 Records and facilities. Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data for each month, with respect to:

- (a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;
- (b) The weights and butterfat and other content of all milk and milk products (including filled milk) handled during the month;
- (c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) in inventory at the beginning and end of each month; and
- (d) Payments to the producer-settlement fund, including the amount and nature of any deductions authorized by producers and the disbursement of money so deducted.

§ 1033.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain. If, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15), (A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

skim milk and butterfat as the market administrator may prescribe; and (c) Each handler operating a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of bottling grade milk from dairy farmers shall be reported in lieu of receipts of producer milk. Such report shall include a separate statement showing the amount of reconstituted skim milk in route disposition in the marketing area.

§ 1033.31 Other reports.

- (a) Each producer-handler shall report to the market administrator at such time and in such manner as the market administrator may prescribe.
- (b) Each handler who operates an other order plant shall report total receipts and utilization or disposition of skim milk and butterfat at the plant at such time and in such manner as the market administrator may require and shall allow verification of such reports by the market administrator.
- (c) On or before the 25th day of the month, each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, his receipts of producer milk during the first 15 days of the month.
- (d) On or before the 20th day after the end of the month, each handler operating a partially regulated distributing plant who elects to make payments pursuant to § 1033.57(a) shall report to the market administrator, in the detail and on forms prescribed by the market administrator, his payroll for such month for dairy farmers from whom he received bottling grade milk. Such payroll shall show for each dairy farmer the total pounds of milk received from him, the average butterfat content thereof, and the rate and net amount of the payment made to such dairy farmer, together with the amount and nature of any deductions involved.
- (e) On or before the 22d day after the end of each month, each cooperative association with respect to milk of each member producer shall submit to the market administrator the association's completed producer payroll which shall list the pounds of milk received, the average butterfat content thereof, and the

detail and on forms prescribed by the market administrator, as follows: (a) Each handler operating a pool plant shall report for each of his pool plants: (1) Receipts of skim milk and butterfat contained in or represented by: (i) Producer milk, showing in the case of milk received directly from each producer the pounds and butterfat test and the number of days of production involved for each producer; (ii) Fluid milk products and bulk cream from other pool plants; (iii) Other source milk, with the identity of each source; and (iv) Products listed in § 1033.41(b)(1) from other plants; (2) Inventories of fluid milk products and products listed in § 1033.41(b)(1) at the beginning and the end of the month, showing separately such inventories in bulk form and in packaged form; (3) The utilization or disposition of all skim milk and butterfat required to be reported pursuant to this paragraph, showing separately: (i) Total route disposition and route disposition in the marketing area, showing separately such disposition of filled milk inside and outside the marketing area; and (ii) Transfers and diversions to other plants; and (4) Such other information with respect to the receipts and utilization of skim milk and butterfat as the market administrator may prescribe; (b) Each cooperative association shall report: (1) The quantities of skim milk and butterfat contained in milk from producers for which it is the handler pursuant to § 1033.16 (b) or (c), showing: (i) The quantity of milk delivered to each plant; and (ii) For each producer the pounds and butterfat test of the milk and the number of days of production involved; (2) The utilization of all skim milk and butterfat required to be reported pursuant to subparagraph (1) of this paragraph, except that contained in producer milk described in § 1033.15(a)(2); and (3) Such other information with respect to its receipts and utilization of

skim milk and butterfat as the market administrator may prescribe; and (c) Each handler operating a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of bottling grade milk from dairy farmers shall be reported in lieu of receipts of producer milk. Such report shall include a separate statement showing the amount of reconstituted skim milk in route disposition in the marketing area.

§ 1033.30 Reports of receipts and utilization. On or before the sixth day after the end of each month, reports of receipts and utilization for such month shall be made to the market administrator, in the

(2) Report to each cooperative association the class utilization of milk received at each pool plant during the month from producers who have authorized such association to receive payments for them under § 1033.72(c). For the purpose of this report, the milk so received shall be prorated to each class in the proportions that the total receipts of producer milk at such plant were used in each class, adjusted to eliminate transfers of fluid milk products to other pool plants; (m) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1033.46(a)(12) and the corresponding step of § 1033.46(b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose; (n) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1033.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in the verification of such report; and (o) Furnish to each handler operating a pool plant who has shipped fluid milk products and bulk cream to an other order plant the classification to which the skim milk and butterfat in such fluid milk products and bulk cream were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS, AND FACILITIES

§ 1033.30 Reports of receipts and utilization. On or before the sixth day after the end of each month, reports of receipts and utilization for such month shall be made to the market administrator, in the

detail and on forms prescribed by the market administrator, as follows: (a) Each handler operating a pool plant shall report for each of his pool plants: (1) Receipts of skim milk and butterfat contained in or represented by: (i) Producer milk, showing in the case of milk received directly from each producer the pounds and butterfat test and the number of days of production involved; (ii) Fluid milk products and bulk cream from other pool plants; (iii) Other source milk, with the identity of each source; and (iv) Products listed in § 1033.41(b)(1) from other plants; (2) Inventories of fluid milk products and products listed in § 1033.41(b)(1) at the beginning and the end of the month, showing separately such inventories in bulk form and in packaged form; (3) The utilization or disposition of all skim milk and butterfat required to be reported pursuant to this paragraph, showing separately: (i) Total route disposition and route disposition in the marketing area, showing separately such disposition of filled milk inside and outside the marketing area; and (ii) Transfers and diversions to other plants; and (4) Such other information with respect to the receipts and utilization of skim milk and butterfat as the market administrator may prescribe; (b) Each cooperative association shall report: (1) The quantities of skim milk and butterfat contained in milk from producers for which it is the handler pursuant to § 1033.16 (b) or (c), showing: (i) The quantity of milk delivered to each plant; and (ii) For each producer the pounds and butterfat test of the milk and the number of days of production involved; (2) The utilization of all skim milk and butterfat required to be reported pursuant to subparagraph (1) of this paragraph, except that contained in producer milk described in § 1033.15(a)(2); and (3) Such other information with respect to its receipts and utilization of

skim milk and butterfat as the market administrator may prescribe; and (c) Each handler operating a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of bottling grade milk from dairy farmers shall be reported in lieu of receipts of producer milk. Such report shall include a separate statement showing the amount of reconstituted skim milk in route disposition in the marketing area.

CLASSIFICATION

§ 1033.40 Skim milk and butterfat to be classified.

The skim milk and butterfat required to be reported pursuant to § 1033.30 shall be classified each month in accordance with §§ 1033.41 through 1033.46.

§ 1033.41 Classes of utilization.

Subject to §§ 1033.43 and 1033.44, skim milk and butterfat shall be classified in the following classes:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as provided in paragraphs (b) and (c) of this section. Any fluid milk product that is modified by the addition of nonfat milk solids shall be Class I milk in an amount equal only to the weight of an equal volume of an unmodified product of the same nature and butterfat content;

(2) In inventory of packaged fluid milk products at the end of the month; and

(3) Not accounted for as Class II or Class III milk.

(b) *Class II milk.* Except as provided in paragraph (c) of this section, Class II milk shall be all skim milk and butterfat:

(1) Disposed of as fluid cream (including aerated cream and sterilized cream) or as mixtures of cream and milk or skim milk containing 10.5 percent or more butterfat;

(2) In packaged inventory at the end of the month of the products listed in subparagraph (1) of this paragraph;

(3) Used to produce yogurt, sour cream, sour mixtures (such as dips and dressings), cottage cheese, cottage cheese curd, pancake mixes, and puddings; and

(4) Disposed of in bulk as milk, skim milk, or cream to any commercial food processing establishment (other than a milk or filled milk plant) for the manufacture of packaged food products (other than milk products and filled milk) for consumption off the premises.

(c) *Class III milk.* Class III milk shall be:

(1) Skim milk and butterfat used to produce butter, nonfat dry milk, dry whole milk, dry whey, dry buttermilk, casein, cheese (except cottage cheese and

(viii) Less 1.5 percent of bulk fluid milk products transferred to other plants;

(6) Skim milk and butterfat, respectively, in shrinkage of other source milk assigned pursuant to § 1033.42(b) (2); and

(7) Skim milk and butterfat, respectively, in shrinkage of milk from producers that is diverted from a pool plant to a nonpool plant by a cooperative association acting as a handler pursuant to § 1033.16(b) or in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1033.16(c), but not in excess of 0.5 percent of the receipts of milk from producers, exclusive of such receipts for which farm weights are used as the basis of receipt at the plant to which delivered.

§ 1033.42 Shrinkage.

The market administrator shall:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, at each pool plant; and

(b) If other source milk is received at the pool plant, shrinkage at such plant shall be prorated between:

(1) Skim milk and butterfat, respectively in the receipts used in the computations pursuant to § 1033.41(c) (5); and

(2) Skim milk and butterfat, respectively, in other source milk in bulk fluid form, exclusive of that specified in § 1033.41(c) (5).

§ 1033.43 Interplant movements.

Skim milk or butterfat in the form of a fluid milk product or bulk cream shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred or diverted from a pool plant to another pool plant, subject to the following conditions:

(1) The skim milk or butterfat so assigned to each class shall be limited to the amount thereof remaining in such class in the transferee plant after the computations pursuant to § 1033.46(a) (12) and the corresponding step of § 1033.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1033.46(a) (6) and the corresponding step of § 1033.46 (b), the skim milk and butterfat so

transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1033.46(a) (11) or (12) and the corresponding steps of § 1033.46(b), the skim milk and butterfat so transferred or diverted up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant; and

(4) Skim milk and butterfat transferred or diverted in bulk to a pool supplier plant from another pool plant shall be assigned in sequence beginning with Class III to the milk remaining in each class at the transferee plant after the computations pursuant to § 1033.46(a) (12) and the corresponding step of § 1033.46(b);

(b) As Class I milk, if transferred from a pool plant to a producer-handler plant. If Class II or Class III utilization is requested by the operators of both plants, such classification shall be as Class II or Class III milk to the extent of such utilization at the transferee plant;

(c) As Class I milk, if transferred as packaged fluid milk products to a nonpool plant that is not an other order plant or a producer-handler plant;

(d) As Class I milk, if transferred or diverted in bulk 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 assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1033.30 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 or diverted 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 route disposition 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 such receipts from other order plants, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of bottling grade milk for such nonpool plant;

(ii) Any route disposition in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts of fluid milk products from plants fully regulated by such order, next pro rata to such 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 regular sources of supply of bottling grade milk for such nonpool plant;

(iii) Class I utilization (exclusive of that resulting from transfers of milk to pool plants and other order plants) 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 regular sources of supply of bottling grade milk for such nonpool plant, and any remaining Class I utilization (including that resulting from transfers of milk to pool plants and other order plants) shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool plants 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 or diverted shall be classified as Class II milk to the extent that Class II utilization is available and the remainder as Class III milk; and

(e) As follows, if transferred or diverted to another order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, which allocated as a fluid milk product under the other order;

(2) If transferred or diverted in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class III milk to the extent of the Class III utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for only two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk and butterfat allocated to the other class shall be classified as Class III milk; and

(6) If the form in which any fluid milk product transferred to another order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1033.41.

§ 1033.44 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise. In the case of milk received from pro-

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III milk pursuant to § 1033.41(c) (5);

(2) Subtract from the total pounds of skim milk in 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;

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (6) (v) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the remaining pounds of skim milk in Class I the pounds of skim milk in inventory of packaged fluid milk products at the beginning of the month; *Provided*, That this subparagraph shall apply only to a plant that was fully regulated in the immediately preceding month under this order or any other Federal order providing for a similar allocation of beginning inventories of packaged fluid milk products;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in packaged products listed in § 1033.41(b) (1) that are received from other plants or in inventory at the beginning of the month;

(6) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product or bulk cream;

(ii) Receipts of fluid milk products (except filled milk) and bulk cream for which bottling grade certification is not

ducers by a handler described in § 1033.16 (c) for delivery to a pool plant, such handler shall have the burden of proving the classification of skim milk and butterfat in the milk specified in § 1033.15(c), and the operator of such pool plant shall have the burden of proving the classification of skim milk and butterfat in the milk specified in § 1033.15 (a) (2).

(b) If verification by the market administrator discloses that the original classification of skim milk or butterfat was incorrect, such skim milk or butterfat shall be reclassified.

§ 1033.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors all reports submitted pursuant to § 1033.30 and shall compute for each handler the pounds of skim milk and butterfat in each class, subject to the following conditions:

(a) The skim milk contained in any product utilized, produced, or disposed of by a handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids;

(b) If a handler with two or more pool plants has no fluid milk products to be assigned under § 1033.46(a) (11) or (12) and the corresponding steps of § 1033.46 (b), allocations under § 1033.46 shall be determined separately for each of his pool plants. Otherwise, the market administrator shall combine the receipts and utilization in each of the respective classes at all pool plants of such handler for purposes of § 1033.46; and

(c) The classification, allocation, and pool obligation with respect to producer milk for which a cooperative association is the handler pursuant to § 1033.16 (b) and (c) shall be determined separately from the operations of any pool plant operated by such cooperative association.

§ 1033.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1033.45, the market administrator shall determine the classification of producer milk for each handler (or each pool plant, if applicable) as follows:

(e) As follows, if transferred or diverted to another order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, which allocated as a fluid milk product under the other order;

(2) If transferred or diverted in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class III milk to the extent of the Class III utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for only two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk and butterfat allocated to the other class shall be classified as Class III milk; and

(6) If the form in which any fluid milk product transferred to another order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1033.41.

§ 1033.44 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise. In the case of milk received from pro-

ducers by a handler described in § 1033.16 (c) for delivery to a pool plant, such handler shall have the burden of proving the classification of skim milk and butterfat in the milk specified in § 1033.15(c), and the operator of such pool plant shall have the burden of proving the classification of skim milk and butterfat in the milk specified in § 1033.15 (a) (2).

(b) If verification by the market administrator discloses that the original classification of skim milk or butterfat was incorrect, such skim milk or butterfat shall be reclassified.

§ 1033.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors all reports submitted pursuant to § 1033.30 and shall compute for each handler the pounds of skim milk and butterfat in each class, subject to the following conditions:

(a) The skim milk contained in any product utilized, produced, or disposed of by a handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids;

(b) If a handler with two or more pool plants has no fluid milk products to be assigned under § 1033.46(a) (11) or (12) and the corresponding steps of § 1033.46 (b), allocations under § 1033.46 shall be determined separately for each of his pool plants. Otherwise, the market administrator shall combine the receipts and utilization in each of the respective classes at all pool plants of such handler for purposes of § 1033.46; and

(c) The classification, allocation, and pool obligation with respect to producer milk for which a cooperative association is the handler pursuant to § 1033.16 (b) and (c) shall be determined separately from the operations of any pool plant operated by such cooperative association.

§ 1033.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1033.45, the market administrator shall determine the classification of producer milk for each handler (or each pool plant, if applicable) as follows:

§ 1033.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices calculated pursuant to § 1033.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

- (a) *Class I milk.* Multiply the Chicago butter price for the preceding month by 0.12.
- (b) *Class II and Class III milk.* Multiply the Chicago butter price for the month by 0.115.

§ 1033.53 Location differentials.

(a) For producer milk at a plant located outside the Central Zone that is classified as Class I milk, subject to the limitation set forth in paragraph (b) of this section, and for other source milk to which a location adjustment applies, the Class I price specified in § 1033.51(a) shall be adjusted as follows:

- (1) At a plant in the Southeastern Zone, the Class I price shall be increased 5 cents;
- (2) At a plant in the Northwestern Zone, the Class I price shall be decreased 5 cents;
- (3) At a plant outside the marketing area and 60 miles or less from the city hall of the city listed below that is nearest such plant, the Class I price shall be the Class I price applicable at the location of such nearest city hall:

OHIO

Cincinnati.
Coshoccon.
Dayton.

KENTUCKY

Ashland.

WEST VIRGINIA

Beckley.
Charleston.

- (4) At a plant outside the marketing area and more than 60 miles from the city hall of each of the cities listed in subparagraph (3) of this paragraph, the Class I price shall be the Class I price applicable at the location of the nearest city hall of such cities, less 11 cents and

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

MINIMUM PRICES

§ 1033.50 Basic formula price.

The basic formula price shall be the price per hundredweight for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota, as reported on a 3.5 percent butterfat basis by the Department for the month. For the purpose of computing Class I prices, the basic formula price shall not be less than \$4.33.

§ 1033.51 Class prices.

Subject to the provisions of §§ 1033.52 and 1033.53, the class prices per hundredweight for the month shall be as follows:

- (a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus \$1.50, plus 20 cents.
- (b) *Class II price.* The Class II price shall be the basic formula price for the month plus 10 cents.
- (c) *Class III price.* The Class III price shall be the basic formula price for the month, but not to exceed an amount computed as follows:

- (1) Multiply the Chicago butter price by 4.2;
- (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 for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; 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.

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in inventory of fluid milk products and bulk cream at the beginning of the month that were not subtracted pursuant to subparagraph (4) of this paragraph;

(10) Add to the remaining pounds of skim milk in Class III the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(11) 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 from unregulated supply plants that were not subtracted pursuant to subparagraphs (2), (6) (iv), and (8) (i) of this paragraph;

(12) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant that are in excess of similar transfers to the same plant and that were not subtracted pursuant to subparagraphs (6) (v) and (8) (ii) of this paragraph;

(i) In series beginning with Class III, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1033.27(m) or the percentage that the Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remainder of such receipts;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products and bulk cream received from other pool plants according to the classification of such products pursuant to § 1033.43(a); and

(14) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

established and receipts of fluid milk products and bulk cream from unidentified sources;

(iii) Receipts of fluid milk products and bulk cream from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants that were not subtracted pursuant to subparagraph (2) of this paragraph; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(7) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in bulk cream received from nonpool plants that were not subtracted pursuant to subparagraph (6) (iii) of this paragraph;

(8) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II and Class III (beginning with Class III) but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraphs (2) and (6) (iv) of this paragraph;

(a) For which the handler requests Class III classification; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts of fluid milk products from other pool handlers, and receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (6) (v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (6) (v) of this paragraph, in excess of similar transfers to such plant, if Class III classification was requested by the operator of such plant and the handler;

less an additional 1.5 cents for each 10 miles or fraction thereof in excess of 70 miles that such plant is located from such nearest city hall; and

(5) For the purpose of this paragraph, distances shall be measured by the shortest hard-surfaced highway distance as determined by the market administrator.

(b) For the purpose of determining the quantity of Class I producer milk on which a location adjustment shall apply under paragraph (a) of this section, the quantity of fluid milk products transferred as Class I milk from pool plants to a pool distributing plant at which the price at the transferor plant shall be assigned pro rata with the receipts of producer milk at the transferee plant to the Class I milk remaining at such transferee plant after the assignments pursuant to § 1033.46(a) (1) through (12) and the corresponding steps of § 1033.46(b). The Class I utilization so assigned to the transferred fluid milk products then shall be allocated first to receipts from plants at which the Class I price is not less than the Class I price at the transferee plant and then to receipts from plants with lower Class I prices, in sequence beginning with the plant having the highest Class I price.

§ 1033.54 Use of equivalent prices.

If for any reason a price quotation or factor required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price or factor determined by the Secretary to be equivalent to the price or factor that is required.

APPLICATION OF PROVISIONS

§ 1033.56 Plants subject to other Federal orders.

(a) Except as specified in § 1033.31 and in paragraph (b) of this section, the provisions of this part shall not apply to a distributing plant or a supply plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless the following conditions are met:

(1) The plant is qualified as a pool plant pursuant to § 1033.12 during the current month and the preceding month; and

(2) A greater volume of fluid milk products, except filled milk, is disposed of from such plant as route disposition in the Ohio Valley marketing area and to pool plants qualified on the basis of route disposition in the Ohio Valley marketing area than is disposed of from such plant as route disposition in the marketing area regulated pursuant to the other order and to plants qualified as fully regulated plants under such other order on the basis of route disposition in its marketing area.

(b) Each handler operating a distributing plant described in paragraph (a) of this section that is regulated under an order providing for individual handler pooling shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of as route disposition in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant as route disposition in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to the route disposition in each marketing area; and

(2) Compute the value of the quantity of reconstituted skim milk assigned in subparagraph (1) of this paragraph to route disposition in this marketing area at the Class I price under this part applicable at the location of the other order plant (not to be less than the Class III price) and subtract its value at the Class III price.

§ 1033.57 Obligation of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to para-

graph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1033.30(c) and 1033.31(d) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1033.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or another order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. No obligation shall apply to Class I milk transferred to a pool plant or an other order plant; if such Class I utilization is assigned to receipts at the partially regulated distributing plant from pool plants and other order plants at which such milk was classified and priced as Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1033.60(g) and a credit in the amount specified in § 1033.71(b) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified below in subdivision (ii) of this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1033.30(c) and 1033.31(d) similar reports for each nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1033.12(b), with agreement of the operator of such plant that the market administrator may examine the books

and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation deduct the sum of:

(i) The gross payments made by such handler for bottling grade milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph; and

(ii) Payments to the producer-settlement fund of another order issued pursuant to the Act under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat in the plant's route disposition in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received at the plant;

(3) 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

(4) From a nonpool plant that is not an other order plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such nonpool 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) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area;

(6) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(7) From the value of such milk at the Class I price applicable at the location of the nonpool plant (not to be less than the Class III price) subtract its value at the weighted average price applicable at such location (not to be less than the

graphs (h), (i), and (j) of this section by the hundredweight of producer milk specified in paragraph (f) (1) of this section; and

(l) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers at plants located in the Central Zone.

PAYMENTS FOR MILK

§ 1033.70 Producer-settlement fund.

The market administrator shall maintain a separate fund, known as the "producer-settlement fund", which shall function as follows:

(a) All payments made by handlers pursuant to §§ 1033.55(b), 1033.57, 1033.71, and 1033.77 shall be deposited in this fund, and all payments made pursuant to §§ 1033.72 and 1033.77 shall be made out of this fund;

(b) All amounts subtracted pursuant to § 1033.61(i) shall be deposited in this fund and shall remain therein as an obligated balance until withdrawn for the purpose of effectuating § 1033.61(j); and

(c) The difference between the amount added pursuant to § 1033.61(e) and the amount resulting from the subtraction pursuant to § 1033.61 (g) or (l) shall be deposited in, or withdrawn from, this fund, as the case may be.

§ 1033.71 Payments to the producer-settlement fund.

(a) On or before the 25th day of the month, each handler shall pay to the market administrator an amount determined by multiplying the hundredweight of producer milk received by him during the first 15 days of the month by the basic formula price for the preceding month, less proper deductions and charges authorized in writing by producers from whom he received milk.

(b) On or before the 14th day after the end of the month, each handler shall pay to the market administrator an amount equal to his net pool obligation computed pursuant to § 1033.60 less:

(1) The amount obtained from multiplying the weighted average price applicable at the location of the plants from which the other source milk is received (not to be less than the Class III price) by the hundredweight of other source

such milk varies from 3.5 percent by the butterfat differential pursuant to § 1033.73, and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the total value of the minus location differentials computed pursuant to § 1033.74(a);

(d) Subtract an amount equal to the total value of the plus location differentials computed pursuant to § 1033.74(a);

(e) Add an amount representing not less than one-half of the unobligated balance in the producer-settlement fund;

(f) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1033.60(g);

(g) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "weighted average price", and, except for the months specified below, shall be the "uniform price" for milk received from producers at plants located in the Central Zone;

(h) For the months specified in paragraphs (i) and (j) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (e) of this section the amount obtained by multiplying the hundredweight of milk specified in paragraph (f) (2) of this section by the weighted average price;

(i) Subtract for each of the months of April, May, June, and July the amount obtained by multiplying the hundredweight of producer milk specified in paragraph (f) (1) of this section by a rate that is equal to 6 percent of the average basic formula price (computed to the nearest cent) for the preceding calendar year but not to exceed 25 cents;

(j) Add for each of the months of September, October, and November one-fourth of the total amount subtracted pursuant to paragraph (i) of this section for the preceding period of April through July, and add for the month of December the remainder of such total amount plus any interest earned on such total amount;

(k) Divide the amount resulting from the computations pursuant to paragraphs

were in Class I inventory at the end of the preceding month under the Greater Cincinnati (this Part 1033) and Miami Valley (Part 1034 of this chapter) Federal orders:

(f) Add the amount obtained from multiplying the difference between the Class I price at the pool plant and the Class III price, both for the current month, by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1033.46(a) (6) and (7) and the corresponding steps of § 1033.46 (b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1033.46(a) (6) (iv) and (v) and the corresponding steps of § 1033.46(b) (6) the Class I price shall be adjusted to the location of the transferor plant (but not to be less than the Class III price); and

(g) Add the amount obtained from multiplying the Class I price adjusted for the location of the nearest nonpool plants from which an equivalent volume was received, but not to be less than the Class III price, by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1033.46(a) (11) and the corresponding step of § 1033.46(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.

§ 1033.61 Computation of the uniform price.

For each month the market administrator shall compute the uniform price per hundredweight as follows:

(a) Combine into one total the values computed pursuant to § 1033.60 for all handlers who filed the reports prescribed by § 1033.30 for the month and who made the payments required pursuant to § 1033.71 for the preceding month;

(b) Subtract, if the average butterfat content of the milk specified in paragraph (f) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, the amount obtained by multiplying the amount by which the average butterfat content of

Class III price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant (not to be less than the Class III price) less the value of such skim milk at the Class III price.

COMPUTATION OF UNIFORM PRICE

§ 1033.60 Computation of the net pool obligation of each handler.

The net pool obligation of each handler described in § 1033.16 (a), (b), and (c) for each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of producer milk in each class as computed pursuant to § 1033.46(c) by the applicable class price and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of average deducted from each class pursuant to § 1033.46(a) (14) and the corresponding step of § 1033.46(b) by the applicable class price;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I or Class II price for the current month, as the case may be, by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1033.46(a) (9) and the corresponding step of § 1033.46(b);

(d) Add the amount obtained from multiplying the difference between the Class I price for the preceding month and the Class I price for the current month, by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1033.46(a) (4) and the corresponding step of § 1033.46(b). If the Class I price for the current month is less than the Class I price for the preceding month, the result shall be a minus amount;

(e) For the first month that this paragraph is effective, subtract the amount obtained from multiplying the difference between the Class I price applicable in the preceding month to the following products and the Class II price for the current month by the hundredweight of skim milk and butterfat in the products listed in § 1033.41(b) (1) and (3) that

month for which a value is computed pursuant to § 1033.60(g);

(2) Payments made pursuant to paragraph (a) of this section for such month; and

(3) Proper deductions and charges authorized in writing by producers from whom he received milk, except that the total deductions and charges made under this section for the month for each producer shall not be greater than the total value of the milk received from such producer during the month.

§ 1033.72 Payments from the producer-settlement fund.

(a) On or before the 28th day of the month, the market administrator shall make payment, subject to paragraph (c) of this section, to each producer for milk received from such producer during the first 15 days of the month by handlers from whom the appropriate payments have been received pursuant to § 1033.71

(a) at a rate per hundredweight equal to the basic formula price for the preceding month, less the authorized deductions and charges made by the handlers with respect to such milk;

(b) On or before the 17th day after the end of the month, the market administrator shall make payment, subject to paragraph (c) of this section, to each producer for milk received from such producer during the month by handlers from whom the appropriate payments have been received pursuant to § 1033.71

(a) at the uniform price per hundredweight as adjusted pursuant to §§ 1033.73, 1033.74, and 1033.75, less:

(1) Payments made pursuant to paragraph (a) of this section for such month; and

(2) Authorized deductions and charges made by the handlers with respect to such milk;

(c) In making payments to producers pursuant to paragraphs (a) and (b) of this section, the market administrator shall pay, on or before the day prior to the dates specified in such paragraphs, to each cooperative association for all producers who market their milk through the association and who are certified to the market administrator by the association as having authorized the association to receive such payment an amount equal to the sum of the individual payments

otherwise payable to such producers pursuant to paragraphs (a) and (b) of this section;

(d) If the market administrator does not receive the full payment required of a handler pursuant to § 1033.71, he shall reduce uniformly per hundredweight his payments to producers for milk received by such handler by a total amount not in excess of the amount due from such handler. The market administrator shall complete the payments to producers on or before the next date for making payments pursuant to this section following the date on which the remaining payment is received from such handler; and

(e) If the unobligated balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, except those payments due producers as described in paragraph (d) of this section, the market administrator shall reduce uniformly per hundredweight his payments to producers on or before the next date for making payments pursuant to this section following the date on which the funds become available.

§ 1033.73 Butterfat differential to producers.

The uniform price for producer milk shall be increased or decreased for each one-tenth percent that the butterfat content of the milk is above or below 3.5 percent, respectively, at the rate determined as follows:

(a) Compute the percentage of the total butterfat in producer milk assigned to each class pursuant to § 1033.46;

(b) Multiply each such percentage figure by the butterfat differential for the respective class pursuant to § 1033.52; and

(c) Add into one total the values obtained in paragraph (b) of this section, rounding the result to the nearest even one-tenth cent.

§ 1033.74 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk at a plant outside the Central Zone shall be the Central Zone uniform price adjusted according to the location of the plant at the rates set forth in § 1033.53(a); and

(b) For the purpose of computations pursuant to § 1033.71(b)(1), the weighted average price shall be adjusted at the rate set forth in § 1033.53(a) that is applicable at the location of the non-pool plant from which other source milk was received.

§ 1033.75 Marketing services.

(a) The market administrator, in making payments to each producer pursuant to § 1033.72, shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to the milk (except a handler's own farm production) of such producer for whom the marketing services set forth in paragraph (b) of this section are not being performed by a cooperative association as determined by the Secretary.

(b) The moneys deducted pursuant to paragraph (a) of this section shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed by the market administrator or by an agent engaged by and responsible to him.

§ 1033.76 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 14th day after the end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) His producer milk (including such handler's own farm production);

(b) Other source milk allocated to Class I pursuant to § 1033.46(a) (6), (7), and (11) and the corresponding steps of § 1033.46(b), except such other source milk on which no handler obligation applies pursuant to § 1033.60(g); and

(c) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the Class I milk;

(1) Received during the month at such plant from pool plants and other order plants that is not used as an offset under a similar provision of another order issued pursuant to the Act; and

(2) Specified in § 1033.57(b) (2) (ii).

§ 1033.77 Correction of errors.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due the market administrator from such handler, the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred following the fifth day after such notice. Any monies found to be due a handler from the market administrator shall be paid promptly to such handler except that the market administrator shall offset any monies due a handler against monies due from such handler.

EFFECTIVE TIME AND SUSPENSION OR TERMINATION

§ 1033.80 Effective time.

The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1033.81 Suspension or termination.

The Secretary shall suspend or terminate any or all of the provisions of this part whenever he finds that such provision(s) obstructs or does not tend to effectuate the declared policy of the Act. In any event, this part shall terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1033.82 Continuing powers, duties, and obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination. If the Secretary so directs, any such acts required to be performed by the market administrator shall be performed by such other person, persons, or agency as the Secretary may designate, if the Secretary so directs. The market

involved in the claim (including deduction or offset by the market administrator) was due and payable under this part.

Effective date: August 1, 1970.

Signed at Washington, D.C., on June 25, 1970.

RICHARD E. LYNG,
Assistant Secretary.

[P.R. Doc. 70-8307; Filed, June 29, 1970; 8:51 a.m.]

§ 1421.325 Purpose.

This subpart contains additional program provisions which, together with the applicable provisions of the regulations specified in § 1421.300 of the 1970 and Subsequent Crop Rice Loan and Purchase Program regulations and any amendments thereto, apply to loans and purchases for the 1970 crop rice.

§ 1421.326 Availability.

(a) Loans. Producers must request a loan on 1970 crop eligible rice on or before March 31, 1971.

(b) Purchases. Producers desiring to offer eligible rice not under loan for purchase must execute and deliver to the county office prior to April 30, 1971, a Purchase Agreement (Form CCC-614) indicating the approximate quantity of rice they will sell to CCC.

§ 1421.327 Maturity of loans.
Unless demand is made earlier, loans on rice will mature on April 30, 1971.

§ 1421.328 Support rates.

The loan rate for rice placed under a loan other than a loan on rice stored commingled in an approved warehouse shall be the applicable basic support rate specified in paragraph (a) of this section adjusted as provided in paragraphs (c) and (d) of this section. The support rate for loans on rice stored commingled

(d) Unless a handler files a petition pursuant to section 8c(15)(A) of the Act for a review of the validity of any such handler's obligation within the 2-year period specified in this paragraph, any obligation on the part of the market administrator to revise or rescind such handler's obligation or to pay money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the obligation

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1970 Crop Rice Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 Crop Rice Loan and Purchase Program

The General Regulations Governing Price Support for the 1970 and Subsequent Crops (35 P.R. 7363) and the 1970 and Subsequent Crops Rice Loan and Purchase Program regulations (35 P.R. 8443) which contain regulations of a general nature with respect to price support operations are further supplemented for the 1970 crop of rice as follows:

Sec.
1421.325 Purpose.
1421.326 Availability.
1421.327 Maturity of loans.
1421.328 Support rates.

ATTORNEY: 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. 101, 401, 62 Stat. 1051, as amended, 1054, sec. 302, 72 Stat. 988; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1033.92 Termination of obligations.
The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) Except as provided in paragraphs (b) and (c) of this section, the obligation of any handler to pay money required to be paid under the terms of this part shall terminate 2 years after the last day of the month during which the market administrator receives the handler's monthly report of receipts and utilization on which such obligation is based, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain, but need not be limited to, the following information:

(2) The month(s) on which such obligation is based; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producers or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator, within the 2-year period provided for in paragraph (a) of this section, may notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

administrator, or such other person as the Secretary may designate, shall:

(a) Continue in such capacity until discharged by the Secretary;

(b) From time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such other person, to such person as the Secretary shall direct; and

(c) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 1033.83 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate, shall liquidate, if so directed by the Secretary, the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1033.90 Agents.

The Secretary, by designation in writing, may name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1033.91 Separability of provisions.

If any provision of this part, or its application to any persons or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

in an approved warehouse and for settlement of all loans and purchases shall be the applicable basic support rate specified in paragraph (a) of this section, adjusted in accordance with the provisions of this section and §§ 1421.310 and 1421.23.

(a) **Basic rates.** The basic support rate per 100 pounds of rice shall be computed as follows: Multiply the yield (in pounds per hundredweight) of head rice by the applicable value factor for head rice (as shown in the table below according to class) and round the result to the nearest hundredth. Similarly, multiply the difference between the total yield and the head rice yield (in pounds per hundredweight) by the applicable value factor for broken rice and round the result to the nearest hundredth. Add the results (as rounded) of these two computations to obtain the basic loan or purchase rate per 100 pounds of rice and express such rate in dollars and cents.

VALUE FACTORS FOR HEAD AND BROKEN RICE¹

Rough rice class	Head rice		Broken rice
	Cents per pound		
Long grains	8.30	4.15	
Medium grains	7.30	4.15	
Short grains	7.25	4.15	

¹ These value factors may be changed. Such changes, if any, will be made by an amendment to this section issued shortly after Aug. 1, 1970.

(b) **Premium.** The basic support rate determined under paragraph (a) of this section shall be adjusted by the following premium:

Grade U.S. No. 1	Cents per 100 pounds
Grade U.S. No. 1	10

(c) **Discounts—(1) Grade.** The basic support rate determined under paragraph (a) of this section shall be adjusted for grades below U.S. No. 2 by the following discounts.

Grade U.S. No. 3	Cents per 100 pounds
Grade U.S. No. 3	15
Grade U.S. No. 4	30
Grade U.S. No. 5	50

(2) **Smut damage.** The support rate for rice evidencing smut damage shall be further adjusted by the following discounts:

Percent smut damage:	Cents per 100 pounds
Trace	0
0.1-1.0	5
1.1-2.0	10
2.1-3.0	15
2.1 and over	25

(d) **Location differentials.** For rice produced in the areas specified below discounts for location (to adjust for transportation costs of moving the rice to an area where competitive milling facilities are available) shall be applied to the basic support rate determined under paragraph (a) of this section and shall be in addition to any adjustment under paragraph (b) or (c) of this section: *Provided, however,* That if such rice is transported and stored in a rice producing area where no location differential is applicable, no discount for location shall be applied.

DIFFERENTIAL TABLE

Area	Discount per 100 pounds
Imperial County, Calif., and adjacent counties in Arizona and California	\$1.14
State of Florida	1.10
States of North Carolina and South Carolina	1.05
Counties of Marion, Pike, and St. Charles, Mo.	.74
Counties of Lafayette, Little River, and Miller, Ark.; Bowie, Tex.; McCurtain, Okla.; and Bossier Parish, La.	.105

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 19, 1970.

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

[F.R. Doc. 70-8260; Filed, June 29, 1970; 8:47 a.m.]

PART 1464—TOBACCO

Subpart A—Tobacco Loan Program

FLUE-CURED TOBACCO, 1970 CROP

Set forth below is a schedule of advance rates, by grade, for the 1970 crop of types 11-14 flue-cured tobacco, under the tobacco price support loan program. The material previously appearing under § 1464.16 remains applicable to the crop to which it refers.

§ 1464.16 1970 Crop—Flue-cured tobacco, types 11-14, advance schedule.¹

[Dollars per hundred pounds, farm sales weight]

Grade	Advance Rate	Grade	Advance Rate
A1F	92.25	B2FR	80.25
A2F	90.25	B3FR	77.25
B1L	86.25	B4FR	73.25
B2L	81.25	B5FR	69.25
B3L	78.25	B6FR	64.25
B4L	76.25	B3R	63.25
B5L	72.25	B4R	58.25
B6L	68.25	B5R	52.25
B1F	86.25	B6R	47.25
B2F	81.25	B3K	68.25
B3F	78.25	B4K	66.25
B4F	76.25	B5K	62.25
B5F	72.25	B6K	56.25
B6F	68.25	B3LV	74.25
B1FR	85.25	B4LV	70.25

¹ The advance rates listed are applicable only to untied flue-cured tobacco identified as a 1970 tobacco marketing card which does not bear either the notation "No Price Support" or "Discount Variety Limited Support" and which does not, together with all other tobacco previously marketed and currently being offered for marketing on a single tobacco sales bill, exceed 110 percent of the effective farm marketing quota. Rates for tobacco identified on a marketing card which bears the notation "Discount Variety Limited Support," which does not bear the notation "No Price Support" and which does not, together with all other tobacco previously marketed and currently being offered for marketing on a single tobacco sales bill, exceed 110 percent of the effective farm marketing quota, are 50 percent of the advance rates listed, plus twelve and one-half cents (\$0.125) per hundred pounds. Rates for tied flue-cured tobacco are three dollars (\$3.00) per hundred pounds more for each grade than

Grade	Advance Rate	Grade	Advance Rate
B5LV	66.25	C1L	88.25
B3FV	74.25	C2L	86.25
B4FV	70.25	C3L	84.25
B5FV	68.25	C4L	82.25
B3LS	69.25	C5L	80.25
B4LS	67.25	C1F	88.25
B5LS	63.25	C2F	86.25
B6LS	56.25	C3F	84.25
B3FS	65.25	C4F	82.25
B4FS	63.25	C5F	80.25
B5FS	59.25	C4LV	78.25
B6FS	53.25	C4FV	78.25
B3KL	60.25	C4LS	74.25
B4KL	58.25	C5LS	71.25
B5KL	54.25	C4K	79.25
B6KL	48.25	C4KL	75.25
B3KF	59.25	C4KF	75.25
B4KF	57.25	C4KM	75.25
B5KF	53.25	C4KR	79.25
B6KF	47.25	X1L	84.25
B3KM	63.25	X2L	82.25
B4KM	61.25	X3L	80.25
B5KM	57.25	X4L	77.25
B6KM	51.25	X5L	72.25
B3KR	69.25	X1F	84.25
B4KR	67.25	X2F	82.25
B5KR	63.25	X3F	80.25
B6KR	59.25	X4F	77.25
B3KV	53.25	X5F	72.25
B6KV	48.25	X3LV	75.25
B5RR	47.25	X4LV	72.25
B4GL	63.25	X3FV	75.25
B5GL	60.25	X4FV	72.25
B6GL	54.25	X3LS	72.25
B4GF	62.25	X4LS	68.25
B5GF	57.25	X3FS	71.25
B6GF	52.25	X4FS	68.25
B4GR	55.25	X4KL	70.25
B5GR	49.25	X4KF	70.25
B6GR	43.25	X4KV	64.25
B4GP	62.25	X3KM	73.25
B5GK	52.25	X4KM	68.25
B6GK	47.25	X4KR	73.25
B5RG	44.25	X4G	63.25
B4GG	45.25	X5G	57.25
B5GG	43.25	X4GK	61.25
H1L	87.25	P2L	79.25
H2L	84.25	P3L	76.25
H3L	82.25	P4L	74.25
H4L	80.25	P5L	66.25
H5L	77.25	P2F	79.25
H6L	73.25	P3F	76.25
H1F	87.25	P4F	73.25
H2F	84.25	P5F	65.25
H3F	82.25	P4G	60.25
H4F	80.25	P5G	53.25
H5F	77.25	N1L	55.25
H6F	73.25	N1XL	60.25
H3FR	76.25	N1K	55.25
H4FR	73.25	N1F	49.25
H5FR	71.25	N1R	42.25
H6FR	67.25	N1GL	48.25
H4K	74.25	N1GF	46.25
H5K	70.25	N1GR	41.25
H6K	65.25	N1GG	37.25

(Sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, sec. 125, 70 Stat. 108, 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423, 7 U.S.C. 1813, 15 U.S.C. 714b, 714c)

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

for untied tobacco similarly identified. Tobacco is eligible for advances only if consigned by the original producer and only if produced by a cooperator.

In all belts, price support will be available on both tied and untied tobacco throughout the entire marketing season.

Tobacco graded "W" (doubtful keeping order), "U" (unsound), N2, No-G or scrap will not be accepted. The cooperative association through which price support is made available is authorized to deduct 25 cents per hundred pounds to apply against overhead costs.

Signed at Washington, D.C., on
June 24, 1970.

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

[P.R. Doc. 70-8298; Filed, June 29, 1970;
8:50 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3215 is amended to show that the Schedule B authority for not to exceed 35 positions of Manpower Development Specialist at grades GS-9 through GS-15 in the Manpower Administration has been extended for 1 year, until June 30, 1971. Effective on publication in the FEDERAL REGISTER, paragraph (c) of § 213.3215 is amended as set out below.

§ 213.3215 Department of Labor.

(c) Not to exceed 35 positions of Manpower Development Specialist at grades GS-9 through GS-15 in the Manpower Administration. This authority may not be used after June 30, 1971.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

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

[P.R. Doc. 70-8341; Filed, June 29, 1970;
8:51 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that two Confidential Assistants for interdepartmental activities, Office of the Secretary, are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (18) is added to paragraph (a) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* * * *

(18) Two Confidential Assistants for interdepartmental activities.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

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

[P.R. Doc. 70-8338; Filed, June 29, 1970;
8:51 a.m.]

PART 213—EXCEPTED SERVICE U.S. Arms Control and Disarmament Agency

Section 213.3364 is amended to show that one Private Secretary to the Deputy Assistant Director, Bureau of Economics, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (g) is added to § 213.3364 as set out below.

§ 213.3364 U.S. Arms Control and Disarmament Agency.

(g) One Private Secretary to the Deputy Assistant Director, Bureau of Economics.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

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

[P.R. Doc. 70-8342; Filed, June 29, 1970;
8:51 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one position of Special Assistant to the Director, Office of Housing Management, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (9) is added to paragraph (c) of § 213.3384 as set out below.

§ 213.3384 Department of Housing and Urban Development.

(c) *Office of the Assistant Secretary for Renewal and Housing Management.* * * *

(9) One Special Assistant to the Director, Office of Housing Management.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

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

[P.R. Doc. 70-8339; Filed, June 29, 1970;
8:51 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one position of Director, Special Projects, in Operation "Breakthrough" is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (3) is added to paragraph (e) of § 213.3384 as set out below.

§ 213.3384 Department of Housing and Urban Development.

(g) *Office of the Assistant Secretary for Research and Technology.* * * *

(3) The Director of Special Projects, Operation "Breakthrough."

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

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

[P.R. Doc. 70-8340; Filed, June 29, 1970;
8:51 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:

1. In § 78.2, the introductory portion of paragraph (e) is amended by adding the name of the State of Delaware; paragraph (f) is amended by deleting the name of the State of Delaware; and a new paragraph (e) (21) relating to the State of Delaware is added to read:

(21) *Delaware.* That portion of Kent County bounded by a line beginning at the junction of U.S. Highway 13 and State Highway 42; thence, following U.S. Highway 13 in a generally southeasterly direction to State Highway 10; thence, following State Highway 10 in a generally southwesterly direction to the Delaware-Maryland State line; thence, following the Delaware-Maryland State line in a northerly direction to State Highway 300; thence, following State Highway 300 in a northeasterly direction to State Highway 42; thence, following State Highway 42 in a generally easterly direction to its junction with U.S. Highway 13.

2. In § 76.2, in paragraph (e) (6) relating to the State of Massachusetts, a new subdivision (iv) relating to Bristol County and a new subdivision (v) relating to Plymouth County are added to read:

(6) *Massachusetts.* * * *

(iv) That portion of Bristol County comprised of Acushnet, Fairhaven, and New Bedford Townships.

(v) That portion of Plymouth County comprised of Mattapoisett Township.

3. In § 76.2, in paragraph (e) (8) relating to the State of Mississippi, a new subdivision (ii) relating to Madison County is added to read:

(8) *Mississippi*. * * *

(ii) That portion of Madison County bounded by a line beginning at the junction of the Madison-Leake County line and State Highway 16; thence, following State Highway 16 in a generally southwesterly direction to U.S. Highway 51; thence, following U.S. Highway 51 in a generally northeasterly direction to the Madison-Yazoo County line; thence, following the Madison-Yazoo County line in a northeasterly direction to the Madison-Attala County line; thence, following the Madison-Attala County line in a generally easterly direction to the Madison-Leake County line; thence, following the Madison-Leake County line in a southerly direction to its junction with State Highway 16.

4. In § 76.2, in paragraph (e) (19) relating to the State of North Carolina, subdivision (ii) relating to Perquimans and Chowan Counties is amended to read:

(19) *North Carolina*. * * *

(ii) The adjacent portions of Gates, Perquimans, and Chowan Counties bounded by a line beginning at the junction of Secondary Roads 1002 and 1428 in Gates County; thence, following Secondary Road 1002 in a southwesterly direction to Secondary Road 1413; thence, following Secondary Road 1413 in a southeasterly direction to Secondary Road 1204; thence, following Secondary Road 1204 in a southeasterly direction to Secondary Road 1001; thence, following Secondary Road 1001 in a generally southerly direction to Secondary Road 1214; thence, following Secondary Road 1214 in a southeasterly direction to Secondary Road 1216; thence, following Secondary Road 1216 in a southwesterly direction to Secondary Road 1215; thence, following Secondary Road 1215 in a generally southeasterly direction to Secondary Road 1120; thence, following Secondary Road 1120 in a generally southeasterly direction to the Norfolk Southern Railway; thence, following the Norfolk Southern Railway in a southwesterly direction to Secondary Road 1108; thence, following Secondary Road 1108 in a northwesterly direction to Secondary Road 1110; thence, following Secondary Road 1110 in a northwesterly direction to Secondary Road 1113; thence, following Secondary Road 1113 in a generally southwesterly direction to Secondary Road 1110; thence, following Secondary Road 1110 in a northwesterly direction to Secondary Road 1312; thence, following Secondary Road 1312 in a northwesterly direction to Secondary Road 1002; thence, following Secondary Road 1002 in a westerly direction to Secondary Road 1303; thence, following Secondary Road 1303 in a northwesterly direction to Secondary Road 1304; thence, following Secondary Road 1304 in a northwesterly direction to North Carolina Highway 32; thence, following North Carolina Highway 32 in a

northeasterly direction to Secondary Road 1233; thence, following Secondary Road 1233 in a northwesterly direction to Secondary Road 1232; thence, following Secondary Road 1232 in a northwesterly direction to Secondary Road 1102; thence, following Secondary Road 1102 in a northerly direction to Secondary Road 1100; thence, following Secondary Road 1100 in a northwesterly direction to Secondary Road 1104; thence, following Secondary Road 1104 in a northeasterly direction to North Carolina Highway 37; thence, following North Carolina Highway 37 in a southeasterly direction to Secondary Road 1410; thence, following Secondary Road 1410 in a northeasterly direction to Secondary Road 1426; thence, following Secondary Road 1426 in a generally southeasterly direction to its junction with Secondary Road 1002 in Gates County.

5. In § 76.2, the introductory portion of paragraph (e) is amended by deleting therefrom the name of the State of Illinois and paragraph (e) (4) relating to the State of Illinois is deleted.

6. In § 76.2, in paragraph (e) (16) relating to the State of Texas, subdivisions (iii) and (iv) relating to El Paso County are deleted.

(Secs. 4-7, 33 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 Madison County, Miss.; a portion of Kent County, Del.; portions of Bristol and Plymouth Counties in Mass.; and portions of Perquimans, Chowan, and Gates Counties in N.C., 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. Further, the amendments delete the State of Delaware from the list of hog cholera eradication States as set forth in § 7.2(f).

The amendments also exclude portions of Rock Island and Mercer Counties in Ill., and portions of El Paso County, Tex., 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 25th day of June 1970.

T. W. EDMINSTER,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 70-8296; Filed, June 29, 1970; 8:50 a.m.]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime, Night and Holiday Inspection and Quarantine Activities at Border, Coastal, and Air Ports

Pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 7 U.S.C. 2260) and Section 53 of Title 1—Airport and Airway Development Act of 1970 (Public Law 91-258, 84 Stat. 236), § 97.1 of Part 97, Title 9, Code of Federal Regulations, is amended to read as follows:

§ 97.1 Overtime work at laboratories, border ports, ocean ports, and airports.

(a) Any person, firm, or corporation having ownership, custody or control of animals, animal byproducts, or other commodities subject to inspection, laboratory testing, certification, or quarantine under this subchapter and subchapter G of this chapter, and who requires the services of an employee of the Animal Health Division on a holiday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday service request the Division inspector in charge to furnish inspection, laboratory testing, certification or quarantine service during such overtime or holiday period and shall pay the Administrator of the Agricultural Research Service at the rate of \$8.72 per man hour per employee; except that for any services performed on or after July 1, 1970, on a Sunday or holiday, or at any time after 5 p.m. or before 8 a.m. on a week day, in connection with the arrival in or departure from the United States of a private aircraft or

¹ For designated ports of entry for certain animals, animal semen, poultry, and hatching eggs see 9 CFR 92.1 through 92.3; and for designated ports of entry for certain purebred animals see 9 CFR 151.1 through 151.3.

vessel, the total amount payable shall not exceed \$25 for all inspectional services performed by the Customs Service, Immigration and Naturalization Service, Public Health Service, and the Department of Agriculture. A minimum charge of 2 hours shall be made for any holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning either at least 1 hour before his scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each such period of unscheduled overtime or holiday work to which the 2-hour minimum charge provision applies which requires the employee involved to perform additional travel may include a commuted traveltime period the amount of which shall be prescribed in administrative instructions to be issued by the Director of the Animal Health Division for the ports, stations, and areas in which the employees are located and shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from such overtime or holiday duty if such travel is performed solely on account of such overtime or holiday service. With respect to places of duty within the metropolitan area of the employee's headquarters, such commuted travel period shall not exceed 3 hours. When inspection, laboratory testing, quarantine or certification services are performed at locations outside the metropolitan area in which the employee's headquarters are located, one-half of the commuted traveltime period applicable to the point at which the services are performed shall be charged when duties involve overtime that either begins less than 1 hour before the beginning of the regular tour and/or is in continuation of the regular tour of duty: *Provided, however,* That periods of unscheduled overtime or holiday service performed by laboratory personnel shall be limited to Saturdays, Sundays, and holidays, and shall further be limited to hours which would normally constitute a regular work day. It shall be administratively determined from time to time which days constitute holidays.

(b) As used in this section—

(1) The term "private aircraft" means any civilian aircraft not being used to transport persons or property for compensation or hire, and

(2) The term "private vessel" means any civilian vessel not being used (i) to transport persons or property for compensation or hire, or (ii) in fishing operations or in processing of fish or fish products.

(64 Stat. 561, 7 U.S.C. 2260; Public Law 91-258, 84 Stat. 236)

The foregoing amendment shall become effective July 1, 1970, when it shall supersede 9 CFR 97.1, effective April 23, 1970.

The purpose of this amendment is to conform the overtime services regulations to section 53 of Title I—Airport and Airway Development Act of 1970

(Public Law 91-258), effective July 1, 1970, by adding an exception at the end of the first sentence to show that a maximum limitation of \$25 shall be assessed against an owner, operator, or agent of a private aircraft or vessel otherwise subject to reimbursable services under the reimbursable provisions of the Import-Export Overtime Act of 1950 (7 U.S.C. 2260) concerning border clearance.

It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the administrative provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of June 1970.

GEORGE W. IRVING, Jr.,
Administrator,
Agricultural Research Service.

[F.R. Doc. 70-8255; Filed, June 29, 1970;
8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER F—POLICY STATEMENTS

[Reg. PS-41; Amdt. 20]

PART 399—STATEMENTS OF GENERAL POLICY

National Environmental Policy Act of 1969

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of June 1970.

On January 1, 1970, the National Environmental Policy Act of 1969 (Public Law 91-190, 83 Stat. 852) became effective. The stated purposes of that Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

Section 101(b) of that Act provides that, in order to carry out the policy set forth in the Act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources toward certain stated ends.

In section 102 of the National Environmental Policy Act of 1969, the Congress authorizes and directs that, to the fullest extent possible, the policies, regulations, and public laws of the United States shall

be interpreted and administered in accordance with the policies set forth in the Act. All agencies of the Federal Government are required by section 102(2)(C) to include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on certain specified environmental considerations. Prior to making the detailed statement, the responsible Federal official is required to consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved.

Section 103 of that Act provides that all agencies of the Federal Government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of the Act and shall propose to the President not later than July 1, 1971, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in the Act.

The Civil Aeronautics Board hereby adopts the statement of general policy set forth below which indicates the manner in which the Board will exercise its responsibilities under section 102(2)(C) of the National Environmental Policy Act of 1969.

Since the amendment provided for herein is a general statement of policy, notice and public procedure are unnecessary and the amendment may be made effective immediately. Nonetheless, the Board invites all interested persons who desire to submit written comments or suggestions in connection with the amendment to submit twelve (12) copies of such comments or suggestions to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428 by September 15, 1970. Consideration will be given to such submissions with the view to possible further amendments. Copies of the submissions will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 399, Statements of General Policy (14 CFR Part 399), effective June 25, 1970, as follows:

1. By amending the table of contents of Part 399 to include the new title of Subpart J and the title of the new policy statement as follows:

Subpart J—Policies Relating to the Quality of the Human Environment

Sec.
399.110 Implementation of the National Environmental Policy Act of 1969.

2. By adding a new Subpart J, the title of which shall read as follows:

Subpart J—Policies Relating to the Quality of the Human Environment

3. By adding a new § 399.110 to read as follows:

§ 399.110 Implementation of the National Environmental Policy Act of 1969.

(a) (1) The National Environmental Policy Act of 1969 (Public Law 91-190, 83 Stat. 852) authorizes and directs that, to the fullest extent possible, the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies for the protection of the environment set forth in that Act. It is the policy of the Board to exercise and perform its powers and duties in a manner which, to the fullest extent possible, will conform with the policies set forth in the National Environmental Policy Act of 1969.

(2) Pending (i) the development of more detailed procedures, in consultation with the Council on Environmental Quality established by title II of that Act, (ii) the development of arrangements between the Board and other Federal agencies that may be designated as having jurisdiction by law or special expertise in environmental matters, and (iii) the enactment of such legislation as may be proposed by the Board in compliance with section 103 of the Act, this policy statement sets forth the procedure which the Board will follow in complying with section 102(2)(C) of the Act. That section requires the Board to include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment a detailed statement on certain specified environmental considerations. Prior to making the detailed statement, the Board is required to consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved.

(3) Agencies other than the Board have authority in many areas which permits direct regulation of activities affecting the quality of the human environment and, moreover, such agencies have expertise with respect to environmental questions which the Board lacks. However, to the extent that the Board has responsibility with respect to the environment it will make the environmental statement required by the Act and, where necessary, balance any adverse environmental impact against the transportation requirements disclosed by the record. In the usual situation the Board will be required to consider actions which might significantly affect the quality of the human environment in the context of formal proceedings which are decided on the basis of records developed at hearings. As delineated more fully below, the Board intends to issue the environmental statement required by section 102(2)(C) of the Act as part of its decision at the conclusion of formal proceedings. Accordingly, the procedures set forth herein are intended

to encourage participation in those formal proceedings which have as their purpose the consideration of actions which might significantly affect the quality of the human environment by the appropriate Federal, State, and local agencies and by other interested persons, to the end of insuring that a complete record is developed which will permit the Board to fully consider the environmental impact of the contemplated action.

(b) In instituting a proceeding which might result in a major Federal action significantly affecting the quality of the human environment, the manner in which the contemplated action might have such effects and the geographic areas in which the environmental impact is likely to occur will be indicated. The order or notice instituting the proceeding, including the indication of the possible environmental consequences of the contemplated action, will be published in the FEDERAL REGISTER and normally will be served on—

(1) The Department of Transportation and any Federal agency which, according to the guidelines published by the Council on Environmental Quality, has jurisdiction by law or special expertise with respect to the anticipated environmental impact; and

(2) With respect to each State which includes geographic areas indicated as areas in which the contemplated action might significantly affect the quality of the human environment, the Governor of the State, any State agency designated by the Governor, or any State agency or community requesting notice of the proceeding.

(c) (1) For the purposes of paragraph (b) of this section, the Board believes that those of its actions which may fall within the category of "major Federal actions significantly affecting the quality of the human environment" are primarily, but not exclusively, those licensing activities which result in the authorization of air transportation—

(i) To an area not previously served by air transportation; or

(ii) To be operated under conditions or with equipment which might result in changes significantly affecting noise or air pollution levels.

Examples would include the authorization of first service or of a substantial expansion of service at satellite or reliever airports, the authorization of service to new airports or to new cities, the authorization of a substantial increase in service at existing airports, the authorization of service by helicopters or V/STOL aircraft, or by aircraft with unusual noise or air pollution characteristics, or the authorization of service which requires flight patterns, altitudes, or other operating characteristics which might result in a substantial or unusual environmental impact.

(2) Nothing in this paragraph shall be construed as limiting the types of cases in which the Board may consider the impact of a proposed action on the quality of the human environment.

(d) (1) The Board encourages participation in accordance with its rules of practice in every proceeding which might result in a "major Federal action significantly affecting the quality of the human environment" by the appropriate Federal, State, and local agencies and by other interested persons to the end of insuring that a complete record is developed which will permit full consideration of the environmental impact of the contemplated action.

(2) In every proceeding which might result in a "major Federal action significantly affecting the quality of the human environment" applicants will be expected to submit evidence (including, in appropriate circumstances, expert testimony) relating to the environmental impact of their proposed operations. Other persons having positions with respect to the environmental impact of a contemplated action will similarly be expected to submit evidence in support of their positions.

(3) The record shall include, to the extent appropriate, material relating to the following environmental considerations:

(i) The environmental impact of the proposed action,

(ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) Alternatives to the proposed action,

(iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

(4) In every proceeding in which a record has been developed relative to the effect of a proposed action on the quality of the human environment, the examiner shall make findings of fact relating to all such evidence in light of statutory requirements and he shall also set forth his conclusions thereon. The decision of the Board, whether embodied in an opinion or in an initial decision adopted by the Board, will normally follow similar lines.

(5) Ten (10) copies of the Board's decision will be filed with the Council on Environmental Quality in the Executive Office of the President. Copies of the Board's decision will also be made available to the public as provided by 5 U.S.C. 552.

(e) With respect to those proceedings already in progress, the Board recognizes that it will not be possible to comply fully with the procedures here outlined and, in particular, that it will not be possible in every instance to include within the record all of the material relating to the environmental impact of the contemplated action which might otherwise be developed. Nonetheless, it is the policy of the Board to apply these procedures to the fullest extent possible to proceedings already in progress.

(f) Nothing in this policy statement shall be construed as limiting the extent

to which the Board may consider the environmental impact of a proposed action as an element to be weighed in arriving at public interest determinations or in reaching conclusions as to the requirements of the public convenience and necessity.

(Secs. 204(a), 1001, Federal Aviation Act of 1958, 72 Stat. 743, 788, 49 U.S.C. 1324, 1481; sec. 102(2)(C), National Environmental Policy Act of 1969, 83 Stat. 853)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-8279; Filed, June 29, 1970;
8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

MISCELLANEOUS AMENDMENTS TO CHAPTER

The Commission announces the following amendments to Chapter I of Title 16 of the Code of Federal Regulations. These amendments shall become effective as of July 1, 1970.

PART 1—GENERAL PROCEDURES

Subpart D—Administration of the Wool Products Labeling Act of 1939, Fur Products Labeling Act, Flammable Fabrics Act, and Textile Fiber Products Identification Act

1. Section 1.31 is amended to read as follows:

§ 1.31 Administration.

The general administration of the Wool Products Labeling Act of 1939, Fur Products Labeling Act, Flammable Fabrics Act, and Textile Fiber Products Identification Act, and of the respective rules and regulations thereunder is carried out by the Bureau of Consumer Protection. Any interested person may obtain copies of the several Acts and rules and regulations upon request to the Secretary of the Commission.

PART 2—NONADJUDICATIVE PROCEDURES

Subpart A—Investigations

2. Section 2.1 is amended to read as follows:

§ 2.1 How initiated.

Commissioned investigations and inquiries may be originated upon the request of the President, Congress, governmental agencies, or the Attorney General; upon referrals by the courts; upon complaint by members of the public; or by the Commission upon its own initiative. The Commission has delegated to the Directors and Assistant Directors

of the Bureaus of Competition and Consumer Protection, and the Attorneys in Charge and Assistant Attorneys in Charge of the Commission's field offices, without power of redelegation, limited authority to initiate investigations.

3. In § 2.7, paragraph (a) is amended to read as follows:

§ 2.7 Subpoenas in investigations.

(a) The Commission or any member thereof may issue a subpoena, directing the person named therein to appear before a designated representative at a designated time and place to testify or to produce documentary evidence, or both, relating to any matter under investigation by the Commission. The Directors and Assistant Directors of the Bureaus of Competition, Consumer Protection, and Economics, and the Attorneys in Charge and Assistant Attorneys in Charge of the Commission's field offices, pursuant to delegation of authority by the Commission, without power of redelegation, also may issue investigational subpoenas, and, for good cause shown, may extend the time prescribed for compliance with subpoenas issued during the investigation of any matter. The Director, Assistant Director, Attorney in Charge of a field office, or Assistant Attorney in Charge of a field office, who issues any subpoena under this section is authorized to negotiate and approve the terms of satisfactory compliance therewith.

4. In § 2.11, paragraph (a) is amended to read as follows:

§ 2.11 Orders requiring access.

(a) The Commission may issue an order requiring any corporation being investigated to grant access to files for the purpose of examination and the right to copy any documentary evidence. The Directors and Assistant Directors of the Bureaus of Competition, Consumer Protection, and Economics, and the Attorneys in Charge and Assistant Attorneys in Charge of the Commission's field offices, pursuant to delegation of authority by the Commission, without power of redelegation, are authorized, for good cause shown, to extend the time prescribed for compliance with orders requiring access issued during the investigation of any matter.

5. In § 2.12, paragraph (a) is amended to read as follows:

§ 2.12 Reports.

(a) The Commission may issue an order requiring a corporation to file a report or answers in writing to specific questions relating to any matter under investigation. The Directors and Assistant Directors of the Bureaus of Competition, Consumer Protection, and Economics, and the Attorneys in Charge and Assistant Attorneys in Charge of the Commission's field offices, pursuant to delegation of authority by the Commission, without power of redelegation, are authorized, for good cause shown, to extend the time prescribed for compli-

ance with orders requiring reports or answers to questions issued during the investigation of any matter.

6. In § 2.14, paragraph (c) is amended to read as follows:

§ 2.14 Disposition.

(c) The Commission has delegated to the Directors and Assistant Directors of the Bureaus of Competition and Consumer Protection, without power of redelegation, limited authority to close investigations. The closing action of a Bureau Director or Assistant Bureau Director does not become effective until the files have been sent to the Secretary of the Commission and no member of the Commission has objected within five (5) working days after receiving the notice to close from the Secretary.

Subpart C—Consent Order Procedure

7. Section 2.35 is amended to read as follows:

§ 2.35 Notice of proposed adjudicative proceeding included in public records.

Notices and proposed forms of complaints and orders under § 2.31 are included in the public records of the Commission and will be the subject of releases through the Commission's Office of Public Information. Ordinarily, there will be no additional release if and when a complaint is issued under the Commission's adjudicative procedures. All negotiations and communications under §§ 2.32, 2.33, and 2.34 will constitute a part of the confidential records of the Commission, except to the extent otherwise specifically provided therein.

PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

Subpart G—Reports of Compliance

8. In § 3.61, paragraph (b) is amended to read as follows:

§ 3.61 Reports of compliance.

(b) The Commission has delegated to the Directors and Assistant Directors of the Bureaus of Competition and Consumer Protection, without power of redelegation, the authority, for good cause shown, to extend the time within which reports of compliance with orders to cease and desist may be filed. It is to be noted, however, that an extension of time within which a report of compliance may be filed, or the filing of a report which does not evidence full compliance with the order, does not in any circumstances suspend or relieve a respondent from his obligation under the law with respect to compliance with such order. An order of the Commission to cease and desist becomes final on the date and under the conditions provided in section 5 (g), (h), (i), (j), and (k) of the Federal Trade Commission Act (15 U.S.C. 45 (g), (h), (i), (j), and (k)) and section 11 (g), (h), (i), (j), and (k) of an Act

to supplement existing laws against unlawful restraints and monopolies, and for other purposes, as amended—the Clayton Act, as amended (15 U.S.C. 21 (g), (h), (i), (j), and (k)). Any person, partnership or corporation against which an order to cease and desist has been issued who is not in full compliance with such order on and after the date provided in these statutes for the order to become final is in violation of such order and is subject to an immediate action for civil penalties.

PART 4—MISCELLANEOUS RULES

9. In § 4.9, paragraph (e) (11) is amended to read as follows:

§ 4.9 Public records.

(e)

(11) Releases from time to time through the Commission's Office of Public Information supplying additional information concerning the activities of the Commission, copies of which may be obtained without charge upon request to the Office of Public Information or to the Secretary of the Commission;

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46)

Issued: June 23, 1970.

By direction of the Commission,

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-8241; Filed, June 29, 1970; 8:46 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 35-16758]

PART 251—INTERPRETATIVE RELEASES RELATING TO THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 AND GENERAL RULES AND REGULATIONS THEREUNDER

Adoption of Modification of Policy Regarding Redemption Provisions of Preferred Stocks Issued and Sold Under Public Utility Holding Company Act of 1935

On April 20, 1970, the Securities and Exchange Commission published an invitation for comments (Release No. 35-16685) on the question of whether it should modify those provisions of its Statement of Policy Regarding Preferred Stock Subject to the Public Utility Holding Company Act of 1935 ("Act") (Release No. 35-13106) which heretofore have required that preferred stocks

issued and sold pursuant to the terms of sections 6(b) and 7 of the Act be redeemable by the issuer "at any time upon reasonable notice and with reasonable redemption premiums, if any." A number of persons have submitted comments.

The Commission has concluded that it is appropriate, in the public interest and in the interest of investors and consumers, to permit the issuers of preferred stock subject to the Act to include a 5-year refunding limitation in the terms and provisions of new issues of such securities. Accordingly, pursuant to the provisions of sections 6(b), 7, and 20 of the Act, the Commission has suspended the redemption requirement now contained in its aforesaid Statement of Policy Regarding Preferred Stock, so that issuers may include in the charters, bylaws or related instruments ("Charters") defining the rights, preferences and privileges of new issues of preferred stock a provision prohibiting, for a period of not more than 5 years, the refunding of such stock by the issuance of debt securities at lower interest costs or other preferred stocks at lower dividend costs.

Heretofore, the general redemption prices of preferred stocks have been considered reasonable, within the meaning of the Statement of Policy, whenever such general redemption prices do not exceed the sum of the initial public offering price plus (1) 100 percent of the annual dividend rate during the first 5 years, (2) 75 percent of the dividend rate in the second 5 years, (3) 50 percent of the dividend rate in the third 5 years, and (4) 25 percent of the annual dividend rate for the remainder of the life of the stock. In conformity with this formula, when the 5-year period of non-refundability authorized herein expires, the general redemption price at which the preferred stock may then be called should be the same as it would have been if there had been no restriction on refundability.

The modification of redemption policy herein authorized shall not apply to the redemption of preferred stock upon voluntary liquidation, or to redemptions in connection with mergers, sales of properties, or for other corporate purposes. Upon the occurrence of any of these events, the redemption price of the preferred stock shall be the same as it would have been if no restriction on refundability had been authorized.

The Commission wishes to emphasize that it will continuously review the effects of its redemption policies, including specifically the foregoing modification, and based on experience with the modification make such adjustments in these policies as may from time to time be deemed appropriate, including a rescission of the present modification, an extension of the allowed 5-year non-refunding period, or any other change experience would warrant.

The modification of policy as to refundability herein authorized shall be-

come effective as to all preferred stocks sold on and after June 22, 1970.

(Secs. 6, 7, 20, 49 Stat. 814, 815, 833, 15 U.S.C. 79f, 79g, 79t)

By the Commission, June 22, 1970.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 70-8271; Filed, June 29, 1970; 8:48 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 70-146]

PART 1—GENERAL PROVISIONS

Little Rock-North Little Rock, Ark., Port of Entry

JUNE 22, 1970.

Notice of proposal to designate Little Rock-North Little Rock, Ark., as a port of entry in the Customs district of New Orleans, La. (Region V), was published in the FEDERAL REGISTER on May 28, 1970 (35 F.R. 8368). The proposal was based upon the need to provide better Customs service in the New Orleans, La., district. No objections to the proposal were received.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR ch. II), and pursuant to authorization provided by Treasury Department Order No. 190, Rev. 7 (34 F.R. 15846), Little Rock-North Little Rock, Ark., is hereby designated a port of entry in the New Orleans, La., district (Region V), effective as of July 1, 1970.

The area of the port of Little Rock-North Little Rock is described as follows:

All the area within the boundaries of Pulaski and Saline Counties, Ark.

To reflect this change, § 1.2(c) of the Customs regulations is amended by inserting in the column headed "Ports of Entry" in the New Orleans, La., Customs district (Region V) in proper alphabetical order "Little Rock-North Little Rock, Ark. (including territory described in T.D. 70-146)."

(80 Stat. 379, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 1, 2, 66, 1624)

It is desirable to make the Customs port of entry available to the public as soon as possible. Therefore, good cause is found for dispensing with the delayed effective date provision of 5 U.S.C. 533(d).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-8274; Filed, June 29, 1970; 8:49 a.m.]

[T.D. 70-148]

PART 1—GENERAL PROVISIONS

Greenville-Spartanburg, S.C., Port of Entry

JUNE 22, 1970.

Notice of proposal to designate Greenville-Spartanburg, S.C., as a port of entry in the Customs district of Charleston, S.C. (Region IV), was published in the FEDERAL REGISTER on May 28, 1970 (35 F.R. 8368). The proposal was based upon the need to provide better Customs service in the Charleston, S.C., district. No objections to the proposal were received.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR ch. II), and pursuant to authorization provided by Treasury Department Order No. 190, Rev. 7 (34 F.R. 15846), Greenville-Spartanburg, S.C., is hereby designated a port of entry in the Charleston, S.C., Customs district (Region IV), effective as of July 1, 1970.

The area of the port of Greenville-Spartanburg, S.C., is described as follows:

Beginning at a point on the Greenville-Spartanburg County line on South Carolina Route 296; thence continuing on South Carolina 295 to South Carolina 56; thence turning southerly and continuing on South Carolina 295 to South Carolina 56; thence turning northerly and continuing on South Carolina 56 to the boundary of the city of Spartanburg; thence turning north-easterly and continuing in a northerly direction following the eastern boundary line of the city of Spartanburg to Drayton Street; thence turning northwesterly and continuing on Drayton Street to South Carolina 31; thence turning northeasterly and continuing on South Carolina 31 to the Clinchfield Railroad tracks; thence turning northeasterly continuing on the Clinchfield Railroad to Interstate 85; thence turning southwesterly and continuing on Interstate 85 to U.S. 176; thence turning northwesterly and continuing on U.S. 176 to State Route 60; thence turning westerly and continuing on State Route 60 to State Route 41; thence turning southerly and continuing on State Route 41 to Interstate 85; thence turning westerly and continuing on Interstate 85 to U.S. 29; thence turning westerly and continuing on U.S. 29 to South Carolina 21; thence in a westerly direction along South Carolina 21, to its intersection with South Carolina 291. Thence in a northwesterly direction along South Carolina 291, to South Carolina 253; thence in a westerly and southwesterly direction along South Carolina 253 to South Carolina 250. Thence in a southerly direction and southeasterly direction along South Carolina 250, to U.S. 25; thence in a southerly direction along U.S. 25, to Ashmore Branch Road. Thence in an easterly direction along Ashmore Branch Road to Fork Shoals Road; thence in a northerly direction along Fork Shoals Road, to Ashmore Bridge Road; thence in an easterly direction along Ashmore Bridge Road, to the corporate limits of the town of Mauldin. Thence in an easterly and southeasterly direction paralleling the corporate limits of the town of Mauldin to

Bethel Church Road. Thence continuing in a northeasterly direction along Bethel Church Road to South Carolina 14. Thence in a northerly direction along South Carolina 14 to South Carolina 296, thence in an easterly direction along South Carolina 296, to the Greenville-Spartanburg County line.

To reflect this change, § 1.2(c) of the Customs regulations is amended by inserting in the column headed "Ports of Entry" in the Charleston, S.C., Customs district (Region IV) in proper alphabetical order "Greenville-Spartanburg, S.C. (including territory described in (T.D. 70-148))."

(80 Stat. 379, section 1, 37 Stat. 434, section 1, 38 Stat. 623, as amended, R.S. 251, section 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 1, 2, 66, 1624)

It is desirable to make the Customs port of entry available to the public as soon as possible. Therefore, good cause is found for dispensing with the delayed effective date provision of 5 U.S.C. 553(d).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[P.R. Doc. 70-8275; Filed, June 29, 1970; 8:49 a.m.]

[T.D. 70-147]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Special Tonnage Tax and Light Money; Kenya

JUNE 22, 1970.

The Secretary of State advised the Secretary of the Treasury on May 20, 1970, that the Department of State has obtained satisfactory proof from Kenya that as of April 27, 1970, no discriminating duties of tonnage or imposts are imposed or levied in ports of Kenya upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into Kenya in such vessels from the United States or from any foreign country.

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR Ch. II), and pursuant to the authorization provided by Treasury Department Order No. 190, Rev. 7, September 4, 1969 (34 F.R. 15846), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of Kenya, and the produce, manufactures, or merchandise imported into the United States in such vessels from Kenya or from any other foreign country. This suspension and discontinuance shall take effect as of April 27, 1970, and shall continue for so long as the reciprocal exemption of ves-

sels wholly belonging to citizens of the United States and their cargoes shall be continued and no longer.

In accordance with this declaration, § 4.22, Customs Regulations, is amended by the insertion of "Kenya" in the appropriate alphabetical sequence in the list of nations whose vessels are exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

(80 Stat. 379, R.S. 4219, as amended, 4225, as amended, 4228, as amended, sec. 3, 23 Stat. 119, as amended; 5 U.S.C. 301, 46 U.S.C. 3, 121, 128, 141)

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary
of the Treasury.

[P.R. Doc. 70-8299; Filed, June 29, 1970; 8:50 a.m.]

[T.D. 70-150]

PART 153—ANTIDUMPING

Information Ordinarily Regarded as Appropriate for Disclosure

In order to eliminate any possible ambiguity between § 153.23(c)(2), Customs Regulations, which states that, in an antidumping proceeding, information will ordinarily be regarded as appropriate for disclosure if it relates to price information, and § 153.23(c)(3), which states that information which would disclose the names of particular customers or the price or prices at which particular sales were made is ordinarily regarded as confidential, § 153.23(c)(2) is amended to read as follows:

§ 153.23 Availability of information in antidumping proceedings.

(c) * * *
(2) Information ordinarily regarded as appropriate for disclosure. Except as provided in subparagraph (3) of this paragraph, information will ordinarily be regarded as appropriate for disclosure if it

- (i) Relates to price information;
- (ii) Relates to claimed freely available price allowances for quantity purchases; or
- (iii) Relates to claimed differences in circumstances of sale.

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

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

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

Approved: June 24, 1970.

EUGENE T. ROSSIDES,
Assistant Secretary
of the Treasury.

[P.R. Doc. 70-8301; Filed, June 29, 1970; 8:50 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

PART 148n—OXYTETRACYCLINE

Tetracycline-Sulfonamide (With and Without Analgesic), Chlortetracycline-Sulfonamide, Oxytetracycline-Sulfonamide Combination Products for Oral Administration in Man

In two documents published in the FEDERAL REGISTER of April 2, 1969 (34 F.R. 6004, 6008), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, regarding the following preparations:

A. Bristol Laboratories, Inc., Post Office Box 657, Syracuse, N.Y. 13201:

1. Tetrex Syrup with Triple Sulfonamides; contains tetracycline, sulfadiazine, sulfamerazine, and sulfamethazole.

2. Azotrex Syrup; contains tetracycline and sulfamethizole.

3. Polycycline Suspension with Triple Sulfonamides; contains calcium tetracycline, sulfadiazine, sulfamerazine, and sulfamethazole.

4. Azotrex Capsules; contains tetracycline phosphate complex, sulfamethizole, and phenazopyridine hydrochloride.

B. Lederle Laboratories, Division of American Cyanamid Co., Pearl River, N.Y. 10965: Aureomycin with Triple Sulfas Tablets containing chlortetracycline hydrochloride, sulfadiazine, sulfamerazine, and sulfamethazole.

The following preparation, not reviewed by the Academy, was not included in the announcements, but is affected by this order: Urobiotic Capsules containing oxytetracycline hydrochloride equivalent to 125 or 250 milligrams of oxytetracycline, 250 milligrams of sulfamethizole, and 50 milligrams of phenazopyridine hydrochloride marketed by Chas. Pfizer & Co., 235 East 42 Street, New York, N.Y. 10017.

The announcements gave notice that the Food and Drug Administration concluded there is a lack of substantial evidence that such fixed-combination drugs have the effects they purport or are represented to have under the conditions of use recommended or suggested in their labeling. The Commissioner announced his intention to initiate proceedings to amend the antibiotic drug regulations to revoke provision for certification of such drugs.

Interested persons who might be adversely affected by removal of these

drugs from the market were invited to submit within 30 days after publication of the announcement in the FEDERAL REGISTER any pertinent data bearing on the proposal. Chas. Pfizer & Co. responded concerning Urobiotic Capsules. The submission, and other available information, were evaluated and found not to provide substantial evidence of effectiveness of such combination drugs.

Accordingly, the Commissioner concludes (1) that the antibiotic drug regulations should be amended to revoke provision for certification of such antibiotic drugs for human use, and (2) that all outstanding certificates heretofore issued for such drugs should be revoked.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120), the outstanding certificates are revoked and Parts 146c and 148n are amended as follows:

1. Section 146c.204 *Chlortetracycline hydrochloride capsules; tetracycline hydrochloride capsules; tetracycline capsules; tetracycline phosphate complex capsules* is amended:

a. In the first sentence of paragraph (a), by inserting "(if for veterinary use only)" immediately after "suitable sulfonamides".

b. In paragraph (c) (1) (i) (d) by deleting "analgesic substances".

2. Section 146c.217 *Chlortetracycline calcium syrup (chlortetracycline calcium oral drops); tetracycline syrup (tetracycline oral drops); tetracycline magnesium syrup (tetracycline magnesium oral drops)* is amended by deleting "sulfonamides, analgesic substances," from the first sentence of paragraph (a).

3. Section 146c.222 *Tetracycline hydrochloride oral suspension (tetracycline hydrochloride homogenized mixture); tetracycline phosphate complex oral suspension (tetracycline phosphate complex oral drops); tetracycline hydrochloride oral solution; tetracycline-calcium oral suspension; tetracycline oral suspension* is amended:

a. By deleting from the third sentence of paragraph (a) "with or without one or more suitable sulfonamides, and".

b. By revising paragraph (c) (1) (ii) to read as follows:

(ii) If it is tetracycline hydrochloride oral suspension, tetracycline oral suspension, or tetracycline phosphate complex oral suspension, and it contains one or more vitamin substances, after the name "tetracycline hydrochloride oral suspension," "tetracycline oral suspension," or "tetracycline phosphate complex oral suspension," wherever it appears, the words "with vitamin _____," the blank being filled with the name of the vitamin ingredient used, or "with vitamins," if it contains more than one vitamin ingredient, in juxtaposition with such name.

c. By revoking paragraph (c) (1) (iii).

4. Section 148n.4 *Oxytetracycline capsules; oxytetracycline hydrochloride capsules* is amended by deleting "sufo-

namides," from the first sentence of paragraph (a).

Within 30 days after publication hereof in the FEDERAL REGISTER, any person who will be adversely affected by the removal of any such drugs from the market may file objections to this order, request a hearing, and show reasonable grounds for the hearing. The statement of reasonable grounds and request for a hearing shall state the reasons why the proposal should not be adopted, or should not be adopted as proposed, together with a well-organized and full-factual analysis of the clinical and other investigational data the objector is prepared to prove in support of his objections. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing there is a genuine and substantial issue of fact requiring a hearing.

When it clearly appears from the data incorporated into or referred to by the objections and from the factual analysis in the request for a hearing that there is no genuine issue of fact precluding the action taken on the proposal, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the objections, the issues will be defined and a hearing examiner named to conduct the hearing, in which case the provisions of Subpart F of 21 CFR Part 2 shall apply to such hearing, except as modified by 21 CFR 146.1(f), and to judicial review in accordance with section 701 (f) and (g) of the Federal Food, Drug, and Cosmetic Act. (35 F.R. 7250; May 8, 1970.)

Objections should be filed, preferably in quintuplicate, with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852.

Effective date. This order shall become effective 40 days after its date of publication in the FEDERAL REGISTER. If objections are filed, the effective date will be extended for such period of time as is necessary to rule on the objections. In ruling upon any objections filed, the Commissioner will specify another effective date and how the outstanding stocks of the affected drugs are to be handled. (Secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357)

Dated: June 20, 1970.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[F.R. Doc. 70-8246; Filed, June 29, 1970;
8:46 a.m.]

Title 44—PUBLIC PROPERTY AND WORKS

Chapter V—Library of Congress PART 501—PROCEDURES AND SERVICES

Chapter V of Title 44, Code of Federal Regulations, is amended to read as follows:

- Sec.
 501.1 Application for employment.
 501.2 Access to Library buildings.
 501.3 Removal of materials from the Library buildings.
 501.4 Information about the Library.
 501.5 The Library's reading rooms and public use thereof.
 501.6 Service of the general collections.
 501.7 Reference and bibliographic assistance.
 501.8 Special study facilities.
 501.9 Loans of library materials.
 501.10 Loans of library materials for blind and other physically handicapped persons.
 501.11 Lending of materials from the Library for exhibition.
 501.12 Photoduplication service.
 501.13 Service of serial materials.
 501.14 Service of scientific and technical materials.
 501.15 Service of Hispanic materials.
 501.16 Service of manuscript materials.
 501.17 Service of maps.
 501.18 Service of music materials.
 501.19 Recordings.
 501.20 Service of Orientalia.
 501.21 Service of prints and photographs.
 501.22 Service of rare books.
 501.23 Service of microfilmed materials.
 501.24 Service of materials in Slavic and Central European languages.
 501.25 Service of local history and genealogy materials.
 501.26 Service of legal materials.
 501.27 Card distribution.
 501.28 Library of Congress publications.
 501.29 Offers of materials for purchase.
 501.30 Contracting officers.

AUTHORITY: The provisions of this Part 501 issued under sec. 1, 29 Stat. 544, 546; 2 U.S.C. 136.

§ 501.1 Application for employment.

Applications for employment in the Library of Congress may be made in person or by mail. Applicants should visit or communicate with the Personnel Office, Administrative Department, Library of Congress. Although the Library of Congress is not an agency coming within the competitive civil service system, the application form used is the standard application form for employment in the Federal Civil Service (Standard Form 171). This form may be secured at any U.S. Post Office, at a regional Civil Service Commission office, or by addressing the Personnel Office, Administrative Department, Library of Congress, Washington, D.C. 20540.

§ 501.2 Access to Library buildings.

(a) In accordance with the Library's general policy, persons other than staff members may be admitted to the Library buildings and to the various areas therein that are open to the public during the announced hours of public opening. Such persons may be admitted to other areas within the buildings and at other times only in accordance with established access regulations.

(b) Persons having legitimate business in buildings closed to the public may be admitted after identification by responsible officials in the building or by authority as evidenced by a building access pass issued by the Director of the Administrative Department.

§ 501.3 Removal of materials from the Library buildings.

No material may be removed from the Library buildings without the proper stamp, pass, or other authorization as prescribed by regulations established by the Librarian of Congress. All property including, but not limited to, suitcases, briefcases, large envelopes, packages, and office equipment may be inspected upon leaving Library buildings in order to prevent the improper removal of property belonging to the U.S. Government.

§ 501.4 Information about the Library.

Information about the activities, program, services, organization, and history of the Library of Congress is provided by the Information Office, which has primary responsibility for responding, or for arranging for other divisions of the Library to respond, to inquiries on these subjects from the public and from representatives of public-information media. Such information is provided through publications and through individual response by telephone, by mail, and in personal conference. For the convenience of the public, the Office administers an Information Counter in the Main Building; its staff answers visitors' inquiries about the Library but does not provide reference service for readers wishing to use the Library's collections. Free publications about the Library and some price publications and facsimiles of famous documents are available at this counter.

§ 501.5 The Library's reading rooms and public use thereof.

Materials in the general classified collections of the Library are serviced in the Library's general reading rooms: The Main Reading Room (Main Building) and the Thomas Jefferson Room (Annex Building). Special collections, as explained further in subsequent sections, are serviced in the following special reading rooms: Geography and Map (845 South Pickett Street, Alexandria, Va.), Law Library, Local History and Genealogy, Manuscript, Microfilm, Music, Newspaper, Orientalia, Periodical and Government Publications, Prints and Photographs, Rare Book, Science, and Slavic. Investigators requiring materials from other collections in the Library for use with materials in the custody of a special division (such as Manuscript, Geography and Map, Music, etc.) may requisition and use such materials in the reading room of the special division insofar and on such conditions as they are available for use therein. (Special collections are also serviced in the Congressional Reading Room and in the Law Library in the Capitol, but these are not open to the general public.) Access to all reading rooms is governed by regulations established by the Librarian of Congress. Persons under 16 years of age are not admitted to the reading rooms unless they are accompanied by an adult. High school students are not admitted regardless of age, but exceptions will be made, under specified conditions, when material cannot be obtained in other libraries.

§ 501.6 Service of the general collections.

Requests for materials in the general classified collections are submitted by readers on forms provided for that purpose. Available materials so requested are located and delivered to readers by the staff. Subject to specified limitations, materials may be reserved for continued use. Access to the bookstacks is permitted only under regulations established by the Librarian of Congress. Applications for access are acted upon by the Chief of the Stack and Reader Division or by other authorized officials.

§ 501.7 Reference and bibliographic assistance.

(a) Reference and bibliographic services provided in response to requests from readers and requests received by telephone and by mail are governed by policies and regulations established by the Librarian of Congress.

(b) Readers requiring reference and bibliographic assistance in the general collections and aid in the use of the card catalogs may request help from the staff on duty in the general reading rooms. Requests for such assistance in special collections are referred to the appropriate specialized divisions.

(c) Reference inquiries and requests for service which cannot be satisfied by other libraries or scholarly institutions nearer the inquirer may be submitted to the Library of Congress, which will respond to them insofar and on such conditions as available staff and facilities permit.

§ 501.8 Special study facilities.

Special study facilities and reserved shelves are available for assignment to persons engaged in research. Applications for such assignments are acted upon by the Chief of the Stack and Reader Division or by other authorized officials, and assignments on approved applications are made on specified conditions of registration, tenure, and use.

§ 501.9 Loans of library materials.

The Library of Congress is not a public circulating library and no material in its collections may be taken from the Library buildings except upon approval by the Chief of the Loan Division or the Director of the Reference Department. Members of Congress, heads of executive departments, and other statutory borrowers, however, have the privilege of withdrawing books by virtue of their office. Subject to regulations and conditions established by the Librarian of Congress, special permission to withdraw materials may be given to congressional staffs and to individuals and institutions in and near the District of Columbia to meet particular needs. Applications for such privilege are acted upon by the Chief of the Loan Division, who is responsible for the interpretation and enforcement of the regulations governing loans. Except for Members of Congress, heads of executive departments, and others authorized by the Librarian to have materials assembled and delivered to them, persons having the borrowing

privilege must present materials to be borrowed to the Loan Division for recording and for issuance of a door pass. Borrowers must present the materials for inspection to the guards on duty at the exits to the Library buildings. Materials are issued on interlibrary loan to other libraries within and outside the District of Columbia under regulations established by the Librarian of Congress. Applications from established libraries for such loans, and requests for information about interlibrary loans and loan service generally, should be directed to the Chief of the Loan Division.

§ 501.10 Loans of library materials for blind and other physically handicapped persons.

(a) Program: In connection with the Library's program of service under the act of March 3, 1931 (46 Stat. 1487), as amended, its Division for the Blind and Physically Handicapped provides books in raised characters (braille), on sound-reproduction recordings, or in any other form, under regulations established by the Librarian of Congress. The Division also provides and maintains reproducers for the use of blind and other physically handicapped residents of the United States, including the several States, Territories, Insular Possessions, and the District of Columbia, and American citizens temporarily domiciled abroad.

(b) Definitions of blind and handicapped: Readers entitled to such service are defined as:

(1) "Legally blind"—those whose visual acuity is 20/200 or less in the better eye with correcting glasses, or whose widest diameter of visual field subtends an angular distance no greater than 20 degrees. The degree of such blindness shall be certified by a duly licensed physician, ophthalmologist, or optometrist.

(2) "Visually handicapped"—those whose visual disability, with correction and regardless of optical measurement with respect to "legal blindness," are certified as unable to read normal printed material.

(3) "Physically handicapped"—those who are certified by competent authority as unable to read or use ordinary printed materials as a result of physical limitations.

(4) Competent authority is defined as including doctors of medicine, ophthalmologists, optometrists, registered nurses, therapists, professional staff of hospitals, institutions, and public or welfare agencies (e.g., social workers, case workers, counselors, home teachers, and superintendents). Certification of physical disability sufficiently severe to prevent reading or using conventional printed materials may be made by professional librarians or by any person whose competence under specific circumstances is acceptable to the Librarian of Congress. Examples are loss of hands, or use or control of hands; constant severe tremor, spasticity or paralysis; inoperable double or triple vision; incapacitating confinement such as an iron lung; severely debilitating conditions such as found in advanced Parkinson's Disease, cancer, and the aftermath of stroke.

(c) Loans through regional libraries: Sound reproducers are lent to individuals and appropriate centers through agencies, libraries, and other organizations designated by the Librarian of Congress to service specific geographic areas, to certify eligibility or prospective readers, and to arrange for maintenance and repair of reproducers. Libraries designated by the Librarian of Congress serve as local or regional centers for the direct loan of such books, reproducers, or other specialized material to eligible readers in specific geographic areas. They share in the certification of prospective readers, and utilize all available channels of communication to acquaint the public within their jurisdiction with all aspects of the program.

(d) National collections: The Librarian of Congress, through the Division for the Blind and Physically Handicapped, defines regions and determines the need for new regional libraries and deposit collections in cooperation with other libraries or agencies whose activities are primarily concerned with the blind or physically handicapped. The National Collections located in the Division for the Blind and Physically Handicapped serve as one such regional center, and provide all book services for eligible residents of the District of Columbia, and services to other libraries, and to blind and physically handicapped readers anywhere in the Nation requiring specialized materials. It serves as the center from which books, recordings, sound reproducers, and other specialized materials are lent to blind and other physically handicapped readers who may be temporarily domiciled outside the jurisdictions enumerated by the act.

(e) Hospitals and Institutions: The reading materials for the blind and physically handicapped provided under the authority of the act cited above, including sound reproducers, may be loaned not only to individuals who qualify under the above definition but also to hospitals, institutions, and schools and centers for the use of such readers.

(f) Musical scores: The Division also maintains a library of musical scores, instructional texts, and other specialized materials for the use of the blind and other physically handicapped residents of the United States and its possessions in furthering their educational, vocational, and cultural opportunities in the field of music. Such scores, texts, and materials are made available on a loan basis under regulations developed by the Librarian of Congress in consultation with persons, organizations, and agencies engaged in work for the blind and for other physically handicapped persons.

(g) Veterans: In the lending of such books, recordings, reproducers, musical scores, instructional texts, and other specialized materials, preference shall be at all times given to the needs of the blind and other physically handicapped persons who have been honorably discharged from the Armed Forces of the United States.

(h) Inquiries for information relative to the prescribed procedures and regu-

lations governing such loans and requests for loans should be addressed to: Chief, Division for the Blind and Physically Handicapped, Library of Congress, Washington, D.C. 20542.

§ 501.11 Lending of materials from the Library for exhibition.

Subject to special conditions and procedures determined by the Library, certain materials in the Library's collections are available for loan to recognized institutions, such as libraries and museums, with established exhibition programs and with staffs proficient in handling the particular material requested. This service is subject to limitations in terms of the character of the materials and the availability of staff to prepare materials for shipment. Each request for loan is judged on its particular merits, i.e., type of institution and program for which loan is proposed in relation to the importance and value, both monetary and intrinsic, of the material requested and the probability of its being replaceable in the event of loss. Communications concerning the lending of materials for exhibition should be addressed to the Exhibits Officer, Library of Congress, Washington, D.C. 20540.

§ 501.12 Photoduplication service.

Photocopies of materials in the Library's general and special collections may be obtained from the Library's Photoduplication Service at prevailing rates and subject to prescribed contract provisions, provided that they are not subject to copyright or other restrictions, or provided that permission to copy has been obtained. Order forms for photocopies may be secured from the Photoduplication Service, Library of Congress, Washington, D.C. 20540.

§ 501.13 Service of serial materials.

Applications for materials in the custody of the Serial Division (current and unbound periodicals, bound and unbound newspapers, Government documents, pamphlets, ephemera, etc., not allocated to other divisions), are submitted to the staff on forms provided for that purpose in the Division's special reading rooms. Within the resources of the staff, readers receive reference aid in the Division's collections and in Government publications in the general classified collections. Access to the Division's stack areas is permitted only on the approval of the Chief or of other authorized officials. Inquiries concerning the collections and services of the Division, and requests for reference assistance may be made to the Office of the Chief of the Division.

§ 501.14 Service of scientific and technical materials.

(a) Readers requesting reference and bibliographic assistance in science and technology may consult the staff on duty in the Science Reading Room. Inquiries are referred when necessary to subject specialists, including Slavic and Oriental science specialists, in the Science and Technology Division. A special collection of technical reports is available in the Science Reading Room. Materials on

science in the Library's subject-classified collections are also served in either of the Library's general reading rooms.

(b) Referral service in science and technology: A referral service for persons seeking sources of scientific and technical information is provided by the National Referral Center for Science and Technology, an integral part of the Science and Technology Division. Functioning as an intermediary, the Center directs persons who have a need for information about a particular subject to organizations or individuals with specialized knowledge of that subject. In answer to requests for referral service, the Center provides names, addresses, telephone numbers, and brief descriptions of appropriate information resources, which may include professional societies, university research bureaus and institutes, Federal and State agencies, industrial laboratories, museums, testing stations, and individual experts as well as more traditional sources of information, such as technical libraries, information and document centers, and abstracting and indexing services. Inquiries concerning the widest possible spectrum of science and technology are handled, including those relating to the social sciences. The Center also publishes directories of selected information resources in the physical, biological, and social sciences, and engineering which are available from the Superintendent of Documents.

§ 501.15 Service of Hispanic materials.

Readers requesting reference and bibliographic assistance on Hispanic materials may consult the staff on duty in the general reading rooms. Inquiries are referred when necessary to specialists in the Hispanic Foundation or the Law Library.

§ 501.16 Service of manuscript materials.

Services to readers in the Manuscript Reading Room are provided in accordance with prescribed conditions of reader registration and of use of materials in the custody of the Manuscript Division. The use of such materials is restricted to the Manuscript Reading Room.

§ 501.17 Service of maps.

The Geography and Map Division provides reference services concerning maps and cartography by telephone, through correspondence, and directly to adult readers in the Geography and Map Reading Room on its collections of maps, atlases, and globes.

§ 501.18 Service of music materials.

Service to readers in the Music Division's reading room is provided in accordance with prevailing regulations governing the use of materials in the Division's custody. Numerous catalogs, on cards and in bound volumes, afford access to the Division's holding; a professional assistant is always on duty to give assistance and advice. The stacks of the Division are closed, but special permission granting access to them may be obtained from the Head, Reference

Section. Sound recordings may be used only for serious research; permission to use them must be sought in advance by application to the Head, Recorded Sound Section. The Division also answers reference inquiries by correspondence. Reference and information pertaining to folk music and folk songs are available from the Archive of Folk Song, Music Division.

§ 501.19 Recordings.

Recordings of poetry and folk music issued by the Library of Congress may be purchased from the Recorded Sound Section of the Music Division. A printed catalog listing all the discs offered or other information may be obtained by applying to the Recorded Sound Section, Music Division, Library of Congress, Washington, D.C. 20540.

§ 501.20 Service of Orientalia.

(a) Services to readers in the Orientalia Division are provided in accordance with prescribed conditions of use of the materials in the custody of the Orientalia Division: Materials written or printed in Arabic, Bengali, Chinese, Hebrew, Hindi, Indonesian, Japanese, Korean, Persian, Thai, Turkish, Urdu, etc.

(b) Readers requiring reference and bibliographic assistance in the general area of oriental culture are assisted in the Orientalia Division. Oriental legal materials, prints and photographs, maps, music, and reference service thereon are provided by the Law Library, the Prints and Photographs Division, the Geography and Map Division, and the Music Division, respectively. Reference service in oriental science is provided by the Science and Technology Division.

§ 501.21 Service of prints, photographs, and motion pictures.

(a) The Prints and Photographs Division provides reference services in person, by telephone, and by correspondence on its vast collection of fine and historical prints, drawings, photographs, and posters. The collections which may be consulted in the Prints and Photographs Reading Room include artists' prints from the 15th through the 20th centuries, historical prints, original drawings by architects, artists, and illustrators, American graphic humor, posters of more than 70 countries, and master and documentary photographs, 1845 to the present, etc.

(b) Motion pictures are provided for use of researchers for viewing on tabletop viewing machines in the reading room of the Motion Picture Section which also answers reference questions in person, by telephone, and by correspondence. The motion picture collections include an archival collection of representative motion pictures from 1894 to the present, mainly American, but there are extensive holdings of German, Japanese, Italian, and French film.

§ 501.22 Service of rare books.

(a) Service to readers in the Rare Book Reading Room are provided in ac-

cordance with prescribed conditions of registration and use of the materials in the custody of the Rare Book Division.

(b) Service to readers in the Law Library and the Music Division of the rare books in their custody are subject to similar regulations.

§ 501.23 Service of microfilmed materials.

(a) Service to readers in the Microfilm Reading Room is provided in accordance with prescribed conditions governing the use of microfilm and microprint material in the custody of the Microfilm Reading Room. Investigators may requisition ink-print materials from other collections of the Library for use in the Microfilm Reading Room, but such requests will be subject to limitations consistent with the care and service of the collections, and with regard for service to readers in other reading rooms.

(b) Other units having custody of microfilmed materials, such as manuscripts, newspapers, music, and orientalia render service on these materials.

§ 501.24 Service of materials in Slavic and Central European languages.

The professional staff of the Slavic and Central European Division renders specialized reference and bibliographic services pertaining to the cultural, political, social, and economic life of Albania, Austria, Bulgaria, Czechoslovakia, Estonia, Finland, Germany, Greece, Hungary, Latvia, Lithuania, Poland, Romania, the Soviet Union, Switzerland, and Yugoslavia. Public reference service and bibliographic assistance concerning Slavic and Baltic materials is provided by the Division's Slavic Room, which maintains an 8,000-volume reference collection and pertinent informational files.

§ 501.25 Service of local history and genealogy materials.

Readers requesting reference and bibliographic assistance on materials in local history and genealogy may consult the staff in the Local History and Genealogy Room. Such material may be used only in that room and in the Thomas Jefferson Room.

§ 501.26 Service of legal materials.

(a) Legal materials are served in the reading rooms of the Law Library in the Main Building. Those volumes which are not on the open shelves may be obtained for reading room use by filling out and presenting to a reference assistant a slip provided for the purpose.

(b) The collections of the Law Library are available in part, for use outside the Library for a limited period, to authorized borrowers in Washington, D.C., and through interlibrary loan to the general public residing in other parts of the country, in conformity with Loan Division procedures. Books which are lent for use outside of the Law Library reading rooms must be charged in the Law Library. Books which are lent for use outside the Library building must be charged in the Loan Division, where a

formal charge is made and a door pass is issued.

§ 501.27 Card distribution.

Printed catalog cards are supplied under the procedures specified in the latest edition of the Handbook of Card Distribution, supplemented by emendations in Cataloging Service, issued by the Library. Cards may be ordered by author and title, by serial number, by series, or by subject. Card ordering slips for this purpose are furnished to subscribers, free of charge, upon request. The Library's catalog cards reproduced in book form (The National Union Catalog: A Cumulative Author List Representing Library of Congress Printed Cards and Titles Reported by Other American Libraries and Library of Congress Catalog—Books: Subjects: A Cumulative List of Works Represented by Library of Congress Printed Cards) are available by purchase from the Card Division, Library of Congress.

§ 501.28 Library of Congress publications.

Publications issued by the Library include catalogs of material currently acquired by American libraries, lists and descriptions of newly received books and serials pertaining to various areas, catalogs of its special collections, registers of its collections of personal papers of American public figures, facsimiles of rare items in its collections, bibliographies, exhibit catalogs, and technical manuals. Those currently available are listed in Library of Congress Publications in Print. Most of these publications may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. The free publications are available on request from the Central Services Division, Library of Congress, Washington, D.C. 20540. Publications issued by the Library are not copyrighted, but it is requested that those quoting from one of them in published writings make acknowledgment of the source. Upon occasion, the Library obtains permission to quote or reproduce copyrightable matter in its publications, a privilege that extends only to the use of the material by the Library itself. Publishers reprinting or reproducing Library of Congress publications in which protected matter appears must obtain their own permissions.

§ 501.29 Offers of materials for purchase.

The Library solicits offers of library materials (including books, periodicals, pamphlets, manuscripts, maps, views, music, recordings, motion pictures, photographs, posters, fine prints, etc.). Printed lists or catalogs of library materials offered should be submitted in three to five copies, depending on the number of subjects or forms of material included. Typewritten or manuscript lists should be submitted in duplicate. Offers should specify author, title, place of publication, publisher, date of publication, whether or not copyrighted, edition note, series note, binding, number of pages or volumes, and price of each item

offered. All offers of material and all other correspondence concerning the acquisition by purchase of materials for the Library's collections (including invoices, statements, and questions concerning payment for material purchased by the Library should be addressed to: Order Division, Library of Congress, Washington, D.C. 20540). Materials should not be

sent "on approval" unless specifically requested by the Order Division.

§ 501.30 Contracting officers.

The following officers are authorized to procure material or services on behalf of the Library of Congress and to execute binding contracts in the particular areas specified:

<i>Officer</i>	<i>Areas in which officer has contract responsibility</i>
Librarian of Congress.....	All areas.
Director, Administrative Department.	Do.
Assistant Director for Management Services, Administrative Department.	Do.
Chief, Financial Management Office and Budget Officer.	Do.
Deputy Budget Officer.....	Do.
Contracting and Procurement Officer.	All areas, except for procurement of materials for the Library's collections.
Chief and Assistant Chief, Division for the Blind and Physically Handicapped.	Special activities supported by appropriation for Books for the Blind and Physically Handicapped.
Chief and Assistant Chief, Order Division.	Materials for the Library's collections.
Chief and Assistant Chief, Exchange and Gift Division.	Exchange agreements involving materials for the Library's collections.

NOTE: Information concerning services of the Copyright Office, Library of Congress, appears in Title 37, Chapter II.

[SEAL]

L. QUINCY MUMFORD,
Librarian of Congress.

JUNE 23, 1970.

[F.R. Doc. 70-8252; Filed, June 29, 1970; 8:47 a.m.]

Title 45—PUBLIC WELFARE

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

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

PART 220—SERVICE PROGRAMS FOR FAMILIES AND CHILDREN: TITLE IV, PARTS A AND B OF SOCIAL SECURITY ACT

Fair Hearings; Revocation of Regulations

Parts 205 and 220 are amended by revoking §§ 205.10(a) and 220.25, respectively.

Notice of proposed rule making with respect to fair hearings under the public assistance programs was published in the FEDERAL REGISTER on May 29, 1970 (35 F.R. 8448). The proposed regulations include the substance of § 205.10(a)(1) regarding continuation of assistance in certain cases pending fair hearing. After consideration of comments, suggestions, or objections, it is expected that the final regulations on fair hearings will be published shortly.

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

Dated: June 26, 1970.

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

Approved: June 29, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc. 70-8393; Filed, June 29, 1970; 10:00 a.m.]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 1; Amdt. 1-33]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Transportation Systems Center

The purpose of this amendment is to make revisions to Part 1 of the Regulations of the Office of the Secretary to reflect the establishment of the Transportation Systems Center as an element of the Office of the Secretary.

Since this amendment relates only to the internal management of the Department, notice and public procedure thereon are not required and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, Part 1 of Subtitle A of Title 49, CFR, is amended as follows, effective July 1, 1970:

1. The table of contents is amended by striking out the item "1.61 Saving provision." and inserting the following in place thereof:

- Sec.
- 1.61 Delegations to Director of the Transportation Systems Center.
- 1.62 Saving provision.

2. The introductory clause of § 1.3(b) is amended to read as follows:

§ 1.3 Organization of the Department.

(b) The Department is composed of the Office of the Secretary (including the Transportation Systems Center), the National Transportation Safety Board, and the following operating administrations:

3. Section 1.43(b) is amended to read as follows:

§ 1.43 General limitations and reservations.

(b) Except as provided in § 1.42 and subject to paragraph (a) of this section and § 1.44, the Under Secretary, the Deputy Under Secretary, the Assistant Secretaries, the General Counsel, the Administrators, and the Director of the Transportation Systems Center exercise the powers and perform the duties delegated to them under this subpart.

4. Section 1.53 is amended by adding the following new paragraph at the end thereof:

§ 1.53 Delegations to Under Secretary.

(k) Exercise executive direction of the Transportation Systems Center and approve financial and resources plans for the Center.

5. Section 1.57 is amended by adding the following new paragraph at the end thereof:

§ 1.57 Delegations to Assistant Secretary for Systems Development and Technology.

(k) Provide the technical direction required by the Transportation Systems Center to ensure its optimum use as a Departmental in-house research, development, and technological facility.

6. Section 1.60(a) (1) is amended and a new paragraph (j) is added to read as follows:

§ 1.60 Delegations to Assistant Secretary for Administration.

(a) *Procurement.* (1) Exercise procurement authority with respect to requirements of the Office of the Secretary, except the Transportation Systems Center.

(j) *Administrative/Management Matters at the Transportation Systems Center.* Provide guidance and assistance to the Transportation Systems Center on all administrative/management problems (as distinguished from purely technical matters) and make recommendations to the Under Secretary for their disposition.

7. Section 1.61 is deleted and the following new sections are added at the end of the part:

§ 1.61 Delegations to Director of the Transportation Systems Center.

The Director of the Transportation Systems Center is delegated authority to:

(a) Redelegate and authorize successive redelegations of authority granted by the Secretary/Under Secretary, except as limited by law or specific administrative reservations.

(b) Authorize and approve official travel (except overseas travel) and transportation for himself, his subordinates, and others performing services for, or in cooperation with, the Transportation Systems Center.

(c) Administer the operation of the Transportation Systems Center and perform the functions described in his functional statement.

(d) (1) Communicate directly with officials of the operating administrations to ensure that projects undertaken by Transportation Systems Center are carried out in accordance with the operating administrations' program guidance; and

(2) Communicate directly with officials of other Government agencies, private industry, and educational institutions provided such communications are primarily for coordination and information purposes and are in concert with established departmental program policy.

(e) Recommend to the Secretary/Under Secretary, through the Assistant Secretary for Systems Development and Technology, actions to—

(1) Initiate research and development projects which indicate a high yield potential; and

(2) Modify the nature and extent of existing research and development projects in cases in which, in his judgment, modification would significantly enhance the probability of successful achievement of the end objective.

(f) Recommend to the Secretary/Under Secretary, through the Assistant Secretary for Administration, actions for improved management through organizational changes, realignment of resources, and other innovations designed to increase the effectiveness, productivity and economy of Center operations.

(g) Notwithstanding any other provision of this part, exercise procurement authority with respect to requirements of the Transportation Systems Center, subject to such approvals as the Assistant Secretary for Administration may prescribe for—

(1) Contractual actions involving more than \$250,000;

(2) Utility contracts expected to cost \$50,000 or more per year;

(3) Solicitations of any bid or proposal for support services; and

(4) Acquisition (new construction, purchase, leasing, or otherwise) and disposal of real property.

(h) Establish ad hoc committees for specific tasks within his assigned area of responsibility.

(i) Establish, modify, extend, or terminate standing committees within his specific area of responsibility when directed or authorized to do so by the Secretary.

(j) Enter into General Working Agreements and specific Project Plan Agreements with sponsoring organizations (operating administrations, Office of Supersonic Transport Development, and others) which spell out in relatively broad terms the type of work the Transportation Systems Center will perform for the sponsor and which commit or obligate the sponsor's funds to be advanced periodically during the work period to a special OST/TSC Consolidated Working Fund.

§ 1.62 Saving provision.

Each order, determination, regulation, or contract that was in effect on January 17, 1970, and that was issued or made on or before that date under any authority delegated or redelegated under this part, shall continue in effect according to the terms until modified, terminated, superseded, set aside, or repealed by the person to whom the delegation or redelegation is made, by any court of competent jurisdiction, or by operation of law.

(Sec. 9, Department of Transportation Act; 49 U.S.C. 1657)

Issued in Washington, D.C., on June 25, 1970.

JAMES M. BEGGS,
Acting Secretary of Transportation.
[F.R. Doc. 70-8305; Filed, June 29, 1970;
8:51 a.m.]

Chapter V—National Highway Safety Bureau, Department of Transportation

PART 575—CONSUMER INFORMATION REGULATIONS

Requirements; Correction

On April 30, 1970, a notice was published, 35 F.R. 6867, making miscellaneous amendments to the Consumer Information Regulations. In addition to making those amendments, the notice should also have deleted the reference to the "Administrator" in § 575.6(c) on page 6868, and substituted "Director." The authority to issue standards and regulations under the National Traffic and Motor Vehicle Safety Act of 1966 was delegated (35 F.R. 4955, March 21, 1970) by the Secretary of Transportation to the Director of the National Highway Safety Bureau, 49 CFR 1.51. Consequently, § 575.6(c) is corrected to read: "Each manufacturer of motor vehicles shall submit to the Director * * *".

Issued: June 24, 1970.
RODOLFO A. DIAZ,
Acting Director,
National Highway Safety Bureau.
[F.R. Doc. 70-8293; Filed, June 29, 1970;
8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Ill.

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

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

ILLINOIS

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of black, gray, and fox squirrels on the Mark Twain National Wildlife Refuge, Ill., is permitted only on the area of the Batchtown Division designated by signs as open to hunting. This open area, comprising 2,249 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of squirrels subject to the following conditions:

(1) The open season for hunting squirrels on the refuge is from August 1, 1970, through October 15, 1970, inclusive.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 15, 1970.

JAMES F. GILLETT,
Refuge Manager, Mark Twain
National Wildlife Refuge,
Quincy, Ill.

JUNE 22, 1970.

[F.R. Doc. 70-8263; Filed, June 29, 1970; 8:48 a.m.]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Ill.

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

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

ILLINOIS

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of black, gray, and fox squirrels on the Mark Twain National Wildlife Refuge, Ill., is permitted only on the area of the Calhoun Division designated by signs as open to hunting. This open area, comprising 5,050 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of squirrels subject to the following conditions:

(1) The open season for hunting squirrels on the refuge is from August 1, 1970, through October 15, 1970, inclusive.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 15, 1970.

JAMES F. GILLETT,
Refuge Manager, Mark Twain
National Wildlife Refuge,
Quincy, Ill.

JUNE 22, 1970.

[F.R. Doc. 70-8264; Filed, June 29, 1970; 8:48 a.m.]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Ill.

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

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

ILLINOIS

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of black, gray and fox squirrels on the Mark Twain National Wildlife Refuge, Ill., is permitted only on the area of the Gardner Division designated by signs as open to hunting. This open area, comprising 4,200 acres of the total Gardner Division area, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of squirrels subject to the following conditions:

(1) The open season for hunting squirrels on the refuge is from September 1, 1970, through October 15, 1970, inclusive.

(2) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Mark Twain National Wildlife Refuge headquarters, Quincy, Ill.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 15, 1970.

JAMES F. GILLETT,
Refuge Manager, Mark Twain
National Wildlife Refuge,
Quincy, Ill.

JUNE 22, 1970.

[F.R. Doc. 70-8266; Filed, June 29, 1970; 8:48 a.m.]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Ill.

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

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

ILLINOIS

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of black, gray, and fox squirrels on the Mark Twain National Wildlife Refuge, Ill., is permitted only on the area of the Keithsburg Division designated by signs as open to hunting. This open area, comprising 1,296 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of squirrels subject to the following conditions:

(1) The open season for hunting squirrels on the refuge is from September 1, 1970, through October 15, 1970, inclusive.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 15, 1970.

JAMES F. GILLETT,
Refuge Manager, Mark Twain
National Wildlife Refuge,
Quincy, Ill.

JUNE 22, 1970.

[F.R. Doc. 70-8267; Filed, June 29, 1970; 8:48 a.m.]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Iowa

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

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

IOWA

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Mark Twain National Wildlife Refuge, Iowa, is permitted only on the areas known as the Big Timber Division and the Turkey Island area designated by signs as open to hunting. These open areas, comprising 1,660 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of upland game.

RULES AND REGULATIONS

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 1, 1971.

JAMES F. GILLETT,
Refuge Manager, Mark Twain
National Wildlife Refuge,
Quincy, Ill.

JUNE 22, 1970.

[F.D. Doc. 70-8268; Filed, June 29, 1970;
8:48 a.m.]

PART 32—HUNTING

Mark Twain National Wildlife Refuge,
Iowa

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

§ 32.32 Special regulations; big game;
for individual wildlife refuge areas.

IOWA

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of big game on the
Mark Twain National Wildlife Refuge,

Iowa, is permitted only on the areas known as the Big Timber Division and that portion of the Louisa Division known as the Turkey Island area designated by signs as open to hunting. These open areas, comprising 1,660 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective until March 1, 1971.

JAMES F. GILLETT,
Refuge Manager, Mark Twain
National Wildlife Refuge,
Quincy, Ill.

JUNE 22, 1970.

[F.R. Doc. 70-8269; Filed, June 29, 1970;
8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 906]

ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Container and Pack Regulation

Consideration is being given to the following proposal, as hereinafter set forth, applicable to § 906.340 *Container, pack, and container marking regulations*, which was recommended by the Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 30th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The recommendation of the Texas Valley Citrus Committee reflects its appraisal of need for restricting the use of containers to those most suitable for the packing and handling of grapefruit and oranges to promote orderly marketing, so as to provide consumers with good quality fruit and maximize returns to producers pursuant to the declared policy of the act. Under the proposed amendment, the 20-pound bag would no longer be authorized for the shipment of oranges and grapefruit beginning January 1, 1971. Delaying the effective date, until January 1, 1971, is intended to give handlers ample opportunity to use any bags of this size which they might have on hand. The committee reports that it costs more to pack fruit in 20-pound bags than in cartons, and fruit packed in 20-pound bags returns less money to growers than does fruit packed in cartons.

As amended, paragraph (a) (1) (iv) of § 906.340 (7 CFR 906.340) would read as follows:

§ 906.340 *Container, pack, and container marking regulations.*

(a) *Order.* * * *

(1) *Containers.* * * *

(iv) Bags having a capacity of 5 or 8 pounds of fruit;

Dated: June 25, 1970.

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

[F.R. Doc. 70-8297; Filed, June 29, 1970;
8:50 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 520]

EMPLOYMENT OF STUDENT-LEARNERS

Temporary Certification by School Officials

Pursuant to authority in sections 11 and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211, 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., P. 1004), and Secretary's Order No. 19-67 (32 F.R. 12980), I propose to amend Part 520 of Title 29 of the Code of Federal Regulations as set forth below in order to modify the procedure in § 520.6(c) (2) providing that the certification by an appropriate school official on an application for a special student-learner certificate temporarily authorizes, pursuant to section 14 of the Fair Labor Standards Act, as amended (29 U.S.C. 214), the employment of a student-learner at a minimum wage lower than that otherwise required by section 6 thereof.

Interested persons are invited to submit written data, views, or arguments regarding the proposal to the Administrator of the Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210, within 15 days after the date of publication of this notice in the FEDERAL REGISTER.

1. In § 520.3 a new paragraph (c) would be added, which would read as follows:

§ 520.3 Application for a special student-learner certificate.

(c) The certification by the appropriate school official must satisfy the following conditions:

(1) The application must be properly executed in conformance with this § 520.3.

(2) The employment training must conform with the provisions of § 520.5 (a), (c), (d), and (g) and paragraphs (a) and (c) of § 520.6.

(3) The occupation must not be one for which a student-learner application

was previously submitted by the employer and a special certificate was denied by the Administrator or his authorized representative.

2. Section 520.4 would be amended to read as follows:

§ 520.4 Procedure for action upon application.

(a) The certification by the appropriate school official on an application for a special student-learner certificate authorizing the employment of a student-learner at subminimum wages (see § 520.3(b)) shall constitute a temporary authorization for the employment of a student-learner at less than the statutory minimum wage, effective from the date such application is forwarded to the Division in conformance with § 520.3 and, at the end of 30 days shall become the permanent special student-learner certificate unless the application is denied after review by the Administrator or his authorized representative within that time or unless the period of review is expressly extended by the Administrator or his authorized representative.

(b) Upon receipt of an application for the employment of a student-learner, the Administrator or his authorized representative shall review the application for compliance with this part. If an application is to be denied, notification of denial should be made to the appropriate school official, the employer, and the student within the 30 days following the date such application was forwarded to the Division, unless additional time for review is considered necessary or appropriate, and in which case the appropriate school official, the employer, and the student shall be so notified. To the extent feasible, the Administrator or his authorized representative shall provide an opportunity to other interested persons to present data and views on the application before denying a special student-learner certificate.

(c) Whenever a notification of denial is mailed to the employer, such denial shall be without prejudice to any subsequent application, except under the circumstances referred to in § 520.3(c) (3). Two copies of the notification of denial shall be mailed to the appropriate school official, one of which shall be retained for his records and the other shall be presented to the student-learner.

3. In § 520.5 the heading would be amended to read as follows:

§ 520.5 Conditions necessary for favorable review.

4. In § 520.6, paragraphs (a) and (c) (2) would be deleted, and, as amended, § 520.6 would read as follows:

§ 520.6 Terms and conditions of employment under special student-learner certificates.

(a) The special minimum wage rate shall be not less than 75 percent of the applicable minimum under section 6 of the Act.

(b) No special student-learner certificate may be issued retroactively.

(c) (1) The number of hours of employment training each week at subminimum wages pursuant to a certificate, when added to the hours of school instruction, shall not exceed 40 hours, except that authorization may be granted by the Administrator or his authorized representative for a greater number of hours if found to be justified by extraordinary circumstances.

(2) When school is not in session on any schoolday, the student-learner may work a number of hours in addition to the weekly hours of employment training authorized by the certificate: *Provided, however,* That the total hours worked shall not exceed 8 hours on any such day. A notation shall be made in the employer's records to the effect that school not being in session was the reason additional hours were worked on such day.

(3) During the school term, when school is not in session for the entire week, the student-learner may work at his employment training a number of hours in the week in addition to those authorized by the certificate: *Provided, however,* That the total hours shall not exceed 40 hours in any such week. A notation shall be made in the employer's records to the effect that school not being in session was the reason additional hours were worked in such week.

(d) A special student-learner certificate shall not constitute authorization to pay a subminimum wage rate to a student-learner in any week in which he is employed for a number of hours in addition to the number authorized in the certificate, except as provided in paragraph (c) (1), (2), and (3) of this section.

5. In § 520.7 paragraphs (b) and (c) would be amended to read as follows:

§ 520.7 Employment records to be kept.

(b) The employer's copy of the application, filed in accordance with § 520.4 (a) must be available at all times for inspection for a period of 3 years from the last date of employment of the student-learner.

(c) Notations should be made in the employer's records when additional hours are worked by reason of school not being in session as provided in § 520.6(c) (2) and (3).

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

Signed at Washington, D.C., this 24th day of June 1970.

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

[F.R. Doc. 70-8295; Filed, June 29, 1970; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 91]

[Docket No. 10397; Notice 70-23]

SAFETY BELTS ON AIRSHIPS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 91 of the Federal Aviation Regulations to exempt airships from the requirement that approved safety belts must be provided for all occupants.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue Southwest, Washington, D.C. 20590. All communications received on or before August 31, 1970, will be considered by the Administrator before taking action upon the proposed rule. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The Goodyear Aerospace Corp. petitioned the FAA for a change to § 91.33 (b) (12) of the Federal Aviation Regulations to permit operation of its GZ-20 airship without provisions for safety belts. The predecessors of the GZ-20 (the GZ-19 and GZ-19A) were certificated without seatbelts, and the flight manuals for those airships carried the statement "This airship approved for operation without seatbelts." In its 43 years of operation with commercial airships, Goodyear has had no incidents involving injury to any person, or any incident in which the level of safety would have been increased by the installation and use of safety belts.

Because airships operate at low speeds, are slow in response to gusts, experience low "G" loading, and have a free ballooning capability, the FAA believes that safety belts are not necessary on airships, and therefore, proposes to amend § 91.33(b) (12) to exempt airships from the requirement to provide safety belts for all occupants.

In this regard, it should be noted that FAA Notice 69-55 (35 F.R. 324) proposes to require that each occupant of an aircraft fasten his safety belt during the takeoff and landing of that aircraft, and to require the pilot to notify each person on board that aircraft to fasten his safety belt before each takeoff and landing. If the provisions of this Notice are adopted, appropriate changes would also be made to those regulations affected by Notice 69-55, if it is adopted.

In consideration of the foregoing, it is proposed to amend § 91.33 of the Federal Aviation Regulations by amending the

introductory phrase of paragraph (a) and the first sentence of paragraph (b) (12) to read as follows:

§ 91.33 Powered civil aircraft with standard category U.S. airworthiness certificates: instrument and equipment requirements.

(a) *General.* Except as provided in paragraphs (b) (12), (c) (3), and (e) of this section, * * *

(b) * * *

(12) Except as to airships, approved safety belts for all occupants. * * *

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 24, 1970.

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

[F.R. Doc. 70-8251; Filed, June 29, 1970; 8:47 a.m.]

Office of Pipeline Safety

[49 CFR Part 192]

[Notice 70-12; Docket No. OPS-5]

MINIMUM FEDERAL SAFETY STANDARDS FOR GAS PIPELINES

Requirements for Corrosion Control; Public Hearing and Extension of Comment Period

On May 6, 1970, the Office of Pipeline Safety published in the FEDERAL REGISTER a notice of proposed rule making, Notice 70-8, containing requirements for corrosion control (35 F.R. 2127). Interested persons were invited to participate in the making of the proposed rules by submitting written comments before June 29, 1970. On June 6, 1970, an amended notice of proposed rule making was published in the FEDERAL REGISTER (Notice 70-10; 35 F.R. 8833) to make certain changes in the proposed rules relating to cast iron and ductile iron pipe.

On June 12, 1970, the Cast Iron Pipe Research Association requested that a public hearing be held on the requirements of Notices 70-8 and 70-10 applicable to cast iron and ductile iron pipe. In view of this request and the comments that have been received on Notice 70-8 in general, it appears that further public comment on the proposals contained in these notices would be helpful. In particular, further public comment would be helpful on the proposed applicability of certain requirements to existing pipelines.

With respect to cast iron and ductile iron pipe, the Office of Pipeline Safety is interested in additional public comment on questions raised by the applicability to cast iron or ductile iron pipe of the proposed requirements for new construction relating to protection against external corrosion (§ 192.453),

protective coating (§ 192.455), cathodic protection within 1 year after completion of construction (§ 192.457), and monitoring of cathodic protection (§ 192.457). Section 192.489 which proposed that cast iron or ductile iron pipe and components exposed to the atmosphere be coated to prevent atmospheric corrosion is also an appropriate subject for comment.

To obtain additional information in the areas discussed, the Office of Pipeline Safety will conduct a public hearing at 10 a.m. on Monday, July 20 and Tuesday, July 21, if necessary, in the Department of Transportation Building (Federal Office Building 10A), Room 9A and B, 800 Independence Avenue SW., Washington, D.C. The hearing will be an informal one. It will not be a judicial or evidentiary type of hearing. There will be no cross-examination of persons presenting statements. A staff member of the Office of Pipeline Safety will make an opening statement outlining the problem. Interested persons will then have an opportunity to present their initial oral statements. After all initial statements have been completed, those persons who wish to make rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures for the conduct of the hearing will be announced at the hearing.

Interested persons are invited to attend the hearing and present oral or written statements on the matters set for hearing. These statements will be made a part of the record of the hearing, the transcript of which will be a matter of public record. Any person who wishes to make oral statements at the hearing should notify the Director of Office of Pipeline Safety, before July 13, 1970, stating the amount of time required for his initial statement. In addition the closing date for written comments is being extended to July 21, 1970.

All communications concerning this hearing should be addressed to the Director of the Office of Pipeline Safety, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590.

This notice is issued under the authority of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. sec. 1671 et seq.), Part 1 of the Regulations of the Office of the Secretary of Transportation (49 CFR Part 1), and the delegation of authority to the Director, Office of Pipeline Safety, dated November 6, 1968 (33 F.R. 16468).

Issued in Washington, D.C., on June 26, 1970.

W. C. JENNINGS,
Acting Director,
Office of Pipeline Safety.

[F.R. Doc. 70-8376; Filed, June 29, 1970;
8:51 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-8909]

SECURITIES EXCHANGE ACT OF 1934 Fraudulent, Manipulative, Deceptive, and Fictitious Quotations

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt Rule 15c2-11 (17 CFR 240.15c2-11) under the Securities Exchange Act of 1934 to prohibit the initiation or resumption of quotations respecting a security by a broker or dealer who lacks minimum specified financial and other information concerning the security and the issuer.

As reflected in Securities Act Release No. 4982, and in the FEDERAL REGISTER for July 15, 1969 (34 F.R. 11581), the Commission has become increasingly concerned with the recent activities of certain types of promoters who acquire and utilize "shell" companies to effectuate public distributions of securities through the "spin off" device. A reference to some details of such practice is contained in Securities Act Release No. 4982. The Commission also pointed out in that release that the accompanying violations of the registration requirements of the Securities Act of 1933 and of applicable antifraud provisions of the Federal securities laws depended for their consummation in many instances on the activities of brokers and dealers who were reminded on that occasion of their obligation to make diligent inquiry concerning the issuer and obtaining sufficient information to justify their activity in the security.

Such conduct on the part of some brokers and dealers has included the hasty submission of quotations in the daily sheets of the National Quotation Service, Inc., in the absence of any information about the security or the issuer and before any opportunity is afforded to public investors to acquire such information in order to make an informed investment judgment. In many cases this practice has resulted in an irresponsible "numbers" game which, apart from having the effect of foisting unseasoned securities on the investing public, is not only disruptive of the market but fraught with manipulative potential.

To furnish safeguards against these occurrences, proposed Rule 15c2-11 would provide that a broker-dealer may not furnish or submit a quotation as to a security to an inter-dealer-quotation system if the security had not been the subject of bid and ask quotations on a regular basis within 30 days of his quotation, unless (a) a registration statement has been in effect with respect to such security within 90 days prior to the submission of the quotation and the

broker-dealer has a copy of the definitive prospectus, or (b) a notification under Regulation A has been in effect within 40 days prior to the submission of the quotation and the broker-dealer has a copy of the offering circular, or (c) the issuer is subject to reporting requirements of section 13 or 15(d) of the Exchange Act, or of the Investment Company Act, or, in the case of an insurance company exempt from section 12(g), of the requirements of State law and, in addition, the broker-dealer has the most recent annual and interim reports in his possession, or (d) the broker-dealer has specified financial and other pertinent information in his possession concerning the company and, no later than the time he submits the quotation, furnishes a copy of such information to the inter-dealer-quotation system and makes them available on demand to anyone expressing an interest in a transaction with him in the security. The prescribed information would include such matters as: name and address of the issuer; the State of incorporation; the exact title and class of security; the par or stated value of the security; the number of shares or total amount of the security outstanding; the name and address of the transfer agent; the nature of the issuer's business; the product or service offered and the nature and extent of the issuer's facilities; the name of the chief executive officers and members of the board of directors; financial information concerning the issuer including its most recent balance sheet and profit and loss statement (which would be reasonably current in relation to the day the quotation is submitted) as well as similar information for the 2 preceding fiscal years if the issuer has been in existence during such period; whether the quotation is being furnished or submitted to the inter-dealer-quotation system on behalf of any other broker or dealer, or on behalf of any director or officer of the issuer or any person who is directly or indirectly the beneficial owner of more than 10 percent of any equity security of the issuer, and if so, the name of such other broker or dealer or of such director or person and any other information which such broker or dealer has used as a basis for determining the price of the quotation furnished to the inter-dealer-quotation system. The rule would exempt from its operation the quotation in the Third Market respecting a security registered for listing on a national securities exchange and currently being traded on such exchange on the same day or the day before the quotation is submitted.

The rule would be adopted under sections 15(c)(2), 17(a), and 23(a) of the Securities Exchange Act of 1934.

As proposed, § 240.15c2-11 would read as follows:

§ 240.15c2-11 Fraudulent, manipulative, deceptive, and fictitious quotations.

(a) It shall be unlawful for a broker or dealer to furnish or submit, directly

or indirectly, any quotation for a security to any inter-dealer-quotation system if the security has not been the subject of bid and ask quotations on a regular basis in an inter-dealer-quotation system within the previous 30 days, unless—

(1) The issuer has filed a registration statement under the Securities Act of 1933 which became effective within 90 days prior to the date when such broker or dealer furnishes or submits the quotation to the inter-dealer-quotation system, and such broker or dealer has a copy of the prospectus specified by section 10(a) of the Securities Act of 1933; or

(2) The issuer has filed a notification under Regulation A under the Securities Act of 1933 which has become effective, and such broker or dealer has a copy of the offering circular containing the information specified in Schedule I of Form 1-A of Regulation A (§ 239.90 of this chapter) dated as of a date within 40 days of the date on which such quotation is furnished or submitted to the inter-dealer-quotation system; or

(3) (i) The issuer is required to file reports pursuant to section 13 or 15(d) of the Act, or is the issuer of a security covered by clause (B) or (G) of paragraph (2) of section 12(g) of the Act, and

(ii) The broker or dealer has ascertained that the issuer has filed the reports required by the laws of the United States, or, in the case of an insurance company included in section 12(g)(2)(G) of the Act by applicable State law, and

(iii) The broker or dealer has in his possession a copy of the issuer's most recent annual report so filed, together with any other reports so filed by the issuer subsequent to such annual report; or

(4) With respect to the security of any issuer other than one included in subparagraph (1), (2), or (3) of this paragraph, such broker or dealer shall

have in his possession, maintain as part of his records, preserve in compliance with § 240.17a-4 and make available upon demand to any person expressing an interest in a proposed transaction in the security with such broker or dealer, the following information concerning the issuer and the security: (i) The exact name of the issuer; (ii) the address of its principal executive offices; (iii) the State of incorporation if it is a corporation; (iv) the exact title and class of the security; (v) the part or stated value of the security; (vi) the number of shares or total amount of the security outstanding; (vii) the name and address of the transfer agent; (viii) the nature of the issuer's business; (ix) the product or service offered and the nature and extent of the issuer's facilities; (x) the name of the chief executive officers and members of the board of directors; (xi) financial information concerning the issuer including its most recent balance sheet and profit and loss statement (which shall be reasonably current in relation to the day the quotation is submitted) as well as similar information for the 2 preceding fiscal years if the issuer has been in existence during such period; (xii) whether the quotation is being furnished or submitted to the inter-dealer-quotation system on behalf of any other broker or dealer, and if so, the name of such other broker or dealer; (xiii) whether the quotation is being furnished or submitted to the inter-dealer-quotation system on behalf of or at the instance of the issuer, or any director or officer of the issuer, or any person who is directly or indirectly the beneficial owner of more than 10 percent of the outstanding units or shares of any class of equity security of the issuer and, if so, the name of such officer, director or person; (xiv) and any other information, including adverse information, which such broker or dealer has used as a basis for determining the price of the

quotation furnished to the inter-dealer-quotation system.

(b) With respect to a security included in paragraph (a)(4) of this section, the broker or dealer furnishing or submitting the quotation shall furnish it to the inter-dealer-quotation system no later than the date on which the quotation is furnished or submitted.

(c) For purposes of this section:

(1) The term "inter-dealer-quotation system" shall mean any system of general circulation to brokers and dealers which regularly disseminates quotations of brokers or dealers, and

(2) Except as otherwise specified in this section, the term "quotation" shall mean any bid or offer, or any indication of interest in any bid or offer (such as OW, BW, or name only).

(d) The provisions of this section shall not apply to the quotation by a broker-dealer furnished or submitted to an inter-dealer-quotation system respecting a security which is registered for listing on a national securities exchange and which was traded on such exchange on the same day as, or the day before, the quotation is furnished or submitted.

All interested persons are invited to submit their views and comments on the above proposal, in writing, to the Securities and Exchange Commission, Washington, D.C. 20549, on or before July 24, 1970. All such communications will be considered available for public inspection.

(Secs. 15(c)(2), 17(a), 23(a), 48 Stat. 895, 897, 901, secs. 3, 4, 49 Stat. 1377, 1379, secs. 2, 5, 52 Stat. 1075, 1076; 15 U.S.C. 78o(c)(2), 78q(a), 78w(a))

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

JUNE 24, 1970.

[F.R. Doc. 70-8273; Filed, June 29, 1970; 8:48 a.m.]

Notices

POST OFFICE DEPARTMENT UNIFORM ALLOWANCE PROGRAM

Change in Service Charge to Vendors

Beginning July 1, 1970 and through June 30, 1971, the service charge for processing vendor invoices under the direct-payment-to-vendors system of uniform allowances (33 F.R. 6744) will be 4 percent of the gross amount due each vendor.

Since the foregoing relates to a matter involving government contracts, rule making procedure and a delayed effective date as otherwise required by section 553 of title 5, United States Code, relating to administrative procedure, is not necessary. Accordingly, the terms of this notice are effective July 1, 1970 for the period stated herein.

(5 U.S.C. 301, 5901(a), 39 U.S.C. 501)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 70-8377; Filed, June 29, 1970;
9:26 a.m.]

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority 29, Amdt. 2]

DIRECTOR, EQUAL OPPORTUNITY PROGRAMS

Delegation of Authority Relating to Equal Opportunity Programs

Delegation of Authority No. 29, dated August 16, 1963 (28 F.R. 9431), and amended October 28, 1969, is further amended as follows:

1. Delete the present text and substitute therefore, the following:

In accordance with the provisions of Executive Orders 11478 and 11246, I hereby delegate to the Director of Equal Opportunity Programs for the Agency for International Development the following functions and responsibilities.

a. Pursuant to Executive Order 11478, and implementing regulations, orders, and instructions of the Civil Service Commission, the Director of Equal Opportunity Programs is responsible under my general direction for the establishment and continuation of affirmative programs of equal opportunity in the Agency's employment, development, advancement and treatment of its employees. In carrying out these responsibilities, the Director of Equal Opportunity Programs may designate or authorize the designation of such Equal Opportunity Officers as the Director may deem necessary.

b. Pursuant to Executive Order 11246, as amended, and the implementing regu-

lations of the Secretary of Labor (41 CFR Part 60-1), as amended, the Director of Equal Opportunity Programs is designated as the Agency's Contract Compliance Officer and is responsible under my general direction for the promotion and insuring of equal opportunity for all persons, without regard to race, color, religion, sex, or national origin, employed or seeking employment under AID-financed contracts subject to Executive Order 11246, as amended. In carrying out these contract compliance duties, the Director of Equal Opportunity Programs may designate or authorize the designation of a Deputy Contract Compliance Officer and such Contract Compliance Specialists as the Director may deem necessary.

c. Pursuant to AID Regulation 9, Manual Order 1019.5, in effectuation of title VI of the Civil Rights Act of 1964, the Director of Equal Opportunity Programs is designated as my delegee to perform functions provided for in said Regulation 9, except the functions of presiding at hearings pursuant to § 209.9(b) and of making final decisions pursuant to § 209.10 of that regulation.

2. This amendment to Delegation of Authority No. 29 is effective immediately.

JOHN A. HANNAH,
Administrator.

JUNE 17, 1970.

[F.R. Doc. 70-8226; Filed, June 29, 1970;
8:45 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 70-149]

VINYL-CLAD CHAIN LINK FENCING

Country of Origin Marking

There was published in the FEDERAL REGISTER for October 1, 1969 (34 F.R. 15313), a notice of withdrawal of a tentative ruling published in the FEDERAL REGISTER for July 10, 1969 (34 F.R. 11427), which would have required vinyl-clad chain link fencing imported into the United States to be marked to indicate the country of origin at intervals of approximately 10 feet of length of rolled fencing, by impressing the marking on the vinyl covering or by the use of pressure-sensitive or other securely applied adhesive labels. The notice of tentative ruling was withdrawn in the belief that a tag securely affixed to the leading end of each roll of standard 50-foot or 100-foot length of fencing would be sufficient to indicate the country of origin to the ultimate purchasers of the fencing.

However, further investigation of this matter has disclosed instances where tags indicating the country of origin of

imported vinyl-clad chain link fencing have been removed at the importers' premises prior to installation of the fencing, and ultimate purchasers in the United States have been misled with respect to the country of origin of fencing purchased by them. Accordingly, the Bureau has concluded that tags affixed only to the ends of rolls of vinyl-clad chain link fencing are not an acceptable means of marking such fencing to indicate the country of origin.

Comments submitted to the Bureau in response to the notice of tentative ruling published in the FEDERAL REGISTER for July 10, 1969 (34 F.R. 11427), indicated that it was feasible to impress the country of origin into the vinyl covering of the wire at intervals of from approximately 10 to 24 inches during the course of manufacture, so that the marking would appear at frequent intervals on the fencing fabricated from the wire. The marking may also be printed on the wire in a contrasting color so that it appears on the fencing at frequent intervals.

Accordingly, either of these methods will be considered an acceptable method of marking vinyl-clad chain link fencing to indicate the country of origin for purposes of 19 U.S.C. 1304. Other forms of marking may also be acceptable if they are sufficiently legible, conspicuous, and permanent. Rulings in specific cases are obtainable through the office of the District Director of Customs concerned or through this office.

This ruling shall become effective as to merchandise entered, or withdrawn from warehouse, for consumption on or after the 91st day after publication in the FEDERAL REGISTER.

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

JUNE 19, 1970.

EUGENE T. ROSSIDES,
*Assistant Secretary
of the Treasury.*

[F.R. Doc. 70-8300; Filed, June 29, 1970;
8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-2836]

IDAHO

Notice of Proposed Classification of Public Lands for Multiple-Use Management

JUNE 22, 1970.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18), and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management the public

lands within the area described in Paragraph No. 2. Publication of this notice (a) segregates all the public lands described in this notice from appropriation under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C., sec. 334) and from sale under section 2455 of the revised statutes (43 U.S.C. 1171), and (b) further segregates the lands described in paragraph No. 3 of this notice from the operation of the general mining laws (30 U.S.C., Chapter 2). Except as provided in (a) and (b) above, the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws.

As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Public lands proposed for classification are within the area described below, and are part of Cassia County. They are shown on maps on file in the Burley District Office, Bureau of Land Management, and in the Land Office, Bureau of Land Management, 550 West Fort Street, Boise, Idaho:

BOISE MERIDIAN, IDAHO

- T. 12 S., R. 19 E.,
All.
- T. 12 S., R. 20 E.,
All.
- T. 16 S., R. 20 E.,
All.
- T. 11 S., R. 21 E.,
Sec. 1, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 31, lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 35, SE $\frac{1}{4}$.
- T. 12 S., R. 21 E.,
Sec. 2, SE $\frac{1}{4}$;
Sec. 4, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 5, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Secs. 13 and 14;
Sec. 21, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 26;
Sec. 30, lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$;
Secs. 31 and 32.
- T. 13 S., R. 21 E.,
Sec. 1, S $\frac{1}{2}$;
Secs. 2 and 3;
Sec. 4, lot 4, S $\frac{1}{2}$ N $\frac{1}{2}$, E $\frac{1}{2}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Secs. 5 through 15 inclusive;
Sec. 17;
Secs. 22 through 27 inclusive;
Sec. 34;
Sec. 35.
- T. 14 S., R. 21 E.,
All.
- T. 15 S., R. 21 E.,
All.
- T. 16 S., R. 21 E.,
All.
- T. 10 S., R. 22 E.,
Sec. 31, NE $\frac{1}{4}$ SW $\frac{1}{4}$.
- T. 12 S., R. 22 E.,
Sec. 6, lots 6 and 7, E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 31, lots 1 and 2.
- T. 13 S., R. 22 E.,
Sec. 12, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Secs. 13 and 14;
Secs. 22 through 26 inclusive;
Secs. 30, 31, and 35.
- T. 14 S., R. 22 E.,
Secs. 1 and 2;
Secs. 6 through 15 inclusive;
Secs. 17 through 35 inclusive.
- T. 15 S., R. 22 E.,
All.
- T. 16 S., R. 22 E.,
All.
- T. 10 S., R. 23 E.,
Sec. 32.
- T. 13 S., R. 23 E.,
Sec. 8;
Secs. 17 and 18;
Secs. 30 and 31.
- T. 14 S., R. 23 E.,
All.
- T. 15 S., R. 23 E.,
All.
- T. 16 S., R. 23 E.,
Secs. 1 through 3 inclusive;
Secs. 10 through 15 inclusive;
Secs. 22 through 27 inclusive;
Secs. 34 and 35.
- T. 11 S., R. 24 E.,
All.
- T. 12 S., R. 24 E.,
Secs. 1 through 5 inclusive;
Secs. 8 through 11 inclusive;
Secs. 15 through 22 inclusive.
- T. 13 S., R. 24 E.,
All.
- T. 14 S., R. 24 E.,
All.
- T. 15 S., R. 24 E.,
All.
- T. 16 S., R. 24 E.,
All.
- T. 9 S., R. 25 E.,
Sec. 11;
Secs. 22 and 23.
- T. 10 S., R. 25 E.,
Secs. 25 and 26;
Sec. 35.
- T. 11 S., R. 25 E.,
Secs. 1 and 2;
Secs. 5 through 15 inclusive;
Secs. 18 through 26 inclusive;
Sec. 35.
- T. 12 S., R. 25 E.,
Secs. 1 and 2;
Secs. 11 through 15 inclusive;
Secs. 22 through 26 inclusive;
Secs. 34 and 35.
- T. 13 S., R. 25 E.,
All.
- T. 14 S., R. 25 E.,
Secs. 1 through 3 inclusive;
Sec. 4, lots 1 and 2, E $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 8;
Sec. 9, E $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$;
Secs. 10 through 15 inclusive;
Sec. 17;
Secs. 21 through 28 inclusive;
Secs. 30 through 35 inclusive.
- T. 15 S., R. 25 E.,
All.
- T. 16 S., R. 25 E.,
All.
- T. 9 S., R. 26 E.,
All.
- T. 10 S., R. 26 E.,
Secs. 1 through 15 inclusive;
Secs. 17 and 18;
Secs. 23 through 25 inclusive;
Secs. 30 and 31.
- T. 11 S., R. 26 E.,
Secs. 4 through 9 inclusive;
Secs. 18 and 19;
Secs. 30 and 31.
- T. 12 S., R. 26 E.,
Secs. 5 through 9 inclusive;
Sec. 15, S $\frac{1}{2}$;
Secs. 17 through 23 inclusive;
Secs. 26 through 35 inclusive.
- T. 13 S., R. 26 E.,
All.
- T. 14 S., R. 26 E.,
All.
- T. 15 S., R. 26 E.,
Secs. 1 through 15 inclusive;
Secs. 17 through 23 inclusive;
Secs. 27 through 35 inclusive.
- T. 16 S., R. 26 E.,
All.
- T. 9 S., R. 27 E.,
All.
- T. 10 S., R. 27 E.,
All.
- T. 12 S., R. 27 E.,
All.
- T. 13 S., R. 27 E.,
Sec. 2, lot 2;
Secs. 4 through 6 inclusive;
Sec. 8;
Sec. 15;
Sec. 17;
Secs. 21 through 23 inclusive;
Secs. 25 through 29 inclusive;
Secs. 33 through 35 inclusive.
- T. 14 S., R. 27 E.,
Secs. 1 through 4 inclusive;
Sec. 7;
Secs. 9 through 15 inclusive;
Secs. 18 and 19;
Secs. 21 through 28 inclusive;
Secs. 30 and 31;
Sec. 33, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Secs. 34 and 35.
- T. 15 S., R. 27 E.,
Secs. 2 through 4 inclusive;
Secs. 6 through 15 inclusive;
Sec. 17;
Secs. 20 through 28 inclusive;
Secs. 34 and 35.
- T. 16 S., R. 27 E.,
Sec. 5, W $\frac{1}{2}$ W $\frac{1}{2}$;
Secs. 6 through 8 inclusive;
Secs. 18 and 19.
- T. 9 S., R. 28 E.,
Secs. 20 and 21.
- T. 12 S., R. 28 E.,
All.
- T. 13 S., R. 28 E.,
Secs. 30 and 31.
- T. 14 S., R. 28 E.,
All.
- T. 15 S., R. 28 E.,
Secs. 5 through 7 inclusive;
Secs. 18 and 19;
Sec. 30.
- T. 10 S., R. 29 E.,
All.
- T. 11 S., R. 29 E.,
All.
- T. 12 S., R. 29 E.,
All.
- T. 13 S., R. 29 E.,
Secs. 3 through 5 inclusive;
Secs. 9 through 11 inclusive;
Secs. 14 and 15;
Secs. 21 through 23 inclusive;
Secs. 25 through 27 inclusive;
Secs. 34 and 35.
- T. 14 S., R. 29 E.,
Secs. 1 through 3 inclusive;
Sec. 7;
Secs. 10 through 15 inclusive;
Secs. 17 and 18;
Secs. 20 through 24 inclusive;
Sec. 27.
- T. 15 S., R. 29 E.,
All.
- T. 16 S., R. 29 E.,
All.

The area described aggregates approximately 439,200.96 acres of public land.

3. As provided in paragraph No. 1 above, the following lands are further segregated from appropriation under the general mining laws:

BOISE MERIDIAN, IDAHO

- T. 14 S., R. 21 E.,
Sec. 24, S $\frac{1}{2}$ SE $\frac{1}{4}$ (Trapper Creek Boat Landing).
- T. 15 S., R. 21 E.,
Sec. 12, SE $\frac{1}{4}$ SE $\frac{1}{4}$ (Lower Reservoir Campground).
- T. 16 S., R. 21 E.,
Sec. 1, lot 1.

- T. 15 S., R. 22 E.,
Sec. 31, lot 4 (Goose Creek Campground).
T. 10 S., R. 23 E.,
Sec. 32, (BLM Administration Site).
T. 16 S., R. 23 E.,
Sec. 13, S $\frac{1}{2}$ NW $\frac{1}{4}$ (Twin Sisters Campground).
T. 15 S., R. 24 E.,
Sec. 28, NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Circle Campground).
T. 16 S., R. 24 E.,
Sec. 19, SE $\frac{1}{4}$ SE $\frac{1}{4}$ (Emigrant Canyon Campground).
T. 15 S., R. 25 E.,
Sec. 23, NW $\frac{1}{4}$ (Hot Well Campground).
T. 13 S., R. 25 E.,
Sec. 22, SW $\frac{1}{4}$ SE $\frac{1}{4}$ (Cassia Creek Campground).
T. 9 S., R. 28 E.,
Sec. 20, SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 21, NE $\frac{1}{4}$ SW $\frac{1}{4}$ (Wildlife Area).

Containing approximately 798.22 acres.

4. Some of the lands that are classified in this decision may be potentially irrigable if water becomes available. Re-classification of such lands will be made when conditions warrant through new developments or technology and private development outweighs public values.

5. For a period of sixty (60) days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections concerning the proposed classification may present their views in writing to the Burley District Manager, Bureau of Land Management, Post Office Box 489, Burley, Idaho 83318.

6. A public hearing on this proposed classification will be held at 10 a.m. on Wednesday, July 8, 1970, at the Cassia County Courthouse, Burley, Idaho.

JOE T. FALLINI,
State Director.

[F.R. Doc. 70-8247; Filed, June 29, 1970;
8:46 a.m.]

Fish and Wildlife Service

YELLOWFIN TUNA FISHING IN EASTERN PACIFIC OCEAN BY SEINE VESSELS AND BAIT BOATS

Reversion of Incidental Catch Rate

Notice of reversion is hereby given pursuant to § 280.6(c) (2) and (4), Title 50, Code of Federal Regulations, as follows:

At 0001 hours, on July 2, 1970, the incidental catch rate of yellowfin tuna for purse seiners of 301 to 400 short tons capacity and bait boats will revert to 15 percent (15%). On the basis of the present catch rate, as of that date the catch of yellowfin tuna, during the closed season, by seine vessels of 301 to 400 short tons capacity will have reached 1,000 tons and bait boats will have reached 2,000 tons as provided in § 280.6 (c) (2) and (4), Title 50, Code of Federal Regulations.

Issued at Washington, D.C., and dated June 25, 1970.

PHILIP M. ROEDEL,
Director.

Bureau of Commercial Fisheries.

[F.R. Doc. 70-8222; Filed, June 29, 1970;
8:45 a.m.]

Office of the Secretary

THREE AFFILIATED TRIBES OF FORT BERTHOLD RESERVATION, N. DAK.

Order for Restoration of Lands to Tribal Ownership; Partial Revocation of Certain Departmental Orders

Whereas, pursuant to authority contained in section 6 of the Act of June 1, 1910 (36 Stat. 455, 456), the townsite of Parshall was established in the settled portion of the Fort Berthold Indian Reservation, and,

Whereas, Public Land Order 3006, dated April 8, 1963, authorized the sale of certain undisposed of lands within the townsite and for which there now appears to be no active public demand, and,

Whereas, there are now remaining undisposed of within the area certain land which may be valuable to the Indians of the reservation, and,

Whereas, the Three Affiliated Tribes of the Fort Berthold Reservation have requested that Public Land Order 3006, dated April 8, 1963, be revoked so far as it affects the herein described lands and further requests the said lands be restored to tribal ownership which the Acting Area Director at the Aberdeen Area Office and the Commissioner of Indian Affairs have recommended be granted.

Now, therefore, by virtue of the authority contained in section 3 of the Act of June 18, 1934 (48 Stat. 984, 25 U.S.C. 463), I hereby find that the restoration to tribal ownership of the lands hereinafter described in this paragraph will be in the public interest, and the said lands are hereby restored to tribal ownership of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, N. Dak., subject to any valid existing rights. Paragraph identified as No. 2 of Public Land Order 3006 of April 8, 1963, is hereby revoked insofar as it affects the following described lands:

PARSHALL TOWNSITE

- Block No.
6—Lots 1 and 2;
19—Lots 6, 7, 8, and 14;
20—Lots 11, 12, and 13;
23—Lots 9 to 16 inclusive;
24—Lots 1 to 7, inclusive, and lots 9 to 14, inclusive;
25—Lots 4 and 13.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 22, 1970.

[F.R. Doc. 70-8292; Filed, June 29, 1970;
8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-268]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Order Extending Completion Date

By application dated June 9, 1970, Wisconsin Electric Power Co. and Wisconsin

Michigan Power Co. requested an extension of the latest completion date specified in Provisional Construction Permit No. CPPR-32. The permit authorized Wisconsin Electric Power Co. and Wisconsin Michigan Power Co. to construct a pressurized water nuclear reactor, known as Point Beach Nuclear Plant Unit 1, at the town of Two Creeks, Manitowoc County, Wis.

Good cause having been shown for this extension pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55(b) of 10 CFR Part 50 of the Commission's regulations: *It is hereby ordered*, That the latest completion date specified in Provisional Construction Permit No. CPPR-32 is extended from June 30, 1970 to September 30, 1970.

Dated at Bethesda, Md., this 22d day of June 1970.

For the Atomic Energy Commission.

PETER A. MORRIS,

Director,

Division of Reactor Licensing.

[F.R. Doc. 70-8227; Filed, June 29, 1970;
8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[PPD 639]

JAPANESE BEETLE AND CERTAIN OTHER PESTS

List of Approved Laboratories Authorized to Receive Interstate Shipments of Soil Samples for Processing, Testing, or Analysis

Pursuant to the Japanese Beetle, White-Fringed Beetle, European Chafer, Soybean Cyst Nematode, Witchweed, Imported Fire Ant, and Golden Nematode Quarantines (Notices of Quarantine Nos. 48, 72, 77, 79, 80, 81, 85; 7 CFR 301.48, 301.72, 301.77, 301.79, 301.80, 301.81, and 301.85), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the following laboratories have been found to be operating under a compliance agreement and are hereby approved under said quarantines to receive interstate shipments of soil samples for processing, testing, or analysis.

LABORATORY AND ADDRESS

A

- Agrico Chemical Co., Washington Court House, Ohio.
Agricultural Service Laboratories, Pharr, Tex.
Allied Chemical Corp., Morristown, N.J.
American Cyanamid, Princeton, N.J.
American Oil Co. Soil Laboratories, Rochelle, Ga.
American Oil Co. Soil Laboratories, Holland, Tex.
Analysis Laboratories, Inc., Metairie, La.
Aneo Testing Laboratory, Inc., St. Louis, Mo.
Ansul Co. (The), Marinette, Wis.
Arco Chemical Co., Fort Madison, Iowa.
Arizona State University, Tempe, Ariz.
Arizona, University of, Tucson, Ariz.

Arkansas, University of, Experiment Station, Fayetteville, Ark.
 Arkansas, University of, Experiment Station, Marianna, Ark.
 Asphalt Institute (The), College Park, Md.
 Asphalt Technology, Bellmawr, N.J.
 Astrotech Inc., Harrisburg, Pa.
 Atlanta Testing & Engineering Co., Atlanta, Ga.
 Auburn University Soil Testing Laboratory, Auburn, Ala.

B

Baker, Michael, Inc., Rochester, Pa.
 Barbot D. C. & Associates Inc., Florence, S.C.
 Barrow-Agee Laboratories, Inc., Memphis, Tenn.¹
 Biological Testing & Research Laboratory, Lindsay, Calif.
 Boring Soils & Testing Co., Inc., Harrisburg, Pa.
 Boswell, J. G., Co., Corcoran, Calif.
 Bristol Laboratories, Syracuse, N.Y.
 Brown & Root-Northrop IRL, Houston, Tex.
 Brucker & Thacker, St. Louis, Mo.

C

Campbell Soup Co., Riverton, N.J.
 Capozzoli, Louis J., & Associates, Inc., Baton Rouge, La.
 Carpenter Construction Co., Inc., Virginia Beach, Va.
 Chembac Laboratories, Charlotte, N.C.
 Chemical Service Laboratory, Inc., Jeffersonville, Ind.
 Chevron Chemical Co., Richmond, Calif.
 Cleaver-Brooks, Milwaukee, Wis.
 Clemson University, Clemson, S.C.
 Coenen & Associates Engineers, Newport News, Va.
 Colorado State University, Fort Collins, Colo.
 Colorado, University of, Boulder, Colo.
 Commercial Testing & Engineering Co., Charleston, W. Va.
 Commercial Testing & Engineering Co., Norfolk, Va.
 Consolidated Cigar Corp., Glastonbury, Conn.
 Construction Aggregates Corp., Ferrysburg, Mich.
 Contractors & Engineers Service, Inc., Fayetteville, N.C.
 Contractors & Engineers Service, Inc., Goldsboro, N.C.
 Core Laboratories, Inc., Houma, La.
 Core Laboratories, Inc., LaFayette, La.
 Core Laboratories, Inc., New Orleans, La.
 Core Laboratories, Inc., Shreveport, La.
 Core Laboratories, Inc., Dallas, Tex.
 Cornell Aeronautical Laboratory, Inc., Buffalo, N.Y.
 Cornell University, Ithaca, N.Y.
 Craig Testing Laboratories, Mays Landing, N.J.
 Custom Farm Services, Inc., Paxton, Ill.¹

D

Dade County Soils Laboratory, Homestead, Fla.
 Dames & Moore, San Francisco, Calif.
 Davy Three Expert Co., Kent, Ohio.
 Del Monte Corp., San Leandro, Calif.
 Del Monte Corp., Walnut Creek, Calif.
 Delta Testing & Inspection, Inc., Baton Rouge, La.
 Delta Testing & Inspection, Inc., Lafayette, La.
 Delta Testing & Inspection, Inc., New Orleans, La.
 Denver, University of, Denver, Colo.
 Diamond Shamrock Corp., Painesville, Ohio.
 Dixie Laboratories, Inc., Mobile, Ala.
 Dow Chemical Co., Walnut Creek, Calif.
 Dow Chemical Co., Midland, Mich.
 Dr. Wolf's Agricultural Laboratories, Fort Lauderdale, Fla.
 Du Pont de Nemours, E. I., & Co., Inc., Wilmington, Del.
 Drake University, Durham, N.C.

See footnotes at end of document.

E

Ecto Engineers & Associates, Baton Rouge, La.
 Eico Engineers & Associates, Houston, Tex.
 Elmira, College, Elmira, N.Y.
 Empire Soils Investigations, Groton, N.Y.
 Engineers Laboratories, Inc., Jackson, Miss.
 Eustis Engineering Co., Metairie, La.
 Evans, Jay, Testing Laboratory, Albany, Ga.
 Earlham College, Richmond, Va.

F

Farm Clinic (The), West Lafayette, Ind.
 FEC Fertilizer Co., Homestead, Fla.
 Federal Chemical Co., Columbus, Ohio.
 Federal Chemical Co., Nashville, Tenn.
 Florida Department of Agriculture, Tallahassee, Fla.
 Florida State University, Tallahassee, Fla.
 Florida, University of, Gainesville, Fla.
 Florida, University of, Lake Alfred, Fla.
 Flowers Analytical Laboratories, Altamonte Springs, Fla.
 Foley, Hubert L., Jr., New Albany, Miss.
 Ford County Farm Bureau, Melvin, Ill.
 Foundation Service Co., (The), Enola, Pa.
 Fresno Field Station, Fresno, Calif.
 Froehling & Robertson, Inc., Richmond, Va.¹
 Fruco & Associates, St. Louis, Mo.

G

Geigy Chemical Corp., Ardsley, N.Y.
 General Testing Laboratory, Kansas City, Mo.
 Geo-Surveys, Inc., Camp Hill, Pa.
 Geo-Testing, Inc., San Rafael, Calif.
 Geochemical Survey, Dallas, Tex.
 Geologic Associates, Franklin, Tenn.
 Geologic Associates, Knoxville, Tenn.
 Georgia, State Highway Department of, Forest Park, Ga.¹
 Georgia Testing Laboratory, Atlanta, Ga.
 Georgia, University of, Athens, Ga.
 Georgia, University of, Experiment, Ga.
 Georgia, University of, Tifton, Ga.
 Gillen Engineering Co., Metairie, La.
 Girdler Foundation & Exploration Co., Lenexa, Va.
 Glassmire, S. H., & Associates, Metairie, La.
 Gore Engineering, Inc., Metairie, La.
 Gorrill, William R., Consulting Agency, Orlington, Maine.
 Grace, W. R., & Co., Fort Pierce, Fla.
 Grace, W. R., & Co., Nashville, Tenn.
 Growers Chemical Corp., Milan, Ohio.
 Gulf Coast Testing Laboratory, Inc., Corpus Christi, Tex.
 Gulf Oil Corp., Forest City, Iowa.
 Gulf South Research Institute, Baton Rouge, La.
 Gulf South Research Institute, New Orleans, La.
 GX Laboratories, Inc., Golden, Colo.

H

Hampton Roads Testing Laboratories, Newport News, Va.
 Harding, Miller, Lawson & Associates, San Rafael, Calif.
 Harris Laboratories, Inc., Phoenix, Ariz.¹
 Harvard University, Cambridge, Mass.
 Hawley & Hawley, Assayers & Chemists, Inc., Tucson, Ariz.
 Hazelton Laboratories, Inc., Falls Church, Va.
 Hector Supply Co., Miami, Fla.
 Heinrichs Geosurveying Co., Tucson, Ariz.
 Heinz, H. J., Bowling Green, Ohio.
 Hemphill Corp., Tulsa, Okla.
 Herbert & Associates, Virginia Beach, Va.
 Hercules Inc., Wilmington, Del.
 Hoffmann-Laroche, Inc., Nutley, N.J.
 Horvitz Research Laboratories, Houston, Tex.
 Hunter College, New York, N.Y.

I

IIT Research Institute, Chicago, Ill.
 Illinois, University of, Urbana, Ill.
 Indiana Farm Bureau Co-op, Indianapolis, Ind.

Institute for Exploratory Research, Fort Monmouth, N.J.
 International Mineral & Chemical Corp., Mulberry, Fla.
 International Mineral & Chemical Corp., Libertyville, Ill.
 International Mineral & Chemical Corp., Union, Ill.
 International Mineral Engineers, Inc., Golden, Colo.
 Iowa State University, Ames, Iowa.
 IRI—Research Institute Inc., New York, N.Y.

J

Jennings Laboratories, Virginia Beach, Va.
 Jersey Testing Laboratories, Atco, N.J.
 Jersey Testing Laboratories, Newark, N.J.
 Jewell, G. K., & Associates, Columbus, Ohio.
 Johnson Soil Engineering Laboratory, Pallsades Park, N.J.

K

Kaiser Agricultural Chemicals, Corp., Savannah, Ga.
 Kaiser Agricultural Chemicals, Corp., Liberty, Ind.
 Kansas City Testing Laboratory, Inc., Kansas City, Mo.
 Kalo Innoculant Co., Quincy, Ill.
 Kentucky, University of, Lexington, Ky.

L

La Salle County Farm Bureau Soil Testing Laboratory, Ottawa, Ill.
 Langford & Meredith Laboratories, New Orleans, La.
 Larsen, Herluf T., Harrisburg, Pa.
 Lauratan of the South, Hiram, Ga.
 Law Engineering Testing Co., Atlanta, Ga.¹
 Layne-Western Co., Kansas City, Mo.
 Layne-Western Co., Kirkwood, Mo.
 Lederle Laboratories, Pearl River, N.Y.
 Lee, Nancy, Auburn, Maine.
 Lilly, E. I., & Co., Greenfield, Ind.
 Louisiana Department of Highways, Baton Rouge, La.
 Louisiana State University—New Orleans, New Orleans, La.
 Louisiana State University, Baton Rouge, La.

M

Maine Highway Commission, Bangor, Maine.
 Maine Sugar Industries, Easton, Maine.
 Maine, University of, Orono, Maine.
 Manchester College, North Manchester, Ind.
 Mapco, Inc., Athens, Ill.
 Massachusetts, University of, Amherst, Mass.
 Memphis State University, Memphis, Tenn.
 Merck & Co., Inc., Rahway, N.J.
 Michigan State University Soil Testing Laboratory, East Lansing, Mich.
 Midwest Soil Testing Service, Danforth, Ill.
 Mier, Ezra, Raleigh, N.C.
 Minnesota, University of, St. Paul, Minn.
 Mississippi State University, State College, Miss.
 Mississippi, University of, University, Miss.
 Missouri, University of, Columbia, Mo.
 Mobile Chemical Co., Ashland, Va.
 Mobile Testing Laboratory, Corpus Christi, Tex.
 Monsanto Co., St. Louis, Mo.
 Morse Laboratories, Sacramento, Calif.
 Mueser, Rutledge, Wentworth & Johnston, New York, N.Y.

Mc

McCallum Inspection Co., Chesapeake, Va.
 McClelland Engineers, Inc., Houston, Tex.
 McNeill, Libby, & Libby, Janesville, Wis.

N

NA-Churs Plant Food Co., Marion, Ohio.
 National Bulk Carriers, Inc., New York, N.Y.
 National Laboratories, Evansville, Ind.
 Nelson Laboratories, Stockton, Calif.
 New York State University College, Geneseo, N.Y.

Niagara Chemical Division of FMC Corp., Middleport, N.Y.
 North Carolina Department of Geology, Raleigh, N.C.
 North Carolina Department of Agriculture, Raleigh, N.C.
 North Carolina Highway and Public Works Commission, Fayetteville, N.C.
 North Carolina Highway and Public Works Commission, Raleigh, N.C.
 North Carolina State University, Raleigh, N.C.
 North Carolina, University of, Chapel Hill, N.C.
 Nu-ag, Inc., Rochelle, Ill.
 Nutting, H. C., Co., Cincinnati, Ohio.

O

Ohio Florist Association, Columbus, Ohio.
 Ohio State University, Columbus, Ohio.
 Oklahoma State University, Stillwater, Okla.
 Oklahoma Testing Laboratories, Oklahoma City, Okla.
 Old Dominion University, Norfolk, Va.
 Olson Management Service, Freeport, Ill.

P

Parke, Davis & Co., Detroit, Mich.
 Pattison's Laboratories, Inc., Harlingen, Tex.
 Peters, Robert B., Co., Allentown, Pa.
 Pfizer, Inc., New York, N.Y.
 Pittsburgh Testing Laboratory, Pittsburgh, Pa.¹
 Plains Laboratory, Lubbock, Tex.
 Plant Science Associates, Inc., Winter Haven, Fla.
 Plantation Field Laboratory, Fort Lauderdale, Fla.
 Pope, W. I., Mobile, Ala.
 Portland State College, Portland, Oreg.
 Princeton University, Princeton, N.J.
 Purdue University, Lafayette, Ind.

Q

Queens College, Flushing, N.Y.

R

Reitz & Jens, Clayton, Mo.
 Reynolds, Smith & Hills, Hollywood, Fla.
 Rocky Mountain Geochemical, Prescott, Ariz.
 Rocky Mountain Technology, Inc., Golden, Colo.
 Royster, F. S., Guano Co., Montgomery, Ala.
 Royster Co., Norfolk, Va.
 Royster Co., Toledo, Ohio.
 Rutgers—The State University, New Brunswick, N.J.

S

Schering Corp., Bloomfield, N.J.
 Scotland Soil Laboratory, Chrisman, Ill.
 Scott, O. M., & Sons Seed Co., Marysville, Ohio.
 Seabrook Farms, Seabrook, N.J.
 Shell Chemical Co., Princeton, N.J.
 Shilstone Testing Laboratory, Inc., Baton Rouge, La.
 Shilstone Testing Laboratory, Inc., Lafayette, La.
 Shilstone Testing Laboratory, Inc., Monroe, La.
 Shilstone Testing Laboratory, Inc., New Orleans, La.
 Shilstone Testing Laboratory, Inc., Houston, Tex.
 Skyline Laboratories, Inc., Wheatridge, Colo.
 Smith-Douglas, Chesapeake, Va.
 Soil Consultants, Inc., Charleston, S.C.
 Soil & Plant Laboratory, Inc., Santa Clara, Calif.
 South Carolina, University of, Columbia, S.C.
 Southern Laboratories, Mobile, Ala.
 Southern Technical Services, Inc., Jackson, Miss.
 Southern Testing & Research Laboratories, Wilson, S.C.

See footnotes at end of document.

Southwestern Laboratories, Inc., Houston, Tex.¹
 Southwestern Irrigation Field Station, Brawley, Calif.
 Southwestern Laboratories of Louisiana, Inc., Alexandria, La.
 Southwestern Laboratories of Louisiana, Inc., Baton Rouge, La.
 Southwestern Laboratories of Louisiana, Inc., Monroe, La.
 Southwestern Laboratories of Louisiana, Inc., Shreveport, La.
 St. Louis Testing Laboratories, Inc., St. Louis, Mo.
 Standard Laboratories, Goodfield, Ill.
 Standard Testing & Engineering Co., Oklahoma City, Okla.
 Stauffer Chemical Co., Richmond, Calif.
 Suerdrup and Parcel & Associates, Inc., St. Louis, Mo.
 Sullivan County Farm Bureau Co-op, Sullivan, Ind.
 Syracuse University Research Corp., Syracuse, N.Y.

T

Techlab, Inc., Cincinnati, Ohio.
 Tennessee, University of, Nashville, Tenn.
 Test, Inc., Memphis, Tenn.
 Tetco Engineering Testing, Corpus Christi, Tex.
 Texas A. & M. University, College Station, Tex.
 Texas Highway Department Laboratory, Yoakum, Tex.
 Texas Instruments, Inc., Dallas, Tex.
 Texas Soil Laboratory, McAllen, Tex.
 Thompson, Vester J., Jr., Inc., Mobile, Ala.
 Thornton & Co., Tampa, Fla.
 Three Gee Dee, Pembroke, Fla.
 Tippetts-Abbett-McCarthy-Stratton, New York, N.Y.
 Tri-State Soil Laboratory, Toledo, Ohio.
 Trinity Testing Laboratories, Inc., Corpus Christi, Tex.
 Triple S. Laboratory, Inc., Loveland, Colo.
 Twin City Testing & Engineering Laboratory, Inc. St. Paul, Minn.
 Twin County Service Co., Murphysboro, Ill.
 Twining Laboratories Inc., (The), Fresno, Calif.

U

Union Carbide Corp., Grand Junction, Colo.
 Union Carbide Corp., Niagara Falls, N.Y.
 Union Carbide Corp., South Charleston, W. Va.
 U.S. Army Corps of Engineers, Washington, D.C.¹
 U.S. Department of Agriculture, ARS Sedimentation Laboratory, Oxford, Miss.
 U.S. Forest Service, Pacific Northwest Forest and Range Experiment Station, Berkeley, Calif.²
 U.S. Forest Service, Southeast Forest Service Experiment Station, Asheville, N.C.²
 U.S. Forest Service, Rocky Mountain Forest and Range Experiment Station, Fort Collins, Colo.²
 U.S. Forest Service, Forestry Sciences Laboratory, Athens, Ga.
 U.S. Forest Service, Southern Forest Service Experiment Station, New Orleans, La.²
 U.S. Forest Service, North-Central Forest Service Experiment Station, St. Paul, Minn.²
 U.S. Forest Service, Pacific Northwest Forest and Range Experiment Station, Portland, Oreg.²
 U.S. Forest Service, Western Forest and Range Experiment Station, Ogden, Utah.²
 U.S. Forest Service, Northeast Forest Service Experiment Station, Upper Darby, Pa.²
 U.S. Department of Agriculture, Soil and Water Research Service, Beltsville, Md.¹
 U.S. Department of Health, Education, and Welfare, National Communicable Disease Center, Atlanta, Ga.
 U.S. Department of the Interior, Bureau of Indian Affairs, Gallup, N. Mex.

U.S. Department of the Interior, Geological Survey, Washington, D.C.¹
 U.S. Laboratories, Inc., Oakland, Calif.
 U.S. Plant, Soil, and Nutrition Laboratory, Ithaca, N.Y.
 U.S. Salinity Laboratory, Riverside, Calif.
 U.S. Terrestrial Plants Laboratory, Hanover, N.H.
 U.S. Testing Co., Inc., Hoboken, N.J.
 U.S. Testing Co., Inc., Memphis, Tenn.
 U.S. Department of Transportation, Bureau of Public Roads, Sacramento, Calif.
 U.S. Department of Transportation, Bureau of Public Roads, Denver, Colo.
 U.S. Department of Transportation, Bureau of Public Roads, Washington, D.C.
 U.S. Department of Transportation, Bureau of Public Roads, Portland, Oreg.
 U.S. Department of Transportation, Bureau of Public Roads, Arlington, Va.
 U.S. Department of Transportation, Bureau of Public Roads, McLean, Va.
 Upjohn Co., Kalamazoo, Mich.
 USS Agri-Chemicals, Decatur, Ga.
 USS Agri-Chemicals, Belmond, Iowa.
 USS Agri-Chemicals, Nashville, Tenn.
 Utah State University, Logan, Utah.

V

Vermont, University of, Burlington, Vt.
 Virginia Department of Highways, Richmond, Va.
 Virginia Polytechnic Institute, Blacksburg, Va.
 Virginia Truck Experiment Station, Painter, Va.
 Virginia Truck Experiment Station, Virginia Beach, Va.
 Vistron Company, Lima, Ohio.

W

Wahler, W. A., & Associates, Palo Alto, Calif.
 Walker Laboratories, Columbia, S.C.
 Walker Laboratories, Florence, S.C.
 Ward, Joseph S., Caldwell, N.J.
 Ware Lind Engineers, Inc., Jackson, Miss.
 Warf Institute, Inc., Madison, Wis.
 Weber State College, Ogden, Utah.
 West Virginia Department of Highways, Charleston, W. Va.
 Western Research Laboratories, Niagara Chemical Division FMC, Richmond, Calif.
 Wharton County Junior College, Wharton, Tex.
 William and Mary, College of, Williamsburg, Va.
 Wisconsin, University of, Madison, Wis.
 Woodard Research Corp., Herndon, Va.
 Woodson-Tenent Laboratories, Memphis, Tenn.
 Woodville Lime Products, Woodville, Ohio.
 Woodward Clyde & Associates, Kansas City, Mo.
 Woodward Clyde & Associates, Clifton, N.J.
 Woodward-Clyde-Sherard & Associates, Denver, Colo.
 Woodward-Clyde-Sherard & Associates, St. Louis, Mo.
 Wyoming, University of, Laramie, Wyo.

Y

Yale University, New Haven, Conn.
 Yeshiva University, New York, N.Y.
 (Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150cc; 29 F.R. 16210, as amended; 33 F.R. 15485)

This supplemental regulation shall become effective July 1, 1970, when it shall supersede the provisions of PPC 639 (34 F.R. 17393) which became effective October 28, 1969.

¹ National Compliance Agreement—applies to all branch laboratories in conterminous United States.

² Compliance Agreement with this Experiment Station includes branch laboratories in conterminous United States.

Under the provisions of the regulations supplemental to the notices of quarantine cited herein, soil samples for processing, testing, or analysis may be moved interstate from any regulated area specified in the regulations to laboratories approved by the Director and so listed by him.

The Director of the Plant Protection Division has approved the above-listed laboratories as establishments which meet the qualifications required under the regulations. The listed establishments are, therefore, authorized to receive soil samples from the regulated areas specified in the regulations without certificates or permits attached.

This action relieves certain restrictions presently imposed. Therefore, it should be made effective promptly to be of maximum benefit to persons subject to the restrictions that are being relieved. Accordingly, it is found under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with regard to this action are impracticable and unnecessary, and good cause is found for making this supplemental regulation effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 24th day of June 1970.

D. R. SHEPHERD,
Director,
Plant Protection Division.

[F.R. Doc. 70-8254; Filed, June 29, 1970;
8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services
Administration

DUKE UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary

Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00523-33-46040. Applicant: Duke University Medical School, Department of Anatomy, Box 3011, Durham, N.C. 27706. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The research that is planned using the article involves, among other things studies of isolated protein molecules. It is hoped that crystalline bovine serum albumin can be profitably studied using a special dark field technique and that it will be possible to detect alterations in this molecule brought about by detergents. In addition work is planned on various isolated components of cell membranes and on membrane fractions; and on studies of metallic replicas of membrane fragments. Application received by Commissioner of Customs: March 6, 1970.

Docket No. 70-00776-33-11000. Applicant: University of Cincinnati College of Medicine, Division of Clinical Pharmacology, Eden and Bethesda Avenues, Cincinnati, Ohio 45219. Article: Gas chromatograph - mass spectrometer, Model LKB 9000. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for research in pharmacology which includes the isolation and determination of the elementary composition of trace quantities of drugs, metabolites and body chemicals. The experiments involve the simultaneous detection of three ions (compounds) simultaneously in concentrations as low as 50 picograms. Application received by Commissioner of Customs: June 4, 1970.

Docket No. 70-00778-33-46040. Applicant: Harvard University, Purchasing Department, 75 Mount Auburn Street, Cambridge, Mass. 02138. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: The article will be used for research and for training of selected graduate and post-doctoral students in optical techniques as applied to biological investigations. The investigations concern substructures of microtubules and more especially that of the sites from which they develop; the effect of various biological substances on cell membranes of *Trypanosoma cruzi* and on its transformation; the formation of surface coat of trypanosomes; and the structure of trachoma "virus" with specific reference to determining if latency of infection and resistance to host response can be attributed to the coating of infectious particles by protective layers of glycoproteins or related substances. Application received by Commissioner of Customs: June 4, 1970.

Docket No. 70-00779-33-46040. Applicant: Presbyterian-St. Luke's Hospital, 1753 West Congress Parkway, Chicago, Ill. 60612. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: The article will be used for studies of the molecular

organization of the protein poly-saccharide macromolecules of connective tissue, with special emphasis on cartilage and arteries; of human hepatitis virus; of the morphology of the surface membrane of blood platelets; and of the use of pyroantimonates as stains for cations in fixed nervous tissue. Application received by Commissioner of Customs: June 4, 1970.

Docket No. 70-00780-00-20900. Applicant: University of California, Lawrence Radiation Laboratory, 7000 East Avenue, Livermore, Calif. 94550. Article: Hydrogen thyratron tube, Model FX2508. Manufacturer: English Electric, Ltd., United Kingdom. Intended use of article: The article will be used in research concerned with the development of a thermonuclear fusion power source. Energy from storage bank is switched to an accelerator through 520 parallel modulators, each of which uses thyratron as the main switch tube. Application received by Commissioner of Customs: June 4, 1970.

Docket No. 70-00781-33-09500. Applicant: The Salk Institute for Biological Studies, Post Office Box 1809, San Diego, Calif. 92112. Article: Centrifuge. Manufacturer: Varian Techtron Pty. Ltd., Australia. Intended use of article: The article will be used to study the possibility of augmenting the immune response against selected antigens as well as cancer in animals. This will be achieved by removing the feed-back control of the immune system by differential centrifugation of the lymph fluid. Application received by Commissioner of Customs: June 5, 1970.

Docket No. 70-00782-00-46040. Applicant: North Carolina State University, Department of Materials Engineering, 109 Page Hall, Raleigh, N.C. 27607. Article: Goniometer stage, Type ALG-1. Manufacturer: Japan Electron Optics Lab., Co., Ltd., Japan. Intended use of article: The article is an accessory for an existing electron microscope used for crystal defect structure studies. Application received by Commissioner of Customs: June 5, 1970.

Docket No. 70-00783-33-46040. Applicant: Washington University, School of Medicine, 660 South Euclid Avenue, St. Louis, Mo. 63110. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: The article will be used for research concerning studies of synaptic organization and development; fine structural studies of normal and pathological skin; studies of the fine structure of mammalian placenta and the mechanism of implantation; electron microscopical studies of neural tissue from in vitro; and studies of the early stages in the biosynthesis of proteins. Application received by Commissioner of Customs: June 8, 1970.

Docket No. 70-00784-33-46500. Applicant: University of Georgia, Department of Botany, Athens, Ga. 30601. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to produce ultrathin

sections of biological material for transmitted electron microscopic examination. The primary use will be in an investigation of the development and morphology of various colonial marine microorganisms, related to the labyrinthulas, in which the spatial orientation and interrelationships of the individual cells is of utmost concern. Application received by Commissioner of Customs: June 8, 1970.

Docket No. 70-00785-33-46500. Applicant: Yale University, School of Medicine, 333 Cedar Street, New Haven, Conn. 06510. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to study the trabecular meshwork of the eye, Schlemm's canal, the ciliary body and iris. In addition ocular melanomas, retinoblastomas, choroidal nevi, choroid and retina adjacent to tumors, in vivo and in vitro induced by virus and carcinogens will be examined. Application received by Commissioner of Customs: June 8, 1970.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-8228; Filed, June 29, 1970; 8:45 a.m.]

IOWA STATE UNIVERSITY

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

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

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00360-01-77040. Applicant: Iowa State University, Purchasing Department, Room 202 Service Building, Ames, Iowa 50010. Article: Mass Spectrometer, Model MS 902C-1. Manufacturer: GEC-Associated Electrical Industries, United Kingdom.

Intended use of article: The article will be used to obtain spectra of organic, inorganic, and organometallic compounds and materials of biochemical interest, also to obtain ionization efficiency data for the determination of the strength of various bonds holding molecules of interest together. Such data concern the characterization of molecules with respect to their structure and energetics and identifies unknown materials which may be intermediates in a series of complex reactions leading to the synthesis of new materials of importance in organic and biochemistry.

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

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

Reasons: The foreign article provides a guaranteed resolution of 70,000 at 10 percent valley. Comparable domestic instruments are the Model CEC 21-110C manufactured by Consolidated Electrodynamics Corp. (CEC), Monrovia, Calif., which has a guaranteed resolution of 50,000 (10 percent valley) and the Model 12-90-G ESA manufactured by Nuclide Corp., State College, Pa., which also has a guaranteed resolution of 50,000 (10 percent valley). We are advised by the Department of Health, Education, and Welfare (HEW) in a memorandum dated April 1, 1970, and the National Bureau of Standards (NBS) in a memorandum dated April 6, 1970, that the greater resolving capability of the foreign article compared to that of domestically available mass spectrometer is pertinent to the purposes for which the foreign article is intended to be used.

For this reason, we find that the CEC Model 21-110C and the Nuclide 12-90-G ESA are not of equivalent scientific value to the foreign article for the purposes for which the foreign article is intended to be used.

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

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-8229; Filed, June 29, 1970; 8:45 a.m.]

MASSACHUSETTS GENERAL HOSPITAL

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

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

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00512-33-02700. Applicant: The Massachusetts General Hospital, Fruit Street, Boston, Mass. 02114. Article: Watanabe's arthroscope, Type No. 21. Manufacturer: Kamiya Tsusan Kaisha, Ltd., Japan.

Intended use of article: The article will be used for investigative examination and observation in establishing correct diagnosis of diseased knee joints and rheumatoid arthritis.

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

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

Reasons: The foreign article is a device for observation and biopsy of knee joints that can also be utilized in taking photographs and color motion pictures of the interior of a knee joint. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum of May 15, 1970, that the capability of observation, photography and biopsy provided by the foreign article is pertinent to the purposes for which the article is intended to be used. HEW further advises that it knows of no domestically manufactured instrument or apparatus for knee joint studies, which is scientifically equivalent to the foreign article for the applicant's intended purposes.

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

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-8231; Filed, June 29, 1970; 8:45 a.m.]

MASSACHUSETTS GENERAL HOSPITAL

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

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

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00498-33-43780. Article: The Massachusetts General Hospital, Fruit Street, Boston, Mass. 02114. Article: Edinburgh self-retaining brain retractor and two screw pegs. Manufacturer: Allen & Hansbury Ltd., United Kingdom.

Intended use of article: The article will be used in the education and training of neurosurgical residents participating in the applicant's neurosurgical

service training program of the Harvard Medical School department of surgery. Use of this instrument is essential to complete this training, to surgically manipulate the brain in a manner that will do it the least trauma.

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

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

Reasons: The foreign article represents an improved design in brain retractors, which allows more precise and less injurious application of force to the brain. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated May 11, 1970, that the article provides increased variability at each joint of the retractor and a more secure skull mounting which are pertinent to the applicant's educational purposes. HEW further advises that it knows of no similar device being manufactured in the United States which provides these pertinent characteristics.

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

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-8232; Filed, June 29, 1970; 8:45 a.m.]

MEDICAL UNIVERSITY OF SOUTH CAROLINA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary

Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00786-33-46500. Applicant: Medical University of South Carolina, 80 Barre Street, Charleston, S.C. 29401. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for the investigation of human and animal tissues prepared with electron microscopic cytochemical techniques. These techniques will impart electron density to specific tissue components thereby revealing sites of reaction product. Evaluation of this data will yield useful information concerning the biochemical properties of macromolecules of normal and diseased cell organelles. Application received by Commissioner of Customs: June 8, 1970.

Docket No. 70-00787-33-46500. Applicant: Medical University of South Carolina, 80 Barre Street, Charleston, S.C. 29401. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for the investigation of human and animal tissues prepared with electron microscopic cytochemical techniques. These techniques will impart electron density to specific tissue components thereby revealing sites of reaction product. Evaluation of this data will yield useful information concerning the biochemical properties of macromolecules of normal and diseased cell organelles. Application received by Commissioner of Customs: June 8, 1970.

Docket No. 70-00788-33-46500. Applicant: Northeastern University, 360 Huntington Avenue, Boston, Mass. 02115. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for studies of the central nervous system and of other organs of the body—all in animals. The experiments will involve tracing fiber connections in the central nervous system, studying ultrastructure, and investigating neuropathology of the brain and spinal cord. Also graduate students will use the instrument to learn electron microscopy including thin sectioning. Application received by Commissioner of Customs: June 8, 1970.

Docket No. 70-00789-33-46040. Applicant: University of Minnesota, Minneapolis, Minn. 55455. Article: Electron microscope, Model JEM-100B. Manufacturer: Japan Electron Optics Lab., Co., Ltd., Japan. Intended use of article: The article will be used for research on the location of the site of action of follicular stimulating hormone and human chorionic gonadotropin in the human ovarian tissue. Postdoctoral trainees in the Department of Obstetrics and Gynecology will be taught to use this instrument. Application received by Commissioner of Customs: June 8, 1970.

Docket No. 70-00791-00-41200. Applicant: University of California, Los Alamos, Scientific Laboratory, Post Office

Box 990, Los Alamos, N. Mex. 87544. Article: One each Klystron, VC759, VRE-2101A20 (center frequency 53 GHz, tuning .75 GHz, power output 500 MW. Manufacturer: Varian Associates of Canada, Ltd., Canada. Intended use of article: The article is a replacement part for a polarizing proton target. Application received by Commissioner of Customs: June 10, 1970.

Docket No. 70-00792-33-43780. Applicant: The Massachusetts General Hospital, Fruit Street, Boston, Mass. 02114. Article: Total hip joint replacements, 8 each. Manufacturer: Protek Ltd., Switzerland. Intended use of article: The article will be used for a study and scientific assessment of hip reconstructions, using total hip replacement in contrast to previously existing modes of reconstructive hip surgery. Application received by Commissioner of Customs: June 10, 1970.

Docket No. 70-00793-01-10100. Applicant: Tufts University School of Medicine, Division of Protein Chemistry, 136 Harrison Avenue, Boston, Mass. 02111. Article: Hydrogen fluoride reaction apparatus. Manufacturer: Toho Kasei Co. Ltd., Japan. Intended use of article: The article will be used to chemically synthesize polypeptides and proteins. After the synthesis, certain temporarily introduced chemical protecting molecules are to be removed with liquid hydrogen fluoride in the apparatus, in order to produce well-defined peptide hormones and enzymes for the investigation of their biological modes of action. Application received by Commissioner of Customs: June 10, 1970.

Docket No. 70-00794-33-46040. Applicant: Iowa State University of Science and Technology-Biochemistry & Biophysics, Ames, Iowa 50010. Article: Electron microscope, Model HU-11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for projects concerning the cytochemical and ultrastructural studies on eukaryotic morphogenetic processes; genetic control of bacteriophage T4 maturation; the structure and function of catalytic proteins (enzymes); and dark-field microscopy on macromolecules. Application received by Commissioner of Customs: June 10, 1970.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-8230; Filed, June 29, 1970; 8:45 a.m.]

PASADENA FOUNDATION FOR MEDICAL RESEARCH

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the

regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00446-33-46095. Applicant: Pasadena Foundation for Medical Research, 99 North El Molino Avenue, Pasadena, Calif. 91101. Article: Interference microscope with accessories. Manufacturer: Carl Zeiss, West Germany.

Intended use of article: The article will be used for quantitative analysis and research on normal and disease cells in tissue culture. For example, HeLa cancer cells will be grown in culture on cover slips and chemically synchronized with respect to the cell cycle by means of the excess thymidine technique. At specific periods in the cell cycle, either in the living state or after chemical fixation, it is desired to measure either the thickness or refractive index of the nucleus nucleolus and cytoplasm. These measurements made by determining phase differences allow the dry mass of the cellular component to be calculated at different stages in the cellular life cycle.

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

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

Reasons: The foreign article allows quantitative dry mass measurements to be obtained from living cells. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated May 22, 1970, that this capability is pertinent to the applicant's research studies. HEW further advises that it knows of no scientifically equivalent interference microscope manufactured in the United States which provides the pertinent characteristic.

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

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-8233; Filed, June 29, 1970; 8:45 a.m.]

PURDUE UNIVERSITY

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the

regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No.: 70-00562-98-40500. Applicant: Purdue University, Lafayette Ind. 47907. Article: Interferometer, Model MKII-B. Manufacturer: Grubb Parsons & Co., Ltd., United Kingdom.

Intended use of article: The article will be used to study the energy levels and the processes of electron transition between levels involved in the investigation of emission. Far infrared emission from semiconductors such as germanium and indium antimonide takes place when electrons fall into a low lying energy state of impurity from the nearby energy band of the crystal or from a high energy level of the impurity.

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

Decision: Application approved.

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

Reasons: The applicant's research studies require a system capable of determining the spectrum from 100 to 2,000 microns of radiation varying in intensity from 10^{-10} (0.00000001) to 10^{-7} watts. We are advised by the National Bureau of Standards (NBS) in its memorandum dated June 2, 1970, that the comparable domestic Block Model FTS-16 manufactured by Digilab, Inc. (Digilab) can cover the required spectral region, but measures 10^{-7} watts radiation with a signal to noise ratio (S/N) of only 3.5, whereas the foreign article measures such a radiation with a S/N of 20. NBS further advises that the greater S/N of the foreign article in the determination of 10^{-7} watts is pertinent to the applicant's intended purposes. We, therefore, find that the Digilab Block Model FTS-16 is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

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

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-8234; Filed, June 29, 1970; 8:45 a.m.]

UNIVERSITY OF KENTUCKY

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

The following is a decision on an application for duty-free entry of a scientific

article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00502-33-86500. Applicant: University of Kentucky, Wenner-Gren Aero. Res. Lab., Rose Street Campus, Lexington, Ky. 40506. Article: Weissberg rheogoniometer, Model C:OS Rheo-visco elastometer. Manufacturer: Sangamo Controls, Ltd., United Kingdom.

Intended use of article: The article will be used for the measurement of viscous and visco-elastic properties of biological materials. Of particular importance is that of the rheology of blood. It will also be used as a device which will produce and measure the stresses applied to a blood sample.

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

Decision: Application approved.

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

Reasons: The foreign article has the capability of measuring normal force, as well as viscosity as a function of the rate of shear. This capability of the foreign article is pertinent to the purposes for which the article is intended to be used.

The Department of Commerce knows of no instrument or apparatus being manufactured in the United States, which provides the capability of measuring both normal stress and viscosity as a function of the rate of shear.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-8235; Filed, June 29, 1970; 8:45 a.m.]

UNIVERSITY OF TEXAS

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

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

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00307-33-77040. Applicant: The University of Texas, Southwestern Medical School, 5323 Harry Hines Boulevard, Dallas, Tex. 75235. Article: Mass spectrometer, Respiratory M-3. Manufacturer: Varian Associates, West Germany.

Intended use of article: The article will be used for measuring four different respired gases simultaneously in persons at rest or running on a treadmill so that oxygen consumption and cardiac output can be monitored continuously on these persons without the necessity of introducing catheters into the veins or arteries.

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

No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has the capabilities of simultaneous measurement of four respired gases with a response time of 40 milliseconds (ms) and of varying the masses to be monitored. We are advised by the Department of Health, Education, and Welfare (HEW) in a memorandum dated April 29, 1970, that the capability of simultaneous measurement of four respired gases with a response time of 50 ms and the ability to vary the masses that are to be monitored are pertinent to the purpose for which the foreign article is intended to be used. HEW further advises that it knows of no domestic respiratory mass spectrometer which possesses the pertinent characteristics.

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

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[P.R. Doc. 70-8236; Filed, June 29, 1970; 8:45 a.m.]

WYLER CHILDREN'S HOSPITAL

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

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

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00665-00-46040. Applicant: Wyler Children's Hospital, Univer-

sity of Chicago, 950 East 59th Street, Chicago, Ill. 60637. Article: Spare parts kit for Elmiskop 101. Manufacturer: Siemens A.G., West Germany.

Intended use of article: The article will be used to replace those worn during routine operation of an existing electron microscope.

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

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

Reasons: The application relates to a spare part kit for an instrument that had previously been imported for the use of applicant institution. The spare parts are being furnished by the manufacturer of the instrument with which they will be used.

The Department of Commerce knows of no similar spare parts being manufactured in the United States, which are interchangeable with those contained in the foreign article or which can be adapted to the instrument with which the parts are intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[P.R. Doc. 70-8237; Filed, June 29, 1970; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-162; NDA 12-228]

CIBA PHARMACEUTICAL CO.

Esidrix-K; Notice of Withdrawal of Approval of New-Drug Application

A notice of opportunity for hearing was published in the FEDERAL REGISTER of February 7, 1970 (35 F.R. 2734), announcing that the Commissioner of Food and Drugs proposed to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of new-drug applications for combination drugs containing thiazides and potassium chloride; or thiazides, potassium chloride, and reserpine or rauwolfia serpentina.

Counsel for Ciba Pharmaceutical Co., 556 Morris Avenue, Summit, N.J. 07901, by letter of May 22, 1970, indicated the firm's desire to voluntarily request withdrawal of approval of its new-drug application No. 12-228 for Esidrix-K (hydrochlorothiazide and potassium chloride), thus waiving its opportunity for a hearing.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355 (e)) and under authority delegated to him (21 CFR 2.120), finds on the basis

of new information, evaluated together with the evidence available when the application was approved, that there is a lack of substantial evidence that the combination drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing findings, approval of new-drug application No. 12-228 and all amendments and supplements thereto is withdrawn, effective on the date of signature of this document.

Dated: June 20, 1970.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[P.R. Doc. 70-8244; Filed, June 29, 1970; 8:46 a.m.]

[Docket No. FDC-D-176; NADA No. 12-055V]

DIAMOND LABORATORIES

Iron-Dextrin Complex; Notice of Opportunity for Hearing

Notice is given to Diamond Laboratories, Post Office Box 863, Des Moines, Iowa 50404, and to any interested persons who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of new animal drug application 12-055V with respect to the use of injectable iron-dextrin complex in the prevention and treatment of iron deficiency anemia in baby pigs.

On the basis of new information before him with respect to such drug, evaluated together with the evidence available to him when the application was approved, the Commissioner concludes that the drug is not shown to be safe for use under the conditions of use upon the basis of which the application was approved. Drug experience reports have indicated significant numbers of adverse reactions related to its use in swine involving fatalities as well as severe local irritation at the injection site resulting in swelling, abscessation, and discoloration of tissues.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner hereby gives the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of new animal drug application 12-055V should not be withdrawn.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Council, Food, Drug, and Environmental Health Division, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or
2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new animal drug application.

Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion concerning a method or process that the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why approval of the new animal drug application should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to the grounds for the notice of opportunity for a hearing. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data. If a hearing is requested and is justified by the response to the notice of hearing, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence, not more than 90 days after the expiration of said 30 days unless the hearing examiner and the applicant otherwise agree.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 20, 1970.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[F.R. Doc. 70-8245; Filed, June 29, 1970; 8:46 a.m.]

MONSANTO CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408

(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0985) has been filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, proposing the establishment of tolerances (21 CFR Part 120) for residues of the herbicide 2-chloro-N-(isobutoxymethyl)-2',6'-acetoxylidide, including its metabolites calculated as 2-chloro-N-(isobutoxymethyl)-2',6'-acetoxylidide, in or on the raw agricultural commodities sugar beet tops at 0.2 part per million and sugar beet roots at 0.05 part per million (negligible residue).

The analytical method proposed in the petition for determining residues of the herbicide is a technique using a gas chromatograph equipped with a flame ionization detector.

Dated: June 18, 1970.

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

[F.R. Doc. 70-8243; Filed, June 29, 1970; 8:46 a.m.]

NOR-AM AGRICULTURAL PRODUCTS, INC.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0989) has been filed by Nor-Am Agricultural Products, Inc., 11710 Lake Ave-

nue, Woodstock, Ill. 60098, proposing establishment of tolerances (21 CFR Part 120) for residues of the insecticide formetanate hydrochloride (m-[(dimethylamino)methylene]amino]phenyl methylcarbamate hydrochloride) in or on the raw agricultural commodities apples and pears at 3 parts per million.

The analytical method proposed in the petition for determining residues of the insecticide is a procedure in which the residue is hydrolyzed to 3-aminophenol and then analyzed colorimetrically after diazotization and coupling with N-1-naphthylethylenediamine dihydrochloride.

Dated: June 22, 1970.

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

[F.R. Doc. 70-8242; Filed, June 29, 1970; 8:46 a.m.]

CIVIL SERVICE COMMISSION

OCCUPATIONAL AND PHYSICAL THERAPIST, NEW YORK CITY AND SUFFOLK COUNTY, N.Y.

Notice of Establishment of 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

PFS-633 PHYSICAL THERAPIST

Geographic coverage: New York City and Suffolk County, N.Y.

Effective date: First day of the first pay period beginning on or after June 14, 1970.

Per annum rates

Grade	1	2	3	4	5	6	7	8	9	10
GS-5.....	\$8,510	\$8,728	\$8,946	\$9,164	\$9,382	\$9,600	\$9,818	\$10,036	\$10,254	\$10,472
GS-6.....	8,752	8,965	9,238	9,481	9,724	9,967	10,210	10,453	10,696	10,939
GS-7.....	8,908	9,178	9,448	9,718	9,988	10,258	10,528	10,798	11,068	11,338
GS-8.....	9,255	9,554	9,853	10,152	10,451	10,750	11,049	11,348	11,647	11,946

Level	1	2	3	4	5	6	7	8	9	10	11	12
PFS-8.....	\$8,821	\$9,097	\$9,373	\$9,649	\$9,925	\$10,201	\$10,477	\$10,753	\$11,029	\$11,305	\$11,581	\$11,857

All new employees in the specified occupational level 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 notice on or after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335 or 39 U.S.C. 3552.

Under the provisions of section 3-2b, Chapter 571, FPM, Agencies may pay the

travel and transportation expenses to first post of duty under 5 U.S.C. 5723 of new appointees to positions cited.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[F.R. Doc. 70-8337; Filed, June 29, 1970;
8:51 a.m.]

GS-312 CLERK-STENOGRAPHER
GS-316 CLERK-DICTATING MACHINE TRANSCRIBER

GS-318 SECRETARY

GS-322 CLERK-TYPIST

Geographic coverage: New York, N.Y. (includes the counties of Bronx, Kings, New York, Queens, and Richmond).

Effective date: First day of the first pay period beginning on or after July 1, 1970.

PER ANNUM RATES

Grade	1	2	3	4	5	6	7	8	9	10
GS-2	\$5,237	\$5,391	\$5,545	\$5,699	\$5,853	\$6,007	\$6,161	\$6,315	\$6,469	\$6,623
GS-3	5,734	5,908	6,082	6,256	6,430	6,604	6,778	6,952	7,126	7,300
GS-4	6,243	6,438	6,633	6,828	7,023	7,218	7,413	7,608	7,803	7,998
GS-5	6,766	6,964	7,202	7,420	7,638	7,856	8,074	8,292	8,510	8,728

All new employees in the specified occupational level 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 notice on or after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

Under the provisions of section 3-2b, Chapter 571, FPM, agencies pay the travel and transportation expenses to first post of duty under 5 U.S.C. 5723 of new appointees to positions cited.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[F.R. Doc. 70-8336; Filed, June 29, 1970;
8:51 a.m.]

GENERAL SERVICES ADMINISTRATION

STANDING INTERAGENCY COMMITTEES CHAIRED BY GSA

Bureau of the Budget Circular No. A-63 of March 2, 1964, requires that notice of the establishment or extension of standing interagency committees be published in the FEDERAL REGISTER "in order to facilitate convenient and permanent reference by Federal agencies, unless this would be inconsistent with law or regulations, or where such publication would

SECRETARY AND RELATED CLERICAL POSITIONS, NEW YORK, N.Y.

Notice of Establishment of 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:

not be in the national interest." In compliance with this requirement, the following information is provided relating to standing interagency committees chaired by the General Services Administration.

A. Continuing interagency committees established by legislation, Executive order, or at the direction of the President:

Administrative Committee of the Federal Register.
Federal Fire Council.
National Archives Trust Fund Board.
National Historical Publications Commission.

B. Standing committees established during fiscal year 1970:

Interagency Quality Control and Reliability Committee (a subcommittee, of the Interagency Committee for Improvement in Procurement and Management of Property).

C. Standing committees extended beyond June 30, 1970:

Interagency Advisory Committee on Disposal of Natural Rubber.

Interagency Committee for Improvement in Procurement and Management of Property; and its subcommittees, as follows:

- Interagency Advisory Committee on Security Equipment.
- Interagency Advisory Committee on Standardization Planning.
- Interagency Committee for Review of Federal Supply Schedules.
- Interagency Coordinating Committee on Medical Stockpile Shelf-Life Items.
- Interagency Procurement Policy Committee.
- Interagency Transportation and Traffic Management Committee.

Southwest Employment Area Transportation Committee; and its subcommittees, as follows:

- Southwest Employment Area Transportation Working Committee.
- Southwest Employment Area Transportation Working Subcommittee.

Dated: June 22, 1970.

JOHN W. CHAPMAN, Jr.,
Acting Administrator
of General Services.

[F.R. Doc. 70-8291; Filed, June 29, 1970;
8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 497]

COMMON CARRIER SERVICES INFORMATION¹

Domestic Public Radio Services Applications Accepted for Filing²

JUNE 22, 1970.

Pursuant to §§ 1.227(b)(3) and 21.26 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

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

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

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

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

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File number, applicant, call sign, and nature of application

- 8196-C2-P-70—RAM Broadcasting of Nevada, Inc. (New), C.P. for a new air-ground station to be located at 302 East Carson Avenue, Las Vegas, Nev., to operate on frequency 454.700 MHz base and 454.675 MHz signaling.
- 8197-C2-P-70—RAM Broadcasting of Washington, Inc. (New), C.P. for a new air-ground station to be located at 800 Stevens, Spokane, Wash., to operate on frequency 454.700 MHz base and 454.675 MHz signaling.
- 8198-C2-P-70—Peter A. Bakal (New), C.P. for a new air-ground station to be located at 5 miles northwest of Schenectady, N.Y., to operate on frequency 454.925 MHz base and 454.675 MHz signaling.
- 8199-C2-P-70—Radio Mobile Phones, Inc. (KKG412), C.P. for additional facilities to be located at a new site described as location No. 4: 3820 Moulton Street, Greenville, Tex., to operate on frequency 152.15 MHz.
- 8200-C2-P-(3)-70—Indiana Bell Telephone Co. (KSJ626), C.P. to change the antenna system and decrease output power of transmitters operating on frequencies 152.03, 152.78, and 152.69 MHz. Station location: 4 miles southeast from the center of South Bend, Ind.
- 8221-C2-P-70—Oregon Mobile Telephone Co. (New), C.P. for a new air-ground station to be located at Four Queens Hotel, 303 East Fremont Avenue, Las Vegas, Nev., to operate on 454.700 MHz base and 454.675 MHz signaling.
- 8432-C2-P-70—Northwestern Bell Telephone Co. (New), C.P. for a new air-ground station to be located at 10th Street and Fourth Avenue, Duluth, Minn., to operate on frequency 454.900 MHz base and 454.675 MHz signaling.
- 8433-C2-P-70—Mobile Radio Dispatch Service, Inc. (KEA256), C.P. to replace base transmitter operating on frequency 152.03 MHz and relocate same to a new location described as location No. 2: End of Freehold Street, Asbury Park, N.J.
- 8434-C2-P-70—Fire Safety Corp. (KFKQ831), C.P. to replace transmission line for channel operating on 152.05 MHz. Station location: On Old Highway No. 14, 2 miles west of Rochester, Minn.
- 8435-C2-P-70—Fresno Mobile Radio, Inc. (KLF649), C.P. to change the antenna system at location No. 1: 30 miles northeast of Fresno at Alder Springs, Calif., operating on frequency 152.24 MHz (1-way).
- 8436-C2-P-70—General Communication Service, Inc. (KRM947), C.P. to change the antenna system operating on frequency 152.24 MHz and relocate same to WJBJ-TV tower, at 1018 West Peachtree Street Northwest, Atlanta, Ga.
- 8437-C2-P-(2)-70—A. F. Kimmel (KGA802), C.P. to relocate facilities at location No. 3 to 216 Market Street, Sunbury, Pa., operating on 454.05 MHz base and 74.10 MHz control.
- 8438-C2-P-(3)-70—Collins Communications Co. (KLF606), C.P. for an additional base channel on 454.075 MHz at location No. 1: 1.9 miles south of High Point, Wash., and location No. 2: 7106 35th Southwest, Seattle, Wash., and add frequency 459.075 MHz control at location No. 3: 10620 Northeast 17th, Bellevue, Wash.
- 8440-C2-P-70—Radio Paging Service (KFKQ65), C.P. to relocate (1-way) facilities operating on 152.24 MHz to 1314 Avenue K, Lubbock, Tex., and change the antenna system for same.
- 8441-C2-P-70—Radio Paging Service (KFKQ65), C.P. to relocate (1-way) facilities operating on 152.24 MHz to 7400 University Avenue, Lubbock, Tex.
- 8469-C2-MP-70—Airway Communications (KQZ798), C.P. to change the antenna system operating on 454.050 MHz. Station location: 8500 Zuni Street, Thornton, Colo.
- 8470-C3-P-(2)-70—Radio Paging Service (KKE370), C.P. to relocate base facilities operating on frequencies 152.03 and 152.15 MHz to 7400 University Avenue, Lubbock, Tex.
- 8471-C2-P-70—Rochester Telephone Corp. (KEK284), C.P. to add an additional channel on 152.72 MHz at station located at 95 North Fishhugh Street, Rochester, N.Y.
- Major Amendment
- 5944-C3-P-(3)-70—Pacific Northwest Bell Telephone Co. (New), Change frequency to 152.84 MHz. All other particulars same as reported on public notice dated April 13, 1970, Report No. 487.

RURAL RADIO SERVICE

8439-C1-P/L-70—New England Telephone & Telegraph Co. (New), C.P. and license for a new rural subscriber station to be located at Outward Bound School on Hurricane Island, 1.5 miles southwest of Vinalhaven, Maine, to operate on 157.83 MHz.

POINT TO POINT MICROWAVE RADIO SERVICE: (TELEPHONE CARRIERS)

- 5632-C1-E-70—South Central Bell Telephone Co. (KZS892), Renewal of license expiring July 1, 1970. Term: July 1, 1970, to July 1, 1971.
- 8177-C1-P-70—The Pacific Telephone & Telegraph Co. (KMC57), C.P. to add frequency 4130 MHz toward San Francisco, Calif. Station location: East Bay Hills, 3750 Grizzly Peak Boulevard, Oakland, Calif.
- 8178-C1-P-70—The Pacific Telephone & Telegraph Co. (KMJ95), C.P. to add frequency 4110 MHz toward Vaca Hill, Calif. Station location: 1497 J Street, Sacramento, Calif.
- 8179-C1-P-70—The Pacific Telephone & Telegraph Co. (KMM89), C.P. to add frequency 4150 MHz toward East Bay Hills, Calif. Station location: Vaca Hill, 2.3 miles south of Vacaville, Calif.
- 8180-C1-P-70—American Telephone & Telegraph Co. (KSQ43), C.P. to add frequencies 11.445 and 11.685 MHz toward Wheatland, N. Dak. Station location: 2.7 miles west-southwest of Casselton, N. Dak.
- 8181-C1-P-70—American Telephone & Telegraph Co. (New), C.P. to add frequencies 10.755 and 10.995 MHz toward Casselton, N. Dak. Station location: 3 miles west-northwest of Wheatland, N. Dak.
- 8182-C1-P-70—General Telephone Co. of the Northwest, Inc. (KOTS8), C.P. to replace facilities toward KOT80 and add frequencies 10.795 MHz and 10.955 MHz toward Coeur d'Alene, Idaho. Location: 7 miles south-southwest of Post Falls, Idaho (Mica Peak).
- 8183-C1-P-70—General Telephone Co. of the Northwest, Inc. (KZS57), C.P. to add frequencies 11.325 and 11.485 MHz directed toward Mica Peak, Idaho. Location: Coeur d'Alene, 2115 Government Way, Idaho.
- 8201-C1-P-70—New England Telephone & Telegraph Co. (KVH81), C.P. to add frequencies 6197.2, 6345.5, 6375.2, and 6494.8 MHz toward Chester, N.H. Location: Murray Street, Medford, Mass.
- 8202-C1-P-70—New England Telephone & Telegraph Co. (New), C.P. for a new station to be located at 2.5 miles southeast of Chester, N.H. Frequencies: 5945.2 and 6123.1 MHz toward Manchester, N.H. and 5945.2, 6123.1, 6093.5, and 6152.8 MHz toward Medford, Mass., and 5945.3 and 5974.8 MHz toward Sanford, Maine.
- 8203-C1-P-70—New England Telephone & Telegraph Co. (KCL85), C.P. to add frequencies 6197.2 and 6375.2 MHz toward Chester, N.H. Location: 25 Concord Street, Manchester, N.H.
- 8204-C1-P-70—New England Telephone & Telegraph Co. (KCL87), C.P. to add frequencies 6197.2 and 6226.9 MHz toward Portland, Maine, and 6197.2 and 6226.9 MHz toward Chester, N.H. Location: On Mount Hope, 2 miles southwest of Sanford, Maine.
- 8205-C1-P-70—New England Telephone & Telegraph Co. (KCK87), C.P. to add frequencies 5945.2 and 5974.8 MHz toward Sanford, Maine. Location: 45 Forest Avenue, Portland, Maine.
- 8222-C1-P-70—Northwestern Bell Telephone Co. (KBC31), C.P. to add frequencies 6137.9 and 11.115 MHz toward New London, Iowa. Location: Shield Street south of Agency Street, Burlington, Iowa.
- 8223-C1-P-70—Northwestern Bell Telephone Co. (New), C.P. for a new station to be located at 2.75 miles east of New London, Iowa. Frequencies: 6960.3 and 11.865 MHz toward Burlington, Iowa, and 6390.0 and 11.365 MHz toward Mount Pleasant, Iowa.
- 8224-C1-P-70—Northwestern Bell Telephone Co. (New), C.P. for a new station to be located at 0.4 miles north of Mount Pleasant, Iowa. Frequencies: 6108.3 and 10.915 MHz toward New London, Iowa.
- 8225-C1-P-70—St. Joseph Telephone & Telegraph Co. (KJB40), C.P. to replace transmitter. Frequencies: 6041.6 and 6278.8 MHz toward Wewahatchka, Fla. Location: 502 Fifth Street, Port St. Joe, Fla.
- 8226-C1-P-70—St. Joseph Telephone & Telegraph Co. (KJE59), C.P. to replace transmitter. Frequencies: 6041.6 and 6278.8 MHz toward Blountstown, Fla. Location: Main Street, Chattahoochee, Fla.

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

- 8227-C1-P-70—St. Joseph Telephone & Telegraph Co. (KJF96), C.P. to replace transmitter. Frequencies: 6011.9 and 6249.1 MHz toward Wewahitchka, Fla., and 6100.9 and 6338.1 MHz toward Chattahoochee, Fla. Location: 1.5 miles west, Blountstown, Fla.
- 8228-C1-P-70—St. Joseph Telephone & Telegraph Co. (KJF97), C.P. to replace transmitter. Frequencies: 6100.9 and 6338.1 MHz toward Port St. Joe, Fla., and 6130.5 and 6367.8 MHz toward Blountstown, Fla. Location: Highway 71 and Chupola Avenue, Wewahitchka, Fla.
- RCA Alaska Communications, Inc.—Applications for construction permits and licenses to cover five domestic common carrier point-to-point microwave stations between Lena Point and Sitka, Alaska, which are currently under construction for the Alaska Communications System (ACS) and scheduled to be acquired by RCA Alascom pursuant to the Alaska Disposal Act.
- 8229-C1-P-70—RCA Alaska Communications, Inc. (New), A new station to be located at Point Lena Loop Road, 1.2 miles from Glacier Highway, Lena Point, Alaska. Frequencies: 6219.48 and 6388.09 MHz toward Wheeler Creek, Alaska.
- 8230-C1-P-70—RCA Alaska Communications, Inc. (New), A new station to be located at 23 miles southwest of Juneau, Alaska (Wheeler Creek). Frequencies: 5997.09 and 6115.70 MHz toward Angoon, Alaska, and 5967.44 and 6085.04 MHz toward Lena Point, Alaska.
- 8231-C1-P-70—RCA Alaska Communications, Inc. (New), A new station to be located at Angoon, Alaska. Frequencies: 6249.13 and 6387.70 MHz toward Wheeler Creek, Alaska, and 6278.78 and 6387.29 MHz toward Mud Bay, Alaska.
- 8232-C1-P-70—RCA Alaska Communications, Inc. (New), A new station to be located at 13.5 miles northwest of Sitka, Alaska (Mud Bay). Frequencies: 6026.74 and 6145.35 MHz toward Angoon, Alaska, and 5937.78 and 6056.89 MHz toward Sitka, Alaska.
- 8233-C1-P-70—RCA Alaska Communications, Inc. (New), A new station to be located at No. 2 Lincoln Street, Sitka, Alaska. Frequencies: 6189.83 and 6303.43 MHz toward Mud Bay, Alaska.
- MCI Mid-Continent Communications, Inc.—Fifty-seven construction permits proposing to provide new types of customized communications service in mid-continent U.S.A.
- 8235-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 1: C.P. for a new fixed station at 500 30th Street, Boulder, Colo., at latitude 39°59'38" N., longitude 105°15'26" W. Frequencies 6271.4 and 6390.0 MHz on azimuth 217°15'.
- 8236-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 2: C.P. for a new fixed station 0.8 mile southwest of Boulder, Colo., at latitude 39°58'13" N., longitude 105°16'48" W. Frequencies 5989.7 and 6108.3 MHz on azimuth 184°56', and frequencies 6019.3 and 6137.9 MHz on azimuth 37°14'.
- 8237-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 3: C.P. for a new fixed station at Walton and 17th Streets, Denver, Colo., at latitude 39°44'45" N., longitude 104°59'22" W. Frequencies 6212.0 and 6330.7 MHz on azimuth 315°07', and frequencies 6197.3 and 6315.9 MHz on azimuth 122°28'.
- 8238-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 4: C.P. for a new fixed station 10.1 miles east of Parker, Colo., at latitude 39°32'19" N., longitude 104°34'11" W. Frequencies 5974.8 and 6093.5 MHz on azimuth 302°44', and frequencies 5945.2 and 6063.8 MHz on azimuth 88°56'.
- 8239-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 5: C.P. for a new fixed station 5.5 miles southeast of Deer Trail, Colo., at latitude 39°33'45" N., longitude 103°57'19" W. Frequencies 6226.9 and 6345.5 MHz on azimuth 267°19', and frequencies 6197.3 and 6315.9 MHz on azimuth 78°59'.
- 8240-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 6: C.P. for a new fixed station 5.8 miles south of Lindon, Colo., at latitude 39°39'24" N., longitude 103°25'17" W. Frequencies 5974.8 MHz and 6093.5 MHz on azimuth 257°20', and frequencies 5945.2 MHz and 6063.8 MHz on azimuth 77°00'.
- 8241-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 7: C.P. for a new fixed station 5.5 miles south-southwest of Abar, Colo., at latitude 39°45'36" N., longitude 102°44'11" W. Frequencies 6226.9 MHz and 6345.5 MHz on azimuth 257°36', and frequencies 6197.3 MHz and 6315.9 MHz on azimuth 94°10'.
- 8242-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 8: C.P. for a new fixed station 5 miles southwest of Arma, Colo., at latitude 39°44'37" N., longitude 102°10'23" W. Frequencies 5974.8 MHz and 6063.5 MHz on azimuth 274°32', and frequencies 6004.5 MHz and 6123.1 MHz on azimuth 83°42'.

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

- 8243-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 9: C.P. for a new fixed station 5.9 miles northwest of Bird City, Kans., at latitude 39°47'23" N., longitude 101°36'59" W. Frequencies 6226.9 MHz and 6345.5 MHz on azimuth 264°03', and frequencies 6197.2 MHz and 6315.9 MHz on azimuth 74°04'.
- 8244-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 10: C.P. for a new fixed station 5 miles north of Rawlins, Kans., at latitude 39°55'38" N., longitude 100°58'59" W. Frequencies 5974.8 MHz and 6093.5 MHz on azimuth 254°28', and frequencies 5945.2 MHz and 6063.8 MHz on azimuth 29°10'.
- 8245-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 11: C.P. for a new fixed station 9.5 miles south-southwest of Curtis, Nebr., at latitude 40°29'33" N., longitude 100°34'10" W. Frequencies 6226.9 MHz and 6345.5 MHz on azimuth 209°26', and frequencies 6256.5 MHz and 6375.2 MHz on azimuth 58°38'.
- 8246-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 12: C.P. for a new fixed station 5.4 miles north of Dawson, Nebr., at latitude 40°44'27" N., longitude 100°01'55" W. Frequencies 6034.3 MHz and 6152.8 MHz on azimuth 233°57', and frequencies 6004.5 MHz and 6123.1 MHz on azimuth 74°57'.
- 8247-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 13: C.P. for a new fixed station 3.9 miles south of Buffalo, Nebr., at latitude 40°52'03" N., longitude 99°24'10" W. Frequencies 6286.2 MHz and 6404.8 MHz on azimuth 255°22', and frequencies 6256.5 MHz and 6375.2 MHz on azimuth 87°59'.
- 8248-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 14: C.P. for a new fixed station 9.4 miles north-northwest of Gibbon, Nebr., at latitude 40°52'51" N., longitude 98°51'30" W. Frequencies 6034.3 MHz and 6152.8 MHz on azimuth 268°21', and frequencies 6004.5 MHz and 6123.1 MHz on azimuth 98°24'.
- 8249-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 15: C.P. for a new fixed station 4.3 miles northwest of Gilmer, Nebr., at latitude 40°48'31" N., longitude 98°13'39" W. Frequencies 6286.2 MHz and 6404.8 MHz on azimuth 278°49', and frequencies 6256.5 MHz and 6375.2 MHz on azimuth 111°32'.
- 8250-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 16: C.P. for a new fixed station 2 miles northeast of Grafon, Nebr., at latitude 40°38'30" N., longitude 97°40'36" W. Frequencies 6004.5 MHz and 6123.1 MHz on azimuth 291°54', and frequencies 6084.2 MHz and 6152.8 MHz on azimuth 83°25'.
- 8251-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 17: C.P. for a new fixed station 5.2 miles north of Creze, Nebr., at latitude 40°42'43" N., longitude 98°57'39" W. Frequencies 6268.2 MHz and 6404.8 MHz on azimuth 262°53', and frequencies 10,275 MHz and 11,115 MHz on azimuth 63°08'.
- 8252-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 18: C.P. for a new fixed station at 633 South 18th Street, Lincoln, Nebr., at latitude 40°48'40" N., longitude 96°42'09" W. Frequencies 11,325 MHz and 11,565 MHz on azimuth 243°18', and frequencies 11,605 MHz and 11,365 MHz on azimuth 71°27'.
- 8253-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 19: C.P. for a new fixed station 1.5 miles north of Alvo, Nebr., at latitude 40°53'34" N., longitude 96°22'48" W. Frequencies 11,155 MHz and 10,915 MHz on azimuth 351°40' and frequencies 6286.2 MHz and 6404.8 MHz on azimuth 100°22', and frequencies 6226.9 MHz and 6345.5 MHz on azimuth 42°16'.
- 8254-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 20: C.P. for a new fixed station 3 miles southeast of Thurman, Iowa, at latitude 40°47'42" N., longitude 95°41'29" W. Frequencies 6004.5 MHz and 6123.1 MHz on azimuth 280°49', and frequencies 6034.3 MHz and 6152.8 MHz on azimuth 166°39'.
- 8255-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 21: C.P. for a new fixed station 3.2 miles northeast of Barada, Nebr., at latitude 40°14'38" N., longitude 95°31'15" W. Frequencies 6255.5 MHz and 6375.2 MHz on azimuth 345°46', and frequencies 6286.2 MHz and 6404.8 MHz on azimuth 138°21'.
- 8256-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 22: C.P. for a new fixed station 1.2 miles north of Blair, Kans., at latitude 39°48'02" N., longitude 95°00'40" W. Frequencies 6034.2 MHz and 6152.8 MHz on azimuth 318°41', and frequencies 5945.2 MHz and 6063.8 MHz on azimuth 105°28', and frequencies 6004.5 MHz and 6123.1 MHz on azimuth 148°55'.

- 8257-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 23: C.P. for a new fixed station at Yule and Fourth Avenue, Saint Joseph, Mo., at latitude 39°46'02" N., longitude 94°51'20" W. Frequencies 6197.2 MHz and 6315.9 MHz on azimuth 263°34'.
 8258-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 24: C.P. for a new fixed station 2.8 miles south-southeast of Hoover, Mo., at latitude 39°19'53" N., longitude 94°38'50" W. Frequencies 6256.5 MHz and 6375.2 MHz on azimuth 329°09', and frequencies 6286.2 MHz and 6404.8 MHz on azimuth 167°27'.
 8259-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 25: C.P. for a new fixed station at 1062 Grand Avenue, Kansas City, Mo., at latitude 39°06'02" N., longitude 94°54'53" W. Frequencies 5945.2 MHz and 6063.8 MHz on azimuth 347°30'.
 8260-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 26: C.P. for a new fixed station at 1700 Fernman Street, Omaha, Nebr., at latitude 41°15'29" N., longitude 95°56'21" W. Frequencies 6004.5 MHz and 6123.1 MHz on azimuth 222°33', and frequencies 5945.2 MHz and 6063.8 MHz on azimuth 10°24'.
 8261-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 27: C.P. for a new fixed station 6.4 miles east-southeast of Pisgah, Iowa, at latitude 41°49'22" N., longitude 95°48'02" W. Frequencies 6226.9 MHz and 6345.5 MHz on azimuth 190°39', and frequencies 6197.2 MHz and 6315.9 MHz on azimuth 91°21', and frequencies 6256.5 MHz and 6375.2 MHz on azimuth 296°11'.
 8262-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 28: C.P. for a new fixed station 4.5 miles southeast of Botna, Iowa, at latitude 41°48'27" N., longitude 95°04'09" W. Frequencies 6004.5 MHz and 6123.1 MHz on azimuth 271°50', and frequencies 5974.8 MHz and 6063.8 MHz on azimuth 120°27'.
 8263-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 29: C.P. for a new fixed station 5.4 miles north-northwest of Guthrie, Iowa, at latitude 41°34'54" N., longitude 94°33'36" W. Frequencies 6256.5 MHz and 6375.2 MHz on azimuth 300°47', and frequencies 6197.2 MHz and 6315.9 MHz on azimuth 76°59'.
 8264-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 30: C.P. for a new fixed station at 1107 Sycamore Street, Dallas Center, Iowa, at latitude 41°41'03" N., longitude 93°57'36" W. Frequencies 6034.2 MHz and 6152.8 MHz on azimuth 257°22', and frequencies 6197.2 MHz and 6315.9 MHz on azimuth 111°13'.
 8265-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 31: C.P. for a new fixed station at 715 Locust Street, Des Moines, Iowa, at latitude 41°35'19" N., longitude 93°37'38" W. Frequencies 611.155 MHz and 10.915 MHz on azimuth 291°26', and frequencies 5945.2 MHz and 6063.8 MHz on azimuth 32°00'.
 8266-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 32: C.P. for a new fixed station 3.3 miles north of Collins, Iowa, at latitude 41°57'11" N., longitude 93°19'13" W. Frequencies 6256.5 MHz and 6375.2 MHz on azimuth 212°12', and frequencies 6286.2 MHz and 6404.8 MHz on azimuth 288°18', and frequencies 6226.9 MHz and 6345.5 MHz on azimuth 63°50'.
 8267-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 33: C.P. for a new fixed station at 301 Main Street, Ames, Iowa, at latitude 42°01'31" N., longitude 93°36'53" W. Frequencies 5974.8 MHz and 6063.8 MHz on azimuth 108°06'.
 8268-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 34: C.P. for a new fixed station 0.5 mile southeast of Gladbrook, Iowa, at latitude 42°10'32" N., longitude 92°42'25" W. Frequencies 6004.5 MHz and 6123.1 MHz on azimuth 244°15', and frequencies 5974.8 MHz and 6063.8 MHz on azimuth 231°07', and frequencies 5974.8 MHz and 6063.8 MHz on azimuth 90°44'.
 8269-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 35: C.P. for a new fixed station at corner of Second and Main Streets, Marshalltown, Iowa, at latitude 42°02'58" N., longitude 92°54'59" W. Frequencies 6197.2 MHz and 6315.9 MHz on azimuth 50°58'.
 8270-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 36: C.P. for a new fixed station 6.5 miles north of Garrison, Iowa, at latitude 42°10'07" N., longitude 92°07'55" W. Frequencies 6226.9 MHz and 6345.5 MHz on azimuth 271°07', and frequencies 6286.2 MHz and 6404.8 MHz on azimuth 334°44' and 6197.2 MHz and 6315.9 MHz on azimuth 116°36'.
 8271-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 37: C.P. for a new fixed station at 200 West Fourth Street, Waterloo, Iowa, at latitude 42°29'41" N., longitude 92°20'24" W. Frequencies 5945.2 MHz and 6063.8 MHz on azimuth 154°36'.

- 8272-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 38: C.P. for a new fixed station at 222 Second Avenue Southeast, Cedar Rapids, Iowa, at latitude 41°58'43" N., longitude 91°49'03" W. Frequencies 6004.5 MHz and 6123.1 MHz on azimuth 280°54', and frequencies 5945.2 MHz and 6063.8 MHz on azimuth 57°18', and frequencies 6094.2 MHz and 6152.8 MHz on azimuth 148°2'9'.
 8273-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 39: C.P. for a new fixed station 0.6 mile east-northeast of Amber, Iowa, at latitude 42°07'51" N., longitude 91°10'30" W. Frequencies 6226.9 MHz and 6345.5 MHz on azimuth 247°38', and frequencies 6226.9 MHz and 6345.5 MHz on azimuth 57°48'.
 8274-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 40: C.P. for a new fixed station 0.7 mile east of King, Iowa, at latitude 42°24'27" N., longitude 90°34'44" W. Frequencies 5974.8 MHz and 6063.8 MHz on azimuth 238°12', and frequencies 5945.2 MHz and 6063.8 MHz on azimuth 325°31'.
 8275-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 41: C.P. for a new fixed station at Locust Street, Dubuque, Iowa, at latitude 42°30'03" N., longitude 90°39'56" W. Frequencies 6286.2 MHz and 6404.8 MHz on azimuth 145°27'.
 8276-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 42: C.P. for a new fixed station 2.3 miles north-northeast of Newport, Iowa, at latitude 41°46'09" N., longitude 91°39'45" W. Frequencies 6197.2 MHz and 6315.9 MHz on azimuth 328°36', and frequencies 6226.9 MHz and 6345.5 MHz on azimuth 195°22', and frequencies 6256.5 MHz and 6375.2 MHz on azimuth 96°32'.
 8277-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 43: C.P. for a new fixed station at 102 South Clinton Street, Iowa City, Iowa, at latitude 41°39'44" N., longitude 91°32'06" W. Frequencies 5945.2 MHz and 6063.8 MHz on azimuth 15°30'.
 8278-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 44: C.P. for a new fixed station at 2.1 miles west of New Liberty, Iowa, at latitude 41°43'06" N., longitude 90°55'16" W. Frequencies 5974.8 MHz and 6063.8 MHz on azimuth 276°55', and frequencies 5945.2 MHz and 6063.8 MHz on azimuth 126°34'.
 8279-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 45: C.P. for a new fixed station at 1416 West 16th Street, Des Moines, Iowa, at latitude 41°33'10" N., longitude 90°35'42" W. Frequencies 6197.2 MHz and 6315.9 MHz on azimuth 306°47'.
 8280-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 46: C.P. for a new fixed station 1.6 miles west-southwest of Decatur, Iowa, at latitude 41°59'53" N., longitude 96°16'52" W. Frequencies 6034.2 MHz and 6152.8 MHz on azimuth 115°52', and frequencies 6034.2 MHz and 6152.8 MHz on azimuth 349°47', and frequencies 6004.5 MHz and 6123.1 MHz on azimuth 356°41'.
 8281-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 47: C.P. for a new fixed station at 624 East Fourth Street, Sioux City, Iowa, at latitude 42°29'38" N., longitude 96°24'07" W. Frequencies 6226.9 MHz and 6345.5 MHz on azimuth 169°42'.
 8282-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 48: C.P. for a new fixed station 4.2 miles west-southwest of Merrill, Iowa, at latitude 42°41'43" N., longitude 96°30'09" W. Frequencies 6286.2 MHz and 6404.8 MHz on azimuth 176°39', and frequencies 6197.2 MHz and 6315.9 MHz on azimuth 324°55'.
 8283-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 49: C.P. for a new fixed station 2.5 miles northeast of Beresford, S. Dak., at latitude 43°08'46" N., longitude 96°44'13" W. Frequencies 5974.8 MHz and 6063.8 MHz on azimuth 144°39', and frequencies 6004.5 MHz and 6123.1 MHz on azimuth 01°05'.
 8284-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 50: C.P. for a new fixed station at Zip Feed Mills, Inc., Sioux Falls, S. Dak., at latitude 43°32'57" N., longitude 96°43'31" W. Frequencies 6286.2 MHz and 6404.8 MHz on azimuth 181°06', and frequencies 6286.2 MHz and 6404.8 MHz on azimuth 54°12'.
 8285-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 51: C.P. for a new fixed station 4.7 miles west-northwest of Hardwick, Minn., at latitude 43°47'12" N., longitude 96°16'09" W. Frequencies 6004.5 MHz and 6123.1 MHz on azimuth 234°30', and frequencies 6094.2 MHz and 6152.8 MHz on azimuth 85°54'.
 8286-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 52: C.P. for a new fixed station 5 miles northeast of Wilmont, Minn., at latitude 43°48'45" N., longitude 95°44'54" W. Frequencies 6197.2 MHz and 6315.9 MHz on azimuth 266°16', and frequencies 6226.9 MHz and 6345.5 MHz on azimuth 72°28'.

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

- 8303-CI-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Eagle Point, at latitude 40°28'48" N., longitude 103°05'08" W. Frequencies 6212.0V and 6330.7V on azimuth 235°45', and 6212.0H and 6330.7H on azimuth 67°47'.
- 8304-CI-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Haxum, at latitude 40°38'13" N., longitude 102°34'39" W. Frequencies 5989.7H and 6108.3H on azimuth 248°07', and 5989.7V and 6108.3V on azimuth 41°24'.
- 8305-CI-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Julesburg, at latitude 40°55'01" N., longitude 102°18'47" W. Frequencies 6241.7V and 6360.7V on azimuth 221°38', and 6241.7H and 6360.7H on azimuth 60°16'.
- 8306-CI-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Ogallala, at latitude 41°08'03" N., longitude 101°43'33" W. Frequencies 5989.7H and 6108.3H on azimuth 242°45', and 5989.7V and 6108.3V on azimuth 98°54'.
- 8307-CI-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Sutherland, at latitude 41°04'00" N., longitude 101°10'08" W. Frequencies 6212.0H and 6330.7H on azimuth 279°16', and 6212.0V and 6330.7V on azimuth 69°54'.
- 8308-CI-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Platte Junction, at latitude 41°19'24" N., longitude 100°39'39" W. Frequencies 6078.6V and 6167.6H on azimuth 250°14', and 6078.6H and 6167.6V on azimuth 140°53'.
- 8309-CI-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Gotzenburg, at latitude 40°49'47" N., longitude 100°15'20" W. Frequencies 6212.0H and 6330.7H on azimuth 321°09', and 6212.0V and 6330.7V on azimuth 87°00'.
- 8310-CI-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Lexington, at latitude 40°51'10" N., longitude 99°37'59" W. Frequencies 5960.0V and 6078.6V on azimuth 297°25', and 5989.7H and 6108.3H on azimuth 140°30'.
- 8311-CI-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Wells, at latitude 40°35'50" N., longitude 99°21'32" W. Frequencies 6212.0H and 6330.7H on azimuth 820°41', and 6212.0V and 6330.7V on azimuth 102°19'.
- 8312-CI-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Minden, at latitude 40°31'02" N., longitude 98°52'30" W. Frequencies 5989.7V and 6108.3H on azimuth 262°38', and 5960.0H and 6078.6H on azimuth 70°08'.
- 8313-CI-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Hastings, at latitude 40°39'05" N., longitude 98°23'04" W. Frequencies 6212.0H and 6330.7H on azimuth 250°28', and 6212.0V and 6330.7V on azimuth 114°58'.
- 8314-CI-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Verona, at latitude 40°38'34" N., longitude 97°58'40" W. Frequencies 5960.0V and 6078.6V on azimuth 295°17', and 5960.0H and 6078.6H on azimuth 90°07'.
- 8315-CI-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Milligan, at latitude 40°28'27" N., longitude 97°23'06" W. Frequencies 6212.0H and 6330.7H on azimuth 270°27', and 6212.0V and 6330.7V on azimuth 54°27'.
- 8316-CI-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, East Milford, at latitude 40°43'24" N., longitude 96°57'50" W. Frequencies 5960.0V and 6078.6V on azimuth 234°45', and 5960.0H and 6078.6H on azimuth 77°51'.
- 8317-CI-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Walton, at latitude 40°47'38" N., longitude 96°29'19" W. Frequencies 6212.0H and 6330.7H on azimuth 258°08', 6212.0V and 6330.7V on azimuth 38°20', and 6241.7V and 6360.3V on azimuth 274°30'.
- 8318-CI-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Lincoln, at latitude 40°48'19" N., longitude 96°40'54" W. Frequencies 5989.7V and 6108.3V on azimuth 94°23'.
- 8319-CI-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Meadow, at latitude 40°02'35" N., longitude 96°13'41" W. Frequencies 5960.0V and 6078.6V on azimuth 218°31', and 5989.7H and 6108.3H on azimuth 42°41'.
- 8320-CI-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Omaha, at latitude 41°15'27" N., longitude 95°57'56" W. Frequencies 6271.4H and 6390.0H on azimuth 222°52', and 6271.4H and 6390.0H on azimuth 08°22'.
- 8321-CI-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Magnolia, at latitude 41°43'32" N., longitude 95°52'25" W. Frequencies 5989.7V and 6108.3V on azimuth 188°28', and 5960.0H and 6078.6H on azimuth 316°55'.

- 8297-CI-P-70—MCI Mid-Continent Communications, Inc. (New), Site 53: C.P. for a new fixed station 5.6 miles north-northwest of Windom, Minn., at latitude 43°56'17" N., longitude 95°11'34" W. Frequencies 5945.2 MHz and 6063.8 MHz on azimuth 252°51', and frequencies 5974.8 MHz and 6063.5 MHz on azimuth 74°30'.
- 8298-CI-P-70—MCI Mid-Continent Communications, Inc. (New), Site 54: C.P. for a new fixed station 2.6 miles northwest of Madella, Minn., at latitude 44°05'07" N., longitude 94°27'11" W. Frequencies 6197.3 MHz and 6315.9 MHz on azimuth 254°51', and frequencies 6298.9 MHz and 6345.5 MHz on azimuth 82°01'.
- 8299-CI-P-70—MCI Mid-Continent Communications, Inc. (New), Site 55: C.P. for a new fixed station 2.7 miles south-southwest of New Sweden, Minn., at latitude 44°23'04" N., longitude 94°12'24" W. Frequencies 6004.5 MHz and 6123.1 MHz on azimuth 212°11', and frequencies 5974.8 MHz and 6063.5 MHz on azimuth 71°58'.
- 8300-CI-P-70—MCI Mid-Continent Communications, Inc. (New), Site 56: C.P. for a new fixed station 4 miles north-northwest of Lonsdale, Minn., at latitude 44°39'26" N., longitude 93°27'15" W. Frequencies 6256.2 MHz and 6375.2 MHz on azimuth 252°30', and frequencies 6271.4 MHz and 6390.0 MHz on azimuth 16°40'.
- 8301-CI-P-70—MCI Mid-Continent Communications, Inc. (New), Site 57: C.P. for a new fixed station at 800 Poshay Towers, Minneapolis, Minn., at latitude 44°58'28" N., longitude 93°16'15" W. Frequencies 6019.3 MHz and 6187.9 MHz on azimuth 198°48'.
- Western Tele-Communications, Inc.—The following eight (8) applications propose to provide low-cost customized intersite communication system between fixed stations, at Sioux Falls, S. Dak. and Minneapolis-St. Paul, Minn.
- 8292-CI-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, East Sioux Falls, at latitude 43°34'25" N., longitude 98°38'13" W. Frequencies 5945.2V and 6063.8V on azimuth.
- 8293-CI-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Lurline, at latitude 43°44'49" N., longitude 96°19'47" W. Frequencies 6197.2H and 6315.9H on azimuth 294°10', and 6197.2H and 6315.9H on azimuth 87°36'.
- 8294-CI-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Wilmont, at latitude 43°45'28" N., longitude 95°51'29" W. Frequencies 5945.2V and 6063.8V on azimuth 297°56', and 5945.2V and 6063.8V on azimuth 62°27'.
- 8295-CI-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Jeffers, at latitude 43°59'55" N., longitude 95°12'50" W. Frequencies 6197.2H and 6315.9H on azimuth 242°53', and 6197.2H and 6315.9H on azimuth 61°28'.
- 8296-CI-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Sleepyeye, at latitude 44°14'52" N., longitude 94°34'16" W. Frequencies 5945.2V and 6063.8V on azimuth 241°56', 5945.2V and 6063.8V on azimuth 62°30'.
- 8297-CI-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Rush River at latitude 44°27'04" N., longitude 94°01'21" W. Frequencies 6197.2H and 6315.9H on azimuth 242°53', and 6197.2H and 6315.9H on azimuth 50°18'.
- 8298-CI-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station at Taylors Port, at latitude 44°45'23" N., longitude 93°30'18" W. Frequencies 5945.2V and 6063.8V on azimuth 230°40', and 5945.2V and 6063.8V on azimuth 45°30'.
- 8299-CI-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, St. Paul, at latitude 44°57'46" N., longitude 93°12'26" W. Frequencies 6197.2H and 6315.9H on azimuth 225°43'.
- Western Tele-Communications, Inc.—The following twenty-seven (27) applications propose to provide low-cost customized intersite communications system between fixed stations at Denver, Colo.; Hastings, Lincoln, and Omaha, Neb.; Sioux City, Iowa; and Sioux Falls, S. Dak.
- 8300-CI-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Denver, at latitude 39°36'37" N., longitude 104°53'03" W. Frequencies 5945.2 and 6063.8 on azimuth 293°23'.
- 8301-CI-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Colorado, at latitude 39°43'54" N., longitude 105°14'58" W. Frequencies 6197.2V and 6315.9V on azimuth 113°09', and 6256.5V and 6375.2V on azimuth 73°07'.
- 8302-CI-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Fort Morgan, at latitude 40°01'45" N., longitude 103°56'31" W. Frequencies 6004.5H and 6123.1H on azimuth 253°57', and 5989.7V and 6108.3V on azimuth 65°15'.

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

- 8340-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Wichita, at latitude 37°41'54" N., longitude 97°19'03" W. Frequencies: 6271.4H and 6390.0H on azimuth 04°17', and 6271.4V and 6390.0V on azimuth 162°41', and 6271.4H and 6390.0H on azimuth 273°08'.
- 8341-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Mulvane, at latitude 37°31'10" N., longitude 97°14'51" W. Frequencies: 5989.7V and 6108.3V on azimuth 342°44', and 5989.7H and 6108.3H on azimuth 188°55'.
- 8342-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Rome, at latitude 37°08'42" N., longitude 97°19'15" W. Frequencies: 6271.4H and 6390.0H on azimuth 08°52', and 6271.4V and 6390.0V on azimuth 140°31'.
- 8343-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Newkirk, at latitude 36°49'18" N., longitude 96°59'24" W. Frequencies: 5989.7V and 6108.3V on azimuth 320°43', and 5989.7H and 6108.3H on azimuth 200°20'.
- 8344-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Perry, at latitude 36°15'07" N., longitude 97°15'02" W. Frequencies: 6271.4H and 6390.0H on azimuth 191°26', and 6271.4H and 6390.0H on azimuth 20°11', and 6241.7V and 6360.3V on azimuth 94°36'.
- 8345-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Pawnee, at latitude 36°13'09" N., longitude 96°45'47" W. Frequencies: 6019.3H and 6137.9H on azimuth 104°03', and 6019.3V and 6137.9V on azimuth 274°58'.
- 8346-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Keystone, at latitude 36°06'55" N., longitude 96°15'24" W. Frequencies: 6241.7H and 6360.3H on azimuth 264°21', and 6241.7V and 6360.3V on azimuth 83°52'.
- 8347-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Tulsa, at latitude 36°08'30" N., longitude 95°56'58" W. Frequencies: 6019.3V and 6137.9V on azimuth 264°03'.
- 8348-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Charter Oak, at latitude 35°44'49" N., longitude 97°22'33" W. Frequencies: 5989.7V and 6108.3V on azimuth 196°56', and 5989.7H and 6108.3H on azimuth 11°22'.
- 8349-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Oklahoma City, at latitude 35°28'04" N., longitude 97°28'47" W. Frequencies: 6271.4H and 6390.0H on azimuth 16°52'.
- 8350-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Kuskie, at latitude 37°53'54" N., longitude 97°17'55" W. Frequencies: 5989.7V and 6108.3V on azimuth 46°48', and 5989.7H and 6108.3H on azimuth 184°18'.
- 8351-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Peabody, at latitude 38°08'04" N., longitude 96°58'47" W. Frequencies: 6271.4H and 6390.0H on azimuth 58°52', and 6271.4V and 6390.0V on azimuth 227°00'.
- 8352-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Strong City, at latitude 38°36'23" N., longitude 96°35'00" W. Frequencies: 5989.7V and 6108.3V on azimuth 96°38', and 5989.7H and 6108.3H on azimuth 225°47'.
- 8353-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Reading, at latitude 38°28'03" N., longitude 95°57'07" W. Frequencies: 6271.4H and 6390.0H on azimuth 357°49', and 6271.4V and 6390.0V on azimuth 264°53'.
- 8354-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Grange, at latitude 38°50'00" N., longitude 95°47'32" W. Frequencies: 5989.7V and 6108.3V on azimuth 24°09', and 5989.7H and 6108.3H on azimuth 198°56'.
- 8355-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Topeka, at latitude 39°01'46" N., longitude 95°40'45" W. Frequencies: 6271.4H and 6390.0H on azimuth 99°30', and 6271.4V and 6390.0V on azimuth 236°36'.
- 8356-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Springs, at latitude 39°00'07" N., longitude 95°42'42" W. Frequencies: 5989.7V and 6108.3V on azimuth 86°54', and 5989.7H and 6108.3H on azimuth 279°38'.
- 8357-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Lenape, at latitude 39°01'14" N., longitude 94°58'17" W. Frequencies: 6301.0H and 6419.6H on azimuth 80°41', and 6301.0V and 6419.6V on azimuth 267°12'.
- 8358-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Kansas City, at latitude 39°04'05" N., longitude 94°35'42" W. Frequencies: 5989.7H and 6108.3H on azimuth 260°56'.

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

- 8322-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Walt Hill, at latitude 42°10'30" N., longitude 96°26'26" W. Frequencies: 6212.0H and 6330.7V on azimuth 138°32', and 6241.7H and 6360.3H on azimuth 120°47', and 6212.0V and 6330.7V on azimuth 352°11'.
- 8323-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Sioux City, at latitude 42°29'02" N., longitude 96°20'45" W. Frequencies: 5989.7H and 6108.3H on azimuth 192°51'.
- 8324-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Elk Point, at latitude 42°43'08" N., longitude 96°32'30" W. Frequencies: 5990.0V and 6078.6V on azimuth 172°07', and 5990.0H and 6078.6H on azimuth 351°14'.
- 8325-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Moe, at latitude 43°10'00" N., longitude 96°38'10" W. Frequencies: 6212.0H and 6330.7H on azimuth 171°11', and 6212.0V and 6330.7V on azimuth 358°13'.
- 8326-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Sioux Falls, at latitude 43°34'26" N., longitude 96°39'13" W. Frequencies: 5990.0V and 6078.6V on azimuth 178°12'.
- Western Tele-Communications, Inc.—The following 32 applications propose to provide "Low Cost Customized" interstate communications system between fixed stations at Denver, Colo.; Dodge City, Wichita, and Topeka, Kans.; Tulsa and Oklahoma City, Okla.; and Kansas City, Mo.
- 8327-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Denver, at latitude 39°26'37" N., longitude 104°53'03" W. Frequencies: 5945.2H and 6152.8V on azimuth 293°23'.
- 8328-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Colorado, at latitude 39°43'54" N., longitude 105°14'58" W. Frequencies: 6286.2H and 6404.8H on azimuth 113°09', and 6286.2V and 6375.3V on azimuth 168°06'.
- 8329-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Almagre, at latitude 38°46'25" N., longitude 104°59'30" W. Frequencies: 5989.7V and 10755.5H on azimuth 348°16', and 5945.2H and 6078.6H on azimuth 139°53'.
- 8330-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Hookers Hill, at latitude 38°07'15" N., longitude 104°17'51" W. Frequencies: 6256.5V and 6375.3V on azimuth 320°19', and 6256.5V and 6375.3V on azimuth 90°16'.
- 8331-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Meredith Hill, at latitude 38°06'58" N., longitude 103°36'03" W. Frequencies: 5945.2H and 6063.8H on azimuth 270°42', and 5960.0H and 6078.6H on azimuth 58°32'.
- 8332-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Exads, at latitude 38°24'28" N., longitude 102°58'29" W. Frequencies: 6256.5H and 6375.2H on azimuth 122°25', and 6226.9V and 6345.5V on azimuth 238°55'.
- 8333-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Holly, at latitude 37°53'42" N., longitude 101°57'06" W. Frequencies: 5974.8V and 6063.8V on azimuth 90°57', and 6034.2V and 6152.8V on azimuth 302°44'.
- 8334-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Pierceville, at latitude 37°53'49" N., longitude 100°50'25" W. Frequencies: 6226.9V and 6345.5V on azimuth 99°38', and 6197.2H and 6286.2V on azimuth 271°18'.
- 8335-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Dodge City, at latitude 37°46'11" N., longitude 100°01'11" W. Frequencies: 5989.7H and 6108.3H on azimuth 113°07', and 5945.2V and 6063.8V on azimuth 279°53'.
- 8336-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Mullanville, at latitude 37°34'48" N., longitude 99°27'54" W. Frequencies: 6271.4H and 6390.0H on azimuth 85°39', and 6271.4V and 6390.0V on azimuth 293°37'.
- 8337-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Cullison, at latitude 37°36'42" N., longitude 98°55'15" W. Frequencies: 5989.7V and 6108.3V on azimuth 97°36', and 5989.7H and 6108.3H on azimuth 265°59'.
- 8338-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Willowdale, at latitude 37°32'29" N., longitude 98°16'32" W. Frequencies: 6271.4H and 6390.0H on azimuth 71°10', and 6271.4V and 6390.0V on azimuth 277°59'.
- 8339-C1-P-70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, St. Joe, at latitude 37°42'43" N., longitude 97°39'24" W. Frequencies: 5989.7V and 6108.3V on azimuth 92°57', and 5989.7H and 6108.3H on azimuth 251°33'.

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

- 8359-C1-P-70—Microwave Communications, Inc. (New), Site 1: C.P. for a new fixed station at 501 63d Street, Downers Grove, Ill., at latitude 41°46'22" N., longitude 87°59'50" W. Frequencies: 11,693 MHz and 11,425 MHz on azimuth 266°38'.
 8360-C1-P-70—Microwave Communications, Inc. (New), Site 2: C.P. for a new fixed station at 1 South Stoop Avenue, Aurora, Ill., at latitude 41°45'30" N., longitude 88°18'53" W. Frequencies: 11,095 MHz and 10,855 MHz on azimuth 86°25', and frequencies 10,795 MHz and 11,095 MHz on azimuth 326°54'.
 8361-C1-P-70—Microwave Communications, Inc. (New), Site 3: C.P. for a new fixed station 0.2 mile west of Lily Lake, Ill., at latitude 41°56'59" N., longitude 88°23'55" W. Frequencies: 11,695 MHz and 11,965 MHz on azimuth 146°47', and frequencies 11,645 MHz and 11,395 MHz on azimuth 59°08', and frequencies 11,605 MHz and 11,285 MHz on azimuth 362°08'.
 8362-C1-P-70—Microwave Communications, Inc. (New), Site 4: C.P. for a new fixed station at 100 East Chicago Street, Elgin, Ill., at latitude 42°02'16" N., longitude 88°17'03" W. Frequencies: 10,755 MHz and 11,075 MHz on azimuth 239°14'.
 8363-C1-P-70—Microwave Communications, Inc. (New), Site 5: C.P. for a new fixed station at Corner of 5th and Taylor Streets, De Kalb, Ill., at latitude 41°55'17" N., longitude 88°45'11" W. Frequencies: 10,795 MHz and 11,015 MHz on azimuth 81°57', and frequencies 10,795 MHz and 11,035 MHz on azimuth 292°27'.
 8364-C1-P-70—Microwave Communications, Inc. (New), Site 6: C.P. for a new fixed station 1.5 miles northeast of Kings, Ill., at latitude 42°01'22" N., longitude 89°05'01" W. Frequencies: 11,565 MHz and 11,245 MHz on azimuth 112°14', and frequencies 5974.8 MHz and 6093.5 MHz on azimuth 358°00', and frequencies 6004.5 MHz and 6123.1 MHz on azimuth 270°25'.
 8365-C1-P-70—Microwave Communications, Inc. (New), Site 7: C.P. for a new fixed station at 321 West State Street, Rockford, Ill., at latitude 42°16'19" N., longitude 89°05'43" W. Frequencies: 6226.9 MHz and 6345.5 MHz on azimuth 178°00'.
 8366-C1-P-70—Microwave Communications, Inc. (New), Site 8: C.P. for a new fixed station 2.3 miles southeast of Brookville, Ill., at latitude 42°01'28" N., longitude 89°38'59" W. Frequencies: 6197.2 MHz and 6315.9 MHz on azimuth 90°02', and frequencies 6256.5 MHz and 6375.2 MHz on azimuth 05°19', and frequencies 6236.9 MHz and 6345.5 MHz on azimuth 184°14', and frequencies 6197.2 MHz and 6315.9 MHz on azimuth 247°20', and frequencies 6226.9 MHz and 6345.5 MHz on azimuth 301°47'.
 8367-C1-P-70—Microwave Communications, Inc. (New), Site 9: C.P. for a new fixed station at W. T. Raleigh Co., East Main Street, Freeport, Ill., at latitude 42°17'57" N., longitude 89°36'55" W. Frequencies: 6034.2 MHz and 6152.8 MHz on azimuth 185°20'.
 8368-C1-P-70—Microwave Communications, Inc. (New), Site 10: C.P. for a new fixed station 1 mile northeast of Sterling, Ill., at latitude 41°48'59" N., longitude 88°40'13" W. Frequencies: 5945.2 MHz and 6063.8 MHz on azimuth 04°13'.
 8369-C1-P-70—Microwave Communications, Inc. (New), Site 11: C.P. for a new fixed station at Clinton Corn Elevator No. 2, 551 12th Avenue S., Clinton, Ill., at latitude 41°51'22" N., longitude 90°11'05" W. Frequencies: 5974.8 MHz and 6093.5 MHz on azimuth 66°58'.
 8370-C1-P-70—Microwave Communications, Inc. (New), Site 12: C.P. for a new fixed station 4.4 miles east of Hanover, Ill., at latitude 42°17'05" N., longitude 90°13'06" W. Frequencies: 5945.2 MHz and 6063.8 MHz on azimuth 121°24', and frequencies 5974.8 MHz and 6093.5 MHz on azimuth 303°44'.
 8371-C1-P-70—Microwave Communications, Inc. (New), Site 13: C.P. for a new fixed station at Roshke Building, Locust Street, Dubuque, Ill., at latitude 42°30'03" N., longitude 90°39'25" W. Frequencies: 6226.9 MHz and 6345.5 MHz on azimuth 123°27'.
 8372-C1-P-70—Microwave Communications, Inc. (New), Site 14: C.P. for a new fixed station 0.66 mile west of Bloomington, Ill., at latitude 40°28'33" N., longitude 89°02'02" W. Frequencies: 5974.8 MHz and 6093.5 MHz on azimuth 300°18'.
 8373-C1-P-70—Microwave Communications, Inc. (New), Site 15: C.P. for a new fixed station 3.3 miles west-northwest of Deer Creek, Ill., at latitude 40°38'26" N., longitude 89°24'19" W. Frequencies: 6226.9 MHz and 6345.5 MHz on azimuth 120°03', and frequencies 11,175 MHz and 10,855 MHz on azimuth 391°02'.
 8374-C1-P-70—Microwave Communications, Inc. (New), Site 16: C.P. for a new fixed station at 411 Hamilton Boulevard, Peoria, Ill., at latitude 40°41'39" N., longitude 89°35'20" W. Frequencies: 11,225 MHz and 11,465 MHz on azimuth 110°55', and frequencies 5226.9 MHz and 6345.5 MHz on azimuth 266°24'.

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

- 8375-C1-P-70—Microwave Communications, Inc. (New), Site 17: C.P. for a new fixed station 2.5 miles southeast of Farmington, Ill., at latitude 40°40'33" N., longitude 89°57'31" W. Frequencies: 5945.2 MHz and 6123.1 MHz on azimuth 88°09', and frequencies 6034.2 MHz and 6152.8 MHz on azimuth 311°07'.
 8376-C1-P-70—Microwave Communications, Inc. (New), Site 18: C.P. for a new fixed station at northeast corner of West Ferris Street and North East Street, Galesburg, Ill., at latitude 40°56'59" N., longitude 90°22'25" W. Frequencies: 6197.2 MHz and 6315.9 MHz on azimuth 130°50', and frequencies 6256.5 MHz and 6375.2 MHz on azimuth 329°50'.
 8377-C1-P-70—Microwave Communications, Inc. (New), Site 19: C.P. for a new fixed station 1 mile northeast of Metherville, Ill., at latitude 41°15'18" N., longitude 90°36'32" W. Frequencies: 6004.5 MHz and 6123.1 MHz on azimuth 149°41', and 5945.2 MHz and 6063.8 MHz on azimuth 02°08'.
 8378-C1-P-70—Microwave Communications, Inc. (New), Site 20: C.P. for a new fixed station at 1416 West 16th Street, Davenport, Iowa, at latitude 41°32'10" N., longitude 90°35'42" W. Frequencies: 6226.9 MHz and 6345.5 MHz on azimuth 182°08'.
 (Informative: Applicant proposes to provide an interstate customized communications service between the cities of Dubuque and Davenport, Iowa, and the cities of Chicago, Ill. and St. Louis, Mo. These extensions of the original MCI Chicago-St. Louis route are to serve business, industry, and Government, and to tie in various educational entities for the sharing of computers, libraries, etc.)
 8379-C1-P-70—Associated Independent Telephone Microwave, Inc. (New), C.P. for a new station at Commerce Building, New Orleans, La., latitude 29°57'09" N., and longitude 90°40'23" W. Frequencies: 5974.85 and 6093.42 MHz toward Boutte, La.
 8380-C1-P-70—Associated Independent Telephone Microwave, Inc. (New), C.P. for a new station 1.6 miles east of Boutte, La., latitude 29°54'11" N., and longitude 90°21'25" W. Frequencies: 6226.89 and 6345.50 MHz toward New Orleans, La., and 6256.54 and 6375.14 MHz toward Reserve, La.
 8381-C1-P-70—Associated Independent Telephone Microwave, Inc. (New), C.P. for a new station 2.2 miles north of Reserve, La., latitude 30°05'28" N., and longitude 90°34'58" W. Frequencies: 6004.50 and 6123.10 MHz toward Boutte, La., and 6034.15 and 6152.75 MHz toward Port Vincent, La.
 8382-C1-P-70—Associated Independent Telephone Microwave, Inc. (New), C.P. for a new station 0.6 mile northeast of Port Vincent, La., latitude 30°20'26" N., and longitude 90°50'33" W. Frequencies: 6226.89 and 6404.79 MHz toward Reserve, La., and 6226.89 and 6360.324 MHz toward Baton Rouge, La.
 8383-C1-P-70—Associated Independent Telephone Microwave, Inc. (New), C.P. for a new station at 844 Government Street, Baton Rouge, La., latitude 30°26'36" N., and longitude 91°10'54" W. Frequencies: 5974.85 and 6108.263 MHz toward Port Vincent, La., and 6945.20 and 6063.80 MHz toward Maringouin, La.
 8384-C1-P-70—Associated Independent Telephone Microwave, Inc. (New), C.P. for a new station 1 mile southwest of Maringouin, La., latitude 30°28'40" N., and longitude 91°32'18" W. Frequencies: 6197.24 and 6315.84 MHz toward Baton Rouge, La., and 6226.89 and 6345.50 MHz toward Henderson, La.
 8385-C1-P-70—Associated Independent Telephone Microwave, Inc. (New), C.P. for a new station 0.5 mile south of Henderson, La., latitude 30°18'55" N., and longitude 91°48'05" W. Frequencies: 5974.85 and 6093.45 MHz toward Maringouin, La., and 6034.15 and 6152.75 MHz toward Scott, La.
 8386-C1-P-70—Associated Independent Telephone Microwave, Inc. (New), C.P. for a new station 0.4 mile north of U.S. Highway 90, Scott, La., latitude 30°14'19" N., and longitude 92°05'50" W. Frequencies: 6226.89 and 6404.79 MHz toward Henderson, La., and 6256.54 and 6375.14 MHz toward Midland, La.
 8387-C1-P-70—Associated Independent Telephone Microwave, Inc. (New), C.P. for a new station 0.5 mile north of U.S. Highway 90, Midland, La., latitude 30°11'18" N., and longitude 92°27'39" W. Frequencies: 6034.15 and 6152.75 MHz toward Welsh, La., and 6004.50 and 6123.10 MHz toward Scott, La.
 8388-C1-P-70—Associated Independent Telephone Microwave, Inc. (New), C.P. for a new station 0.2 mile west of State Highway 99, Welsh, La., latitude 30°15'31" N., and longitude 93°49'30" W. Frequencies: 6256.54 and 6375.14 MHz toward Ararat, La., and 6226.89 and 6404.79 MHz toward Midland, La.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—CONTINUED

- 8389-C1-P-70—Associated Independent Telephone Microwave, Inc. (New), C.P. for a new station 0.1 mile east of U.S. Highway 171, Ararat, La., latitude 30°19'04" N., and longitude 93°11'37" W. Frequencies: 5974.85 and 6093.45 MHz toward Edgerly, La., and 6004.50 and 6123.10 MHz toward Welsh, La.
- 8390-C1-P-70—Associated Independent Telephone Microwave, Inc. (New), C.P. for a new station 1.1 miles north of U.S. Highway 90, Edgerly, La., latitude 30°15'02" N., and longitude 93°30'06" W. Frequencies: 6197.24 and 6315.84 MHz toward Peveto, Tex., and 6226.89 and 6345.50 MHz toward Ararat, La.
- 8391-C1-P-70—Associated Independent Telephone Microwave, Inc. (New), C.P. for a new station 0.1 mile north of U.S. Highway 90, Peveto, Tex., latitude 30°07'01" N., and longitude 93°49'10" W. Frequencies: 6094.15 and 6152.75 MHz toward Lovell Lake, Tex., and 5945.20 and 6063.80 MHz toward Edgerly, La.
- 8392-C1-P-70—Associated Independent Telephone Microwave, Inc. (New), C.P. for a new station 0.2 mile north of State Highway 365, Lovell Lake, Tex., latitude 29°56'53" N., and longitude 94°09'29" W. Frequencies: 6226.89 and 6345.50 MHz toward Monroe City, Tex., and 6286.19 and 6404.79 MHz toward Peveto, Tex.
- 8393-C1-P-70—Associated Independent Telephone Microwave, Inc. (New), C.P. for a new station 1.8 miles south of State Highway 73, Monroe City, Tex., latitude 29°45'51" N., and longitude 94°34'02" W. Frequencies: 6004.50 and 6123.10 MHz toward Baytown, Tex., and 5974.85 and 6093.45 MHz toward Lovell Lake, Tex.
- 8394-C1-P-70—Associated Independent Telephone Microwave, Inc. (New), C.P. for a new station at west side of Humble Oil Refinery, Baytown, Tex., latitude 29°44'04" N., and longitude 95°00'35" W. Frequencies 6197.24 and 6315.84 MHz toward Houston, Tex., and 6256.54 and 6375.14 MHz toward Monroe City, Tex.
- 8395-C1-P-70—Associated Independent Telephone Microwave, Inc. (New), C.P. for a new station at 800 Bell Street, Houston, Tex., latitude 29°45'12" N., and longitude 95°22'09" W. Frequencies 5945.20 and 6063.80 MHz toward Baytown, Tex.
- (Informative: Applicant proposes to provide data and private line communication service at New Orleans, La., Houston, Tex., and 15 intermediate points, all within the States of Louisiana and Texas.)
- American Telephone & Telegraph Co.—Seventeen C.P. applications to construct type TD-2 radio relay channels between Kansas City, Mo., and La Cygne, Kans., and the initial type TH-3 radio relay channels on the La Cygne-Oklahoma City, Okla., radio relay route.
- 8449-C1-P-70—American Telephone & Telegraph Co. (KAO63), Add frequency 4130 MHz toward Oak Grove, Mo. Location: 1425 Oak Street, Kansas City, Mo.
- 8444-C1-P-70—American Telephone & Telegraph Co. (KAI85), Add frequencies 4080 and 4170 MHz toward Kansas City, Mo., and 4170 MHz toward Holden, Mo. Location: 3.5 miles south-southwest of Oak Grove, Mo.
- 8445-C1-P-70—American Telephone & Telegraph Co. (KAR68), Add frequencies 4050 and 4130 MHz toward Oak Grove, Mo., and 3710 and 3790 MHz toward Dayton, Mo. Location: 3.2 miles east of Holden, Mo.
- 8446-C1-P-70—American Telephone & Telegraph Co. (KAR85), Add frequencies 3750 and 3830 MHz toward Holden, Mo., and La Cygne, Kans. Location: 0.5 mile south-southwest of Dayton, Mo.
- 8447-C1-P-70—American Telephone & Telegraph Co. (KAR84), Add frequencies 3710 and 3790 MHz toward Dayton, Mo., and 6197.2, 6315.9, and 6375.2 MHz toward Hume, Mo. Location: 6 miles northeast of La Cygne, Kans.
- 8448-C1-P-70—American Telephone & Telegraph Co. (KAK43), Add frequencies 5945.2, 5974.8, and 6123.1 MHz toward La Cygne, Kans., and 5945.2, 6063.8, and 6123.1 MHz toward Nevada, Mo. Location: 0.9 mile south-southwest of Hume, Mo.
- 8449-C1-P-70—American Telephone & Telegraph Co. (KAJ89), Add frequencies 6197.2, 6315.9, and 6375.2 MHz toward Hume, Mo., and Golden City Junction, Mo. Location: 4.1 miles northeast of Milo, Mo. (Nevada).
- 8450-C1-P-70—American Telephone & Telegraph Co. (KAJ70), Add frequencies 5945.2, 6063.8, and 6123.1 MHz toward Nevada and Joplin, Mo. Location: 3.8 miles southwest of Golden City, Mo.
- 8451-C1-P-70—American Telephone & Telegraph Co. (KAL79), Add frequencies 6197.2, 6315.9, and 6404.8 MHz toward Golden City Junction, Mo., and 6226.9, 6286.2 and 6404.8 MHz toward Seneca, Mo.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—CONTINUED

- 8452-C1-P-70—American Telephone & Telegraph Co. (KAL80), Add frequencies 5974.8, 6094.2, and 6152.8 MHz toward Joplin, Mo., and Ketchum, Okla. Location: 2.8 miles north-northeast of Seneca, Mo.
- 8453-C1-P-70—American Telephone & Telegraph Co. (KEK44), Add frequencies 6226.9, 6286.2, and 6404.8 MHz toward Seneca, Mo., and Pryor, Okla. Location: 2.5 miles north of Ketchum, Okla.
- 8454-C1-P-70—American Telephone & Telegraph Co. (KKK45), Add frequencies 5974.8, 6094.2, and 6152.8 MHz toward Ketchum, Okla., and 5945.2, 6034.2, and 6063.8 MHz toward Coweta, Okla. Location: 5.3 miles west of Pryor, Okla.
- 8455-C1-P-70—American Telephone & Telegraph Co. (KKK43), Add frequencies 6197.2, 6286.2, and 6315.9 MHz toward Pryor, Okla., and 6197.2, 6256.5, and 6315.9 MHz toward Mounds, Okla. Location: 2 miles northeast of Coweta, Okla.
- 8456-C1-P-70—American Telephone & Telegraph Co. (KLT89), Add frequencies 5945.2, 5974.8, and 6063.8 MHz toward Coweta, Okla., and 5945.2, 6063.8, and 6123.1 MHz toward Prague, Okla. Location: 5.7 miles southwest of Mounds, Okla.
- 8457-C1-P-70—American Telephone & Telegraph Co. (KLT88), Add frequencies 6286.2, 6315.9, and 6375.2 MHz toward Mounds, Okla., and 6197.2, 6315.9, and 6404.8 MHz toward Harrah, Okla. Location: 2 miles east-northeast of Prague, Okla.
- 8458-C1-P-70—American Telephone & Telegraph Co. (KLT87), Add frequencies 5945.2, 6004.5, and 6063.8 MHz toward Prague, Okla., and 5945.2, 6063.8, and 6093.5 MHz toward Oklahoma City, Okla. Location: 2.5 miles west of Harrah, Okla.
- 8459-C1-P-70—American Telephone & Telegraph Co. (KKH72), Add frequencies 6286.2, 6286.2, and 6375.2 MHz toward Harrah, Okla. Location: 405 North Broadway, Oklahoma City, Okla.
- 8460-C1-MP-70—Wisconsin Telephone Co. (KSO27), Modification of C.P. to change frequencies 5945.2, and 6063.8 MHz to 6182.4 MHz and 6308.4 MHz toward Viroqua, Wis. Location: 0.9 mile northwest of Rising Sun, Wis.
- 8461-C1-MP-70—Wisconsin Telephone Co. (WAD66), Modification of C.P. to change frequencies from 5974.8 and 6093.5 MHz to 5937.8 and 6056.4 MHz toward Rising Sun, Wis. Location: 114 East Court, Viroqua, Wis.
- 8462-C1-P-70—Pacific Northwest Bell Telephone Co. (KYR83), C.P. to add frequencies 11285 and 11525 MHz toward Nicolai Ridge, Ore., via passive reflector. Location: 1095 Exchange Street, Astoria, Ore.
- 8463-C1-MP-70—Pacific Northwest Bell Telephone Co. (KYS87), Modification of C.P. to add frequencies 10835 and 11075 MHz toward Astoria, Ore., via passive reflector. Location: Nicolai Ridge, 4 miles southwest of Westport, Ore.
- 8464-C1-MP-70—Pacific Northwest Bell Telephone Co. (KYS88), Modification of C.P. to change emission designated for frequencies 6315.9 and 11325 MHz toward Nicolai Ridge, Ore. Location: Saddle Mountain, 9.5 miles northwest of Cherry Grove, Ore.
- 8472-C1-P-70—United Telephone Co. of Florida (KIQ78), C.P. to add frequency 2168.2 at 113½ Avenue I, Moore Haven, Fla. Frequency: 2118.2 MHz toward Clewiston, Fla.
- 8473-C1-P-70—United Telephone Co. of Florida (KIQ78), C.P. to add frequency 2168.2 MHz toward Moore Haven, Fla. Location: 113 East Ventura Avenue, Clewiston, Fla.
- American Telephone & Telegraph Co.—Five C.P. applications for permit to construct three pairs of telephone channels and one pair of protection channels on a new radio relay route between Cedar Brook, N.J., and Finland, Pa., utilizing Western Electric Co. type TH-3 equipment.
- 8474-C1-P-70—American Telephone & Telegraph Co. (KVU49), C.P. to add frequencies 5974.8, 6034.2, 6093.5, and 6152.8 MHz toward Columbus, N.J. Location: 1.9 mile north-west of Cedar Brook, N.J.
- 8475-C1-P-70—American Telephone & Telegraph Co. (New), Add frequencies 6226.9, 6286.2, 6345.5, and 6404.8 MHz toward Cedar Brook, N.J., and 6226.9, 6286.2, 6345.5, and 6404.8 MHz toward Pennington, N.J. Location: 2.7 miles northeast of Columbus, N.J. A new station.
- 8476-C1-P-70—American Telephone & Telegraph Co. (New), A new station to be located at 4.2 miles east of Pennington, N.J. Frequencies: 5974.8, 6034.2, 6093.5, and 6152.8 MHz toward Columbus, N.J., 5974.8, 6034.2, 6093.5, and 6152.8 MHz toward New Britain, Pa.
- 8477-C1-P-70—American Telephone & Telegraph Co. (New), C.P. for a new station to be located at 2.1 miles northwest of Doylestown, Pa. Frequencies: 6226.9, 6286.2, 6345.5, and 6404.8 MHz toward Pennington, N.J., and 6226.9, 6286.2, 6345.5, and 6404.8 MHz toward Finland, Pa.

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

- 8478-C1-P-70—American Telephone & Telegraph Co. (KGP40). Add frequencies 5974.8, 6034.2, 6093.5, and 6152.8 MHz toward New Britain, Pa. Location: 0.95 mile northwest of Finland, Pa.
- 8497-C1-P-70—American Telephone & Telegraph Co.—Twenty-five applications for authority to construct the initial type TH-3 radio relay channels on the Arkabutla, Miss.-Wayside, Tex., radio relay route.
- 8479-C1-P-70—American Telephone & Telegraph Co. (KTG40). Add frequencies 5974.8, 6034.2, and 6152.8 MHz toward West Helena, Ark. Location: 1 mile southwest of Arkabutla, Miss.
- 8490-C1-P-70—American Telephone & Telegraph Co. (KTG41). Add frequencies 6226.9, 6286.2, and 6404.8 MHz toward Arkabutla, Miss., and Palmer, Ark. Location: 1.3 miles north-northeast of West Helena, Ark.
- 8481-C1-P-70—American Telephone & Telegraph Co. (KTG42). Add frequencies 5974.8, 6034.2, and 6152.8 MHz toward West Helena and Stuttgart, Ark. Location: 4 miles east-northeast of Pine City, Ark. (Palmer).
- 8492-C1-P-70—American Telephone & Telegraph Co. (KTG43). Add frequencies 6226.9, 6286.2, and 6404.8 MHz toward Palmer, Ark., and 5974.8, 6034.2, and 6152.8 MHz toward Tucker, Ark. Location: 5.4 miles east-southeast of Stuttgart, Ark.
- 8483-C1-P-70—American Telephone & Telegraph Co. (KTG44). Add frequencies 6226.9, 6286.2, and 6404.8 MHz toward Stuttgart and Alexander, Ark. Location: 1.7 miles north of Tucker, Ark.
- 8494-C1-P-70—American Telephone & Telegraph Co. (KTG45). Add frequencies 5974.8, 6034.2, and 6152.8 MHz toward Tucker, Ark., and 5945.2, 6004.5, and 6123.1 MHz toward Paron, Ark. Location: 1.7 miles south of Alexander, Ark.
- 8495-C1-P-70—American Telephone & Telegraph Co. (KVD79). Add frequencies 6197.2, 6246.5, and 6375.2 MHz toward Alexander, and 6226.9, 6286.2, and 6404.8 MHz toward Danville, Ark. Location: 8.2 miles west-northwest of Paron, Ark.
- 8496-C1-P-70—American Telephone & Telegraph Co. (KVD80). Add frequencies 5974.8, 6034.2, and 6152.8 MHz toward Paron and Union Hill, Ark. Location: 2.1 miles south-southwest of Danville, Ark.
- 8497-C1-P-70—American Telephone & Telegraph Co. (KVD81). Add frequencies 6226.9, 6286.2, and 6404.8 MHz toward Danville and Bates, Ark. Location: 8.2 miles south of Sugar Grove, Ark. (Union Hill).
- 8498-C1-P-70—American Telephone & Telegraph Co. (KVD82). Add frequencies 5974.8, 6034.2, and 6152.8 MHz toward Union Hill, Ark., and Tallhina, Okla. Location: 4 miles north-northeast of Bates, Ark.
- 8499-C1-P-70—American Telephone & Telegraph Co. (KVD83). Add frequencies 6226.9, 6286.2, and 6404.8 MHz toward Bates, Ark., and Hartsborne, Okla. Location: 6.9 miles west of Tallhina, Okla.
- 8490-C1-P-70—American Telephone & Telegraph Co. (KVD84). Add frequencies 5974.8, 6034.2, and 6152.8 MHz toward Tallhina and Stuart, Okla. Location: 5.2 miles south of Hartsborne, Okla.
- 8491-C1-P-70—American Telephone & Telegraph Co. (KVD85). Add frequencies 6226.9, 6286.2, and 6404.8 MHz toward Hartsborne and Spaulding, Okla. Location: 2.9 miles north of Stuart, Okla.
- 8492-C1-P-70—American Telephone & Telegraph Co. (KVD86). Add frequencies 5974.8, 6034.2, and 6152.8 MHz toward Stuart and Asbet, Okla. Location: 3.8 miles west-northwest of Spaulding, Okla.
- 8493-C1-P-70—American Telephone & Telegraph Co. (KVD87). Add frequencies 6226.9, 6286.2, and 6404.8 MHz toward Spaulding and Noble, Okla. Location: 1.5 miles north-northeast of Asbet, Okla.
- 8494-C1-P-70—American Telephone & Telegraph Co. (KLW21). Add frequencies 5974.8, 6034.2, and 6152.8 MHz toward Asbet and Middleberg, Okla. Location: 1.7 miles north-east of Noble, Okla.
- 8495-C1-P-70—American Telephone & Telegraph Co. (KLW20). Add frequencies 6226.9, 6286.2, and 6404.8 MHz toward Noble and Washita, Okla. Location: 1 mile north-northeast of Middleberg, Okla.

8496-C1-P-70—American Telephone & Telegraph Co. (KLV99). Add frequencies 5974.8, 6034.2, and 6152.8 MHz toward Middleberg and Mountain View, Okla. Location: 3.9 miles north-northeast of Washita, Okla.

8497-C1-P-70—American Telephone & Telegraph Co. (KLV98). Add frequencies 6226.9, 6286.2, and 6404.8 MHz toward Washita and Sentinel, Okla. Location: 5.5 miles north-northeast of Mountain View, Okla.

8498-C1-P-70—American Telephone & Telegraph Co. (KLV97). Add frequencies 5974.8, 6034.2, and 6152.8 MHz toward Mountain View and Bead, Okla. Location: 5.5 miles south-west of Sentinel, Okla.

8499-C1-P-70—American Telephone & Telegraph Co. (KLV96). Add frequencies 6226.9, 6286.2, and 6404.8 MHz toward Sentinel, Okla., and Wellington, Tex. Location: 2.5 miles west of Reed, Okla.

8500-C1-P-70—American Telephone & Telegraph Co. (KLV95). Add frequencies 5974.8, 6034.2, and 6152.8 MHz toward Reed, Okla., and 6226.9, 6286.2, and 6404.8 MHz toward Hedley, Tex. Location: 3.4 miles south-southeast of Wellington, Tex.

8501-C1-P-70—American Telephone & Telegraph Co. (KLV94). Add frequencies 5974.8, 6034.2, and 6152.8 MHz toward Wellington and Paloduro, Tex. Location: 3.3 miles west-southwest of Hedley, Tex.

8502-C1-P-70—American Telephone & Telegraph Co. (KLV93). Add frequencies 6226.9, 6286.2, and 6404.8 MHz toward Hedley and Wayside, Tex. Location: 7.9 miles north-northeast of Paloduro, Tex.

8503-C1-P-70—American Telephone & Telegraph Co. (KLV92). Add frequencies 5974.8, 6034.2, and 6152.8 MHz toward Paloduro, Tex. Location: 2 miles north-northeast of Wayside, Tex.

POINT TO POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

8224-C1-MP-70—Pacific Teletronic, Inc. (KPN74). Modification of C.P. to change location of station to King Mountain, 8 miles east of Wolf Creek, Oreg.—at latitude 42°41'49" N., longitude 123°13'39" W. Frequencies: 6130.5, 6264.7, and 6392.5 MHz on azimuth 195°31'.

8453-C1-P-70—New York-Penn Microwave Corp. (New). C.P. for a new station to be located at 1.5 miles northeast of Fredricksville, Pa., at latitude 40°27'37" N., longitude 75°39'55" W. Frequencies: 11,545 and 11,625 MHz on azimuth 300°37', and 11,305 MHz on azimuth 58°13', and 11,505 MHz on azimuth 105°54'.

(Informative: Applicant has filed this application along with amendments to applications File Nos. 2410 through 2434-C1-P-70.)

Major Amendments

2412-C1-P-70—New York-Penn Microwave Corp. (New). Change frequency and path azimuth as set forth below: From 11,135 MHz to 10,815 MHz. From Baurer Rock, Pa., 340°30' to Fredricksville, Pa., 287°07'.

2413-C1-P-70—New York-Penn Microwave Corp. (New). Add frequency 11,175 MHz toward new point of communication located 1.5 miles northeast of Fredricksville, Pa., 236°21'. Delete paths toward West Rockhill, Pa., 169°27', and Fort Clinton, Pa., 275°22'.

2415-C1-P-70—New York-Penn Microwave Corp. (New). Add frequencies 10,935 and 11,015 MHz toward new point of communication located 1.5 miles northeast of Fredricksville, Pa., 120°34'. Delete path toward Baurer Rock, Pa., 95°00'.

2416-C1-P-70—New York-Penn Microwave Corp. (New). Change frequency 6049.0 MHz to 6078.9 MHz toward Hershey, Pa., 234°36'.

2421-C1-P-70—New York-Penn Microwave Corp. (New). Add frequencies 5974.8, 6004.5, and 6034.2 MHz toward new point of communication located at Shade Mountain, 3 miles southeast of Beaver Springs, Pa., 337°36'. Delete paths toward Harrisburg, Pa., 133°38', and Burnt Knob, Pa., 276°25'. Delete frequency 6137.9 MHz toward Hershey, Pa.

2423-C1-P-70—New York-Penn Microwave Corp. (New). Change station location to Shade Mountain, 3 miles southeast of Beaver Springs, Pa., at latitude 40°42'25" N., longitude 77°10'57" W. Change frequencies and path azimuths as set forth below: 6256.5, 6375.2, and 6404.8 MHz toward Little Flat Tower, Pa., 275°36'; 6226.9, 6286.2, and 6345.5 MHz toward Little Mountain, Pa., 157°30'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—continued

2424-C1-P-70—New York-Penn Microwave Corp. (New), Add frequencies 6004.5, 6034.2, and 6123.1 MHz toward new point of communication located at Shade Mountain, 3 miles southeast of Beaver Springs, Pa., 96°12'. Delete path toward Burnt Knob, Pa., 155°58'.
2427-C1-P-70—New York-Penn Microwave Corp. (New), Change station coordinates to latitude 40°47'49" N., longitude 78°58'12" W. All other particulars same as reported in public notice dated November 10, 1969 and March 16, 1970.

[F.R. Doc. 70-8164; Filed, June 29, 1970; 8:45 a.m.]

[Docket No. 18880; FCC 70-636]

JEFFERSON STANDARD BROADCASTING CO. (WBTV)

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In regard to application of Jefferson Standard Broadcasting Co. (WBTV), Charlotte, N.C., for a construction permit, Docket No. 18880, File No. BPCT-4168.

1. The Commission has before it (a) the application (BPCT-4168) filed on November 26, 1968, by Jefferson Standard Broadcasting Co. (Jefferson), licensee of television broadcast station WBTV, channel 3, Charlotte, N.C.; (b) a petition to deny filed on December 26, 1968, by Greensboro News Co. (Greensboro), licensee of television broadcast station WFMY-TV, channel 2, Greensboro, N.C.; (c) a petition to deny filed on January 3, 1969, by Southern Broadcasting Co., Inc. (Southern), licensee of television broadcast station WGHP-TV, channel 8, High Point, N.C.; (d) an informal objection filed on January 6, 1969, by Charlotte Telecasters, Inc. (Charlotte), licensee of television broadcast station WCTU-TV, channel 36, Charlotte, N.C.; (e) a petition to deny filed on January 24, 1969, by Piedmont Triad TV, Inc. (Piedmont), permittee of television broadcast station WUBC, channel 48, Greensboro, N.C.; (f) Jefferson's opposition filed on February 19, 1969; and (g) related pleadings.²

2. Station WBTV is currently authorized to operate a nondirectional antenna with horizontal visual effective radiated power of 100 kw. from an antenna height of 1,086 feet above average terrain at a transmitter site located on Spencer Mountain approximately 15 miles west of Charlotte, N.C. Jefferson seeks authority to increase its antenna height to 1,800 feet above average terrain, and to move its transmitter site 22 miles to a new location approximately 5 miles north of Denver, N.C. No change in the horizontal visual effective radiated power is requested. Operating as proposed, Jefferson would, for the first time, place a predicted Grade B signal over the entire cities of Winston-Salem, Greensboro, and High Point.

3. Jefferson alleges that the petitions of Greensboro, Southern, and Piedmont should not be entitled to Commission consideration since they did not comply with the 30-day filing requirement contained in § 1.580 of the Commission's

¹ The Commission also has before it: (a) A reply to opposition filed by Greensboro, on Mar. 3, 1969, and (b) replies to opposition filed by Southern, Charlotte, and Piedmont, on Mar. 7, 1969.

rules. The Commission, on December 11, 1968, advised Jefferson that pursuant to § 1.572(a) (1) of the rules, the application would be treated as a major change. In accordance with § 1.580(c) of the rules, publication was completed on December 27, 1968. Since the petitioners could not have complete access to all necessary information until the completion of the publication, the 30-day filing requirement is deemed to run as of December 27, rather than the date the application was originally accepted for filing. Therefore, we find that the petitions of Greensboro, Southern, and Piedmont were timely filed within the meaning of § 1.580(l) of the rules.

4. In support of its application, Jefferson argues that the gain areas will far outweigh the loss areas; that the application fully complies with all Commission rules and regulations; that a wide diversification of mass media in central North Carolina precludes a finding of concentration of control; that any grant would be subject to the outcome of Dockets Nos. 17371 and 18397; that the alleged adverse effect upon UHF development is conjectural and unsupported by factual allegations; and that a grant of the proposed move provide near technical maximum utilization of channel 3 in the Charlotte market.

5. Greensboro alleges that the application should be designated for hearing on questions relating to: (a) UHF impact; (b) cross-ownership of broadcast and CATV interests within the same community; and (c) UHF impact and infringement upon the Winston-Salem-Greensboro-High Point market. Charlotte requests issues relating to: (a) UHF impact; (b) cross-ownership; (c) concentration of control; (d) programing. Southern requests issues relating to: (a) UHF impact; (b) proper assignments of television broadcast channels; (c) cross-ownership; (d) concentration of control; and (e) programing. Piedmont requests the inclusion of a UHF impact issue.

6. Both Southern and Greensboro argue that the proposed move would result in diminution of service to 49,371 persons residing in 960 square miles to the south of Charlotte, N.C. Citing *Hall v. F.C.C.*, 237 F. 2d 567 (D.C. Cir.), 4 RR 2009 (1956), the petitioners allege that WBTV has not shown justification for this loss of service. In its opposition, Jefferson contends that while it is true that approximately 50,000 persons residing in South Carolina would lose this Grade B service, the majority of those persons will receive CBS programing from station WNOL-TV, channel 19, Columbia, S.C. In addition, it is alleged that the proposed move will provide an additional Grade A service to 300,000 persons residing in 3,440 square miles. It is further

argued that 3,778 persons residing in 97 square miles will receive their first CBS service.

7. While the Hall case did state that the loss of service to areas which a station was authorized to serve was not in the public interest, it also stated that the Commission may find other factors which, on a case-by-case basis, would justify the proposed move. From the data submitted by both the petitioners and the applicant, it is impossible to form any conclusion that the loss of service is either justified or unwarranted. For this reason, a hearing will be ordered and an appropriate issue will be specified. Precise information concerning the duplication and/or lack of service (including, but not limited to service from the CBS network), should be submitted consistent with the Commission's Report and Order in Docket No. 17253.³

8. The petitioners, Greensboro, Southern, and Piedmont, allege that a grant of this application would create an adverse impact on UHF television in the Winston-Salem-Greensboro-High Point market. That market is presently served by three network VHF stations and one independent UHF station. In addition, channel 45 in Winston-Salem and channel 61 in Greensboro have been allocated but have not been assigned. Although WBTV's present Grade B signal reaches a small portion of Winston-Salem, the station would, for the most part, service the entire market for the first time. The issue, therefore, is whether or not the imposition of a fourth network VHF signal into the market, would create an adverse impact upon UHF television. The Commission believes that under these circumstances, it is necessary to explore this question in an evidentiary hearing. While the Commission encourages television broadcast stations to operate with maximum facilities in order to make the most efficient use of the channel assignment, it cannot overlook its concern for fostering the development of both existing and potential UHF stations. By ordering an issue regarding UHF impact, a full record will be established to formulate a basis for determining a choice between these two policies. The burden of proceeding with the introduction of evidence with respect to the UHF impact issue will be placed upon the petitioners, and the burden of proof with respect to this issue will be placed upon the applicant.

9. Charlotte's petition to deny also requested the inclusion of a UHF impact issue pertaining to the Charlotte market. Charlotte, an independent UHF broadcaster, competing with two network VHF stations and one network UHF station, claims that a grant of the application would result in a loss of advertising revenue to the station. Under ordinary circumstances, this unsupported allegation would not be a sufficient ground for the inclusion of the requested issue. However, since, as indicated above, we are

² On Apr. 1, 1970, the Commission amended § 73.684(c) of the rules, by adopting a new method of predicting the coverage of television broadcast stations.

specifying an issue with respect to UHF impact, we believe that, in the interest of a complete and thorough exploration of the problem, the scope of the issue should be broad enough to include the Charlotte area as well as the Winston-Salem-Greensboro-High Point area.

10. Southern and Charlotte allege that Jefferson's conclusion that its present programming is adequate to meet the needs and interests of the communities within the gain area is not justified. Southern and Charlotte request the inclusion of a programming issue to determine whether or not there are unfilled needs, and the nature of the proposed programs to meet these needs. The Commission finds, however, that Jefferson not only mailed questionnaires to 121 persons residing in the proposed gain area, but also conducted personal interviews with an additional 53 persons. Although no substantial change in programming is proposed, Jefferson states that it expects to augment its present news staff in order to give greater coverage to the gain area. The Commission accords a licensee considerable discretion in striking a balance between its primary obligation to its city of license, and its secondary obligation to other areas falling within its service contours.² Since Jefferson has listed the suggestions received regarding community problems in the gain area, and has submitted a program schedule which affords time to be responsive to these problems, the Commission finds no basis for questioning Jefferson's discretion. Consequently, a programming issue will not be specified.

11. Both Southern and Charlotte have requested the inclusion of a concentration of control issue. It is alleged that a grant of the application would further vest a concentration of control of the means of communication in midwestern North Carolina in the hands of the Jefferson Standard Life Insurance Co. In 1964, the Commission held that Jefferson Broadcasting, a subsidiary company, did not possess enough control over mass communications in the area to disqualify it from consideration as an applicant for channel 8, Greensboro. Since that time, Jefferson has sold television station WBTW, channel 13, Florence, S.C., and has acquired television station WWBT, channel 12, Richmond, Va. In addition, Jefferson has acquired various CATV holdings, including those in the communities of Charlotte and Greensboro, N.C.

12. The Commission finds that there has not been any noticeable change in Jefferson's relative position over mass communications in midwestern North Carolina. The multiplicity of signals from other services in the area, combined with the fact that Jefferson does not have any newspaper holdings, leads the Commission to conclude that the ownership of one television station and three radio stations⁴ in the area is not sufficient to

warrant the inclusion of the requested issue. The question of cross-ownership of CATV interests and broadcast holdings in the same community has also been raised by the petitioners. Since the Commission is conducting inquiries pertaining to ownership of CATV systems and broadcast stations in Docket No. 17371, 7 FCC 2d 853 (1967), and in Docket No. 18397, 15 FCC 25 (1968), it has been determined that in the event of a grant of this application, that grant will be made without prejudice to whatever action the Commission may deem appropriate as a result of those pending proceedings.

13. We have carefully considered all of the matters raised in the various pleadings and, except as indicated by the issues specified below, we find that the applicant is qualified to operate as proposed. The Commission, however, is unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for an evidentiary hearing on the issues set forth below.

14. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose television service or signal strength by the proposed operation of Television Broadcast Station WBTW, and the other television broadcast services available to such area.

2. To determine whether a grant of the application would impair the ability of authorized or prospective UHF television broadcast stations in both the Winston-Salem-Greensboro-High Point and Charlotte areas to compete effectively, or would jeopardize, in whole or in part, the continuation of existing UHF television service.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

15. It is further ordered, That, to the extent indicated above, the petitions to deny filed by Greensboro News Co., Southern Broadcasting Co., Inc., and Piedmont Triad TV, Inc., are granted and in all other respects are denied; and the informal objection filed by Charlotte Telecasters, Inc., is granted to the extent indicated.

16. It is further ordered, That Greensboro News Co., Southern Broadcasting Co., Inc., Piedmont Triad TV, Inc., and Charlotte Telecasters, Inc., are made parties to this proceeding.

17. It is further ordered, That the burden of proceeding with the introduction of evidence with respect to issue 2 is hereby placed on the petitioners, and the burden of proceeding with the introduction of evidence with respect to issue 1 and the burden of proof with respect to all issues is hereby placed upon the applicant.

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

19. It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: June 17, 1970.

Released: June 24, 1970.

FEDERAL COMMUNICATIONS
COMMISSION,⁵

[SEAL] BEN F. WADE,
Secretary.

[P.R. Doc. 70-8302; Filed, June 29, 1970;
8:51 a.m.]

[Docket No. 18879; FCC 70-633]

METRO COMMUNICATIONS, INC.
(KDEO)

**Order Designating Application for
Hearing on Stated Issues**

In regard application of Metro Communications, Inc. (KDEO), El Cajon, Calif., Has: 910 kc., 1 kw., DA-2, U, Requests: 910 kc., 1 kw., 5 kw.-LS, DA-2, U, for construction permit, Docket No. 18879, File No. BP-18151.

1. The Commission has before it for consideration the above application for improvement in the facilities of station KDEO.

2. El Cajon is contiguous with San Diego, Calif., and the present KDEO 5 mv/m contour completely covers the larger city. The proposal will increase radiation to such an extent that the 5 mv/m contour will encompass extensive suburban and rural areas as well, and the 25 mv/m contour will, for the first time, almost envelop San Diego. Under these circumstances, a presumption arises under the Commission's suburban communities policy² that the proposal is realistically seeking to serve the larger community. Madison County Broadcasting Co. (WRTH), 8 FCC 2d 752, 10 RR 2d 587. Since the applicant has declined to submit data and arguments in an effort to rebut the aforementioned presumption, a hearing must be held.

3. In view of the foregoing, the Commission is unable to find that a grant

² Commissioner Cox absent; Commissioner Bartley concurring in the result only as to issue 1 on population loss.

¹ The 1960 census populations are 37,618 and 1,033,011, respectively.

² Policy Statement on section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190, 6 RR 2d 1901.

³ Eagle Broadcasting Company, 20 FCC 2d 233, 17 RR 2d 766, (1969).

⁴ Jefferson Standard Broadcasting Co. is the licensee of standard broadcast stations WBT and WBT-FM, Charlotte, N.C. A wholly owned subsidiary, North Carolina Broadcasting Co., Inc., is the licensee of standard broadcast station WBIG, Greensboro, N.C.

of the application would serve the public interest, convenience and necessity, and is of the opinion that it must be designated for hearing on the issues set forth below.

4. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the subject proposal will realistically provide a local transmission facility for its specified station location or for another larger community, in light of all the relevant evidence, including, but not necessarily limited to, the showing with respect to:

(a) The extent to which the specified station location has been ascertained by the applicant to have separate and distinct programming needs;

(b) The extent to which the needs of the specified station location are being met by existing aural broadcast stations;

(c) The extent to which the applicant's program proposal will meet the specific unsatisfied programming needs of its specified station location; and

(d) The extent to which the projected sources of the applicant's advertising revenues within its specified station location are adequate to support its proposal, as compared with its projected sources from all other areas.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

5. It is further ordered, That, in order to insure that the nighttime radiation pattern of station KDEO remains within authorized limits of radiation, any grant shall be subject to the following condition: Subsequent to adjustment of the daytime array, permittee shall submit new common point impedance measurements and sufficient field intensity measurement data on the nighttime array to establish that it remains adjusted within authorized limits.

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

It is further ordered, That, the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: June 17, 1970.

Released: June 22, 1970.

FEDERAL COMMUNICATIONS
COMMISSION,²

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 70-8303; Filed, June 29, 1970;
8:51 a.m.]

[Docket No. 18885; FCC 70-650]

WPRY RADIO BROADCASTERS, INC.

Order and Notice of Apparent Liability Designating Application for Hearing on Stated Issues

In regard application of WPRY Radio Broadcasters, Inc. for renewal of license of radio station WPRY, Perry, Fla., Docket No. 18885, File No. BR-2927.

1. The Commission has before it for consideration (a) the captioned application and (b) its inquiries into the operations of station WPRY.

2. Information before the Commission raises a number of serious questions bearing upon whether the applicant possesses the qualifications to be or to remain a licensee of the Commission. In view of these questions, the Commission is unable to find that a grant of the captioned application would serve the public interest, convenience and necessity, and must, therefore, designate the application for hearing.

3. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the captioned application is designated for hearing at Perry, Fla., at a time to be specified in a subsequent order, upon the following issues:

(1) To determine whether the applicant in its responses to the Commission was evasive, lacking in candor or misrepresented facts.

(2) To determine whether during the period July 2 through 8, 1969,¹ the applicant violated section 315 of the Communications Act of 1934, as amended; §§ 73.112 and 73.120 (b), (c), or (d) of the Commission's rules; or failed to fulfill the obligations imposed by the fairness doctrine.

(3) To determine whether during the time Ira W. Brown was a legally qualified candidate for Mayor of Perry, the applicant used the station's facilities for the private interest of one of its principals or to achieve a personal advantage for him, rather than to serve the public interest.

(4) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether the applicant possesses the requisite qualifications to be and to remain a licensee of the Commission.

(5) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether the grant of the

² Commissioner Cox absent.

¹ See Bill of Particular for specific dates of each violation.

captioned application would serve the public interest, convenience and necessity.

4. It is further ordered, That the Chief, Broadcast Bureau, is directed to serve upon the applicant within 30 days of the release of this order a Bill of Particulars setting forth the basis for adoption of hearing issues (1), (2), and (3).

5. It is further ordered, That, if it is determined that the hearing record does not warrant an order denying the captioned application for renewal of licensee of station WPRY, it shall also be determined whether the licensee has willfully or repeatedly violated section 315 of the Communications Act or §§ 73.112 and 73.120 (b), (c), or (d) of the Commission's rules and, if so, whether an Order of Forfeiture pursuant to section 503(b) of the Communications Act, as amended, in the amount of \$10,000 or some lesser amount, should be issued.

6. It is further ordered, That this document also constitutes a Notice of Apparent Liability for violation of the Communications Act and the Commission's rules (i.e., section 315 of the Act and §§ 73.112 and 73.120 (b), (c), or (d) of the rules—see also Bill of Particulars to be issued by the Chief, Broadcast Bureau). The Commission has determined that in every case designated for hearing involving revocation or denial of renewal for alleged violations which also come within the purview of section 503(b) of the Act, it shall, as a matter of course, include this forfeiture notice so as to maintain the fullest possible flexibility of action. Since the procedure is thus a routine or standard one, we stress that inclusion of this notice is not to be taken as in any way indicating what the initial or final disposition of the case should be; that judgment is of course to be made on the facts of each case.

7. It is further ordered, That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to Issues (1), (2), and (3), and the applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be a licensee of the Commission and that a grant of its application would serve the public interest, convenience and necessity.

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

9. It is further ordered, That the applicant herein, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, shall give notice of the hearing within the time and in the manner prescribed in such rule and shall

advise the Commission thereof as required by § 1.594 of the rules.

10. *It is further ordered*, That the Secretary of the Commission send copies of this order by Certified Airmail—Return Receipt Requested to WPRY Radio Broadcasters, Inc.

Adopted: June 24, 1970.

Released: June 24, 1970.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-8304; Filed, June 29, 1970;
8:51 a.m.]

FEDERAL MARITIME COMMISSION

FOSS LAUNCH & TUG CO. AND FOSS ALASKA LINE, INC.

Application for Exemption

Notice is hereby given that the following application for exemption has been filed with the Commission for approval pursuant to section 35 of the Shipping Act, 1916, as amended (80 Stat. 1358, 46 U.S.C. 833a).

Interested parties may inspect and obtain a copy of this application at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Washington, D.C., Room 1202; or may inspect a copy of the application at the field offices, New York, N.Y.; New Orleans, La.; and San Francisco, Calif. Comments with reference to the application including a request for hearing if desired, 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. A copy of any such statement shall also be forwarded to the party filing the application (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application filed by:

Edward G. Lowry, III, Bogle, Gates, Dobrin, Wakefield & Long, 14th Floor Norton Building, Seattle, Wash. 98104.

Application designated Exemption No. 5 is hereby made pursuant to section 35 of the Shipping Act, 1916, for exemption from the Intercoastal Shipping Act, 1933, and the Shipping Act, 1916, and regulations applicable thereunder for the carriage of general cargo between Seattle, Wash., and the Arctic Coast of Alaska between Beechey Point and Tigvariak Island, via the Gulf of Alaska, the Bering Sea, and the Arctic Ocean.

The grounds for the application for exemption are the same as those asserted in the application of Puget Sound Tug and Barge Co. and Alaska Barge and Transport, Inc., in Exemption No. 4, which was approved by the Commission (46 CFR 531.26(c); 35 F.R. 9925, June 17, 1970).

The proposed service is designed for the movement of general cargo including bulk liquids to and from the oil field discovered in 1968 near Prudhoe Bay,

Alaska. The major oil companies engaged in operations at the site and their suppliers urgently require water transportation for their food, clothing, shelter, communications gear, drilling equipment, pipeline material, supplies, and equipment. No port or port facilities exist on this coast and due to the difficulty of construction it is doubtful that ports will be developed in the foreseeable future.

The timing of operations is determined by the ice conditions in Prudhoe Bay. Vessels must arrive off Point Barrow in time for the earliest movement of pack ice offshore. Vessels must move to the destination, discharge and return South of Point Barrow before the ice returns, which is normally within 4 to 6 weeks. Owing to its specialized character, the movement does not lend itself to rate regulation.

This exemption from the requirements of the Shipping Act, 1916 and the Intercoastal Shipping Act, 1933 will become effective upon approval of the Commission pursuant to section 35 of the Shipping Act, 1916.

Dated: June 24, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-8290; Filed, June 29, 1970;
8:50 a.m.]

TRANS-PACIFIC PASSENGER CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission, 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 offices of the District Managers, 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, 1405 I Street NW., 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 he desires to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter)

and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Ronald C. Lord, Secretary, Trans-Pacific Passenger Conference, 2 Pine Street, San Francisco, Calif. 94111.

The Trans-Pacific Passenger Conference has filed a revised Rule E which is concerned with the appointment of travel agents; standards required to be met and maintained for such appointment; fees and bonding requirements; sales aids; responsibility for documents, remittances and accounts; commissions; and cancellation of agency appointment.

Notice of the revised Rule E appeared in the FEDERAL REGISTER on June 12, 1970. Since the revised Rule E incorporated provisions presently in the Conference's bylaws and contains other changes of a substantive nature, it has been assigned Agreement No. 131-251A and will be considered by the Commission under section 15.

Dated: June 25, 1970.

By order of the Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-8289; Filed, June 29, 1970;
8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-1721, etc.]

HUMBLE OIL & REFINING CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates¹

JUNE 19, 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 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. D), 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

¹ Does not consolidate for hearing or dispose of the several matters herein.

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 dis-

position 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 August 5, 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 subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI70-1721	Humble Oil & Refining Co. (Operator) et al., Post Office Box 2180, Houston, Tex. 77001.	331	20	Arkansas Louisiana Gas Co. (North Cooper Field, Blaine County, Okla.) (Oklahoma "Other" Area).	\$750	5-25-70	6-25-70	11-25-70	15.0	** 17.815	
RI70-1722	Sunset International Petroleum Corp. (Operator) et al., 2400 Fidelity Union Tower Bldg., Dallas, Tex. 75201.	80	1	Northern Natural Gas Co. (Northeast Dower Field, Beaver County, Okla.) (Panhandle Area).	420	5-26-70	7-1-70	12-1-70	17.0	** 18.0	
RI70-1723	Glover Hefner Kennedy Oil Co., 1010 Kermac Bldg., Oklahoma City, Okla. 73102.	2	2	NI-Gas Supply, Inc. (Beckman and Washita Counties, Okla.) (Oklahoma "Other" Area).	100,800	5-26-70	6-26-70	11-26-70	15.0	** 21.0	
RI70-1724	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	45	16	Cities Service Gas Co. (Rhodes Pool, Barber County, Kans.).	4,000	5-27-70	6-27-70	11-27-70	14.0	** 15.0	RI68-599.
RI70-1725	Sunset International Petroleum Corp., et al., 2400 Fidelity Union Tower Bldg., Dallas, Tex. 75201.	33	9	Northern Natural Gas Co. (Perryton Field, Ochiltree County, Tex.) (RR. District No. 10).	30	5-28-70	9-1-70	2-1-71	16.561875	** 17.562026	RI68-445.
RI70-1198	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	244	1 to 6	Natural Gas Pipeline Co. of America (Southeast Cimarron Field, Beaver County, Okla.) (Panhandle Area).	345	5-18-70	7-23-70	Accepted—subject to refund in Docket No. RI70-1198. 11-28-70	17.6	** 18.615	RI69-567.
RI70-1726	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052.	9	26	Northern Natural Gas Co. (West Panhandle Field, Carson County, Tex.) (RR. District No. 10).	113	5-28-70	6-28-70	11-28-70	13.3088	** 13.4605	RI69-841.
RI70-1727	Colorado Oil & Gas Corp., Denver Club Bldg., Denver, Colo. 80201.	54	3	Trunkline Gas Co. (Cage Ranch Field, Brooks County, Tex.) (RR. District No. 4).	900	5-25-70	7-1-70	12-1-70	13.25	** 15.25	
RI70-1728	Phillips Petroleum Co., Bartlesville, Okla. 74004.	47	12	El Paso Natural Gas Co. and Pecos Co. (Jack Herbert Field, Upton County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	5 2,683	5-22-70 5-22-70	6-22-70 6-22-70	11-22-70 11-22-70	12.79 14.13	** 16.2760 ** 16.2760	
RI70-1729	J. Gregory Merrion et al., Post Office Box 1541, Farmington, N. Mex. 87401.	10	7	Montana-Dakota Utilities Co. (Polson Creek Field, Fremont County, Wyo.).	1,200	5-25-70	8-10-70	1-10-71	15.384	** 16.384	
RI70-1730	Chevron Oil Co., Western Division, Post Office Box 599, Denver, Colo. 80201.	2	51	El Paso Natural Gas Co. (Red Wash Area, Uintah County, Utah).	41,533	5-26-70	6-29-70	11-29-70	16.384	** 17.397	RI66-23.

¹ Applicable only to acreage added by Supplement No. 18.

² The stated effective date is the effective date requested by respondent.

³ Filing from initial certificated rate to first periodic increase plus tax reimbursement.

⁴ Pressure base is 14.65 p.s.i.a.

⁵ Periodic rate increase.

⁶ Subject to a downward B.T.U. adjustment.

⁷ NI-Gas resells the gas to Natural Gas Pipeline Company of America under its FPC Gas Rate Schedule Nos. 2 and 3 as a temporary certificate rate of 15 cents.

⁸ NI-Gas is also contractually due a rate of 21 cents, which is the initial contract rate.

⁹ Filing from initial certificated rate to initial contract rate.

¹⁰ Subject to upward and downward B.T.U. adjustment.

¹¹ Date of expiration of suspension period in Docket No. RI70-1198.

¹² To be substituted for increased rate of 18.6 cents, which did not include 0.013-cent tax reimbursement and is currently suspended in Docket No. RI70-1198 until July 23, 1970.

¹³ The stated effective date is the first day after expiration of the statutory notice period.

¹⁴ Redetermined rate increase.

¹⁵ Includes reimbursement of 0.25 cent for dehydration.

¹⁶ Increase to contract rate. Gas sold under pricing provisions of casinghead contract dated Apr. 9, 1967 (Phillips' Rate Schedule No. 309).

¹⁷ Separator gas connected into buyer's low pressure gathering system.

¹⁸ Pressure base is 15.925 p.s.i.a.

¹⁹ Fractured rate (17.284 cents plus 0.013-cent tax reimbursement). Contract provides for a base price of 20.5 cents per Mcf.

Texaco, Inc. (Texaco), requests that its proposed rate increase be permitted to become effective as of May 11, 1970. Phillips Petroleum Co. (Phillips), requests an effective date of May 22, 1970, for its proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Texaco and Phillips' rate filings and such requests are denied.

Glover Hefner Kennedy Oil Co. (Kennedy) proposes a rate increase from 15 cents, the initial certificated rate, to 21 cents, the initial contract rate, for a sale for resale to NI-Gas Supply, Inc. (NI-Gas), in the Oklahoma "Other" Area. NI-Gas resells the gas under its FPC Gas Rate Schedules Nos. 2 and 3 to Natural Gas Pipeline Co. of America at a rate of 15 cents, the temporary certificated

rate. NI-Gas is also contractually due an initial contract rate of 21 cents and may file for same as soon as it receives permanent certificate authorization in Docket No. CI70-699. In these circumstances, we conclude that Kennedy's instant proposed increase to NI-Gas should be suspended for 5 months from June 26, 1970, the proposed effective date.

Mobil Oil Corp. (Mobil) previously filed a rate increase from 17.6 cents to 18.6 cents per Mcf under its FPC Gas Rate Schedule No. 244, which was suspended for 5 months until July 23, 1970, in Docket No. RI70-1198. Mobil now proposes to further increase the suspended rate to include partial reimbursement for the increase in the Oklahoma excise tax. Consistent with Commission action taken on similar increases of this type, we believe that Mobil's proposed increase to 18.615 cents

per Mcf should be permitted to be substituted for the previously filed rate subject to the existing suspension proceeding in Docket No. RI70-1198, and such increase to remain suspended until July 23, 1970, the end of the suspension period in such proceeding.

Chevron Oil Co., Western Division (Chevron), proposes a fractured rate increase from 16.384 cents to 17.397 cents per Mcf for a sale of gas to El Paso Natural Gas Co. in the Red Wash Field, Uintah County, Utah, where no ceiling rates have been announced. The proposed increased rate exceeds both the 13 cents per Mcf increased rate ceiling for adjacent Wyoming and the 15.384 cents per Mcf initial rate certificated in Opinion No. 359, issued June 11, 1962, for sales in the Red Wash Field. Since similar rate increases filed by other producers selling gas from the Red

Wash Field have been suspended for 5 months, we conclude that Chevron's proposed rate increases should be suspended for 5 months from June 29, 1970, the proposed effective date.

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. 70-8180; Filed, June 29, 1970; 8:45 a.m.]

[Docket No. CP70-310]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

JUNE 23, 1970.

Take notice that on June 18, 1970, Arkansas Louisiana Gas Co. (Applicant), Post Office Box 1734, Shreveport, La. 71102, filed in Docket No. CP70-310 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas and the construction and operation of certain facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate taps and delivery facilities to effect direct sales and deliveries of natural gas to Arkansas Power and Light Co. for the fuel requirements of peaking service facilities in Little Rock and Helena, Ark. The estimated third year peak day and annual natural gas requirements are 11,000 Mcf and 990,000 Mcf, respectively.

The total estimated cost of the proposed facilities is \$40,465, which will be financed by cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 17, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to

intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-8280; Filed, June 29, 1970; 8:49 a.m.]

[Docket No. G-13246]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Petition To Amend

JUNE 23, 1970.

Take notice that on June 17, 1970, Michigan Wisconsin Pipe Line Co. (Petitioner), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. G-13246 a petition to amend the order of the Commission issued on June 20, 1958, to authorize explicitly the operation of natural gas gathering facilities constructed subsequent to the facilities in the Laverne Field, Okla., originally authorized in the aforementioned order, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner was authorized, inter alia, by the aforementioned order to construct and operate a gathering system in the Laverne Field. Petitioner states that it has been required to expand its gathering system as new wells were completed and new reserves became available, but believed such expansion to be within the scope of the Commission's authorization. The stated purpose of the petition to amend is to obtain explicit authorization for the construction and operation of the following facilities, with a total cost of \$10,537,248:

- (A) Approximately 12.62 miles of 12-inch pipeline;
- (B) Approximately 1.27 miles of 10-inch pipeline;
- (C) Approximately 14.74 miles of 8-inch pipeline;
- (D) Approximately 46.88 miles of 6-inch pipeline;
- (E) Approximately 243.23 miles of 4-inch pipeline;
- (F) 280 purchase stations; and
- (G) 13,500 compressor horsepower.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 17, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene

in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-8281; Filed, June 29, 1970; 8:49 a.m.]

[Docket No. CP70-309]

PANHANDLE EASTERN PIPE LINE CO. AND TRUNKLINE GAS CO.

Notice of Application

JUNE 24, 1970.

Take notice that on June 18, 1970, Panhandle Eastern Pipe Line Co. (Panhandle), Post Office Box 1642, Houston, Tex. 77001, and Trunkline Gas Co. (Trunkline), Post Office Box 1642, Houston, Tex. 77001, filed in Docket No. CP70-309 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the testing and development of an underground natural gas storage reservoir, the construction and operation of certain facilities and short-term interruptible sale of natural gas by Trunkline to Panhandle, all necessary to such testing and development, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Panhandle proposes to test and develop a new underground storage reservoir in Champaign and Douglas Counties, Ill., and to construct and operate facilities necessary for such testing and development, consisting of approximately 5 miles of 16-inch and 2.5 miles of 4-inch pipeline, 2,330 compressor horsepower, and miscellaneous field lines and measurement equipment.

Trunkline proposes to sell a short-term interruptible supply of gas up to 1 million Mcf to Panhandle at a point approximately 5 miles downstream of Trunkline's Compressor Station No. 121 near Tuscola, Ill.

Panhandle states that the addition of underground gas storage facilities is an economic and effective method of providing supporting capacity to its pipeline system in order to insure its ability to continue to meet the needs of its customers.

The total estimated cost of the proposed facilities is \$13 million, which will be financed by funds on hand and short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 17, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party

in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-8282; Filed, June 29, 1970;
8:49 a.m.]

[Docket No. RP70-39]

SOUTH GEORGIA NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

JUNE 23, 1970.

Take notice that South Georgia Natural Gas Co. (South Georgia) on June 16, 1970, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1,¹ to become effective on August 1, 1970. The proposed rate changes would increase charges for jurisdictional service by \$278,237 annually, based on sales volumes for the 12-month period ended May 31, 1969, as adjusted.

South Georgia states that the reason for the proposed rate increase is occasioned solely by, and will compensate South Georgia only for an increase in its cost of purchased gas, resulting from the filing of proposed increased rates by its supplier, Southern Natural Gas Co. on June 16, 1970, in Docket No. RP70-38. If Southern's proposed increased rates are suspended South Georgia proposes that its rate changes become effective on the same day as Southern's, in lieu of the August 1, 1970, requested effective date.

Copies of the filing were served on South Georgia's customers and interested State Commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 15, 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 protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-8283; Filed, June 29, 1970;
8:49 a.m.]

[Docket No. RP70-38]

SOUTHERN NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

JUNE 22, 1970.

Take notice that Southern Natural Gas Co. (Southern) on June 16, 1970, tendered for filing proposed changes in its FPC Gas Tariff Sixth Revised Volume No. 1, to become effective on August 1, 1970. The proposed rate changes would increase jurisdictional revenues by \$16,293,437 annually, based on volumes for the 12-month period ended February 28, 1970, as adjusted. This increase is above the rate increase being collected by Southern subject to refund, if any, in Docket Nos. RP70-5 and RP70-16. The proposed increase would be applicable to all of Southern's jurisdictional customers, and no changes are proposed in the form of the rate schedules or in the General Terms and Conditions.

Southern states the principal reasons for the proposed rate increase are: (1) The need for an increase in book depreciation at composite rates of 4½ percent on onshore facilities and 5 percent on offshore facilities; (2) increases in cost of financing which the company says give rise to the need for a 9 percent rate of return on transmission properties and a 12 percent rate of return on production properties; (3) increases in operation and maintenance expenses due to, among other things, increases in salaries, wages and other employee benefits; (4) increases in the cost of supplies, materials, and services for the pipeline; (5) increases in the cost of connecting additional gas supplies and (6) increases in State and local taxes.

Copies of the filing were served on Southern's customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 7, 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 protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-8238; Filed, June 29, 1970;
8:46 a.m.]

[Docket No. CP70-311]

TENNESSEE GAS PIPELINE CO.

Notice of Application

JUNE 24, 1970.

Take notice that on June 19, 1970, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Applicant), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP70-311 an application pursuant to section 7(b) of the Natural Gas Act for an order of the Commission granting permission and approval to abandon certain natural gas facilities and the service to be rendered by such facilities, and for approval of accounting entries related to the abandonment of the facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon certain liquefied natural gas (LNG) facilities near Hopkinton, Mass., which have experienced an extremely high boil-off rate from the in-ground LNG storage reservoirs substantially exceeding design. Applicant states that extensive efforts to resolve the boil-off problem have been unsuccessful and that an alternative plan involving the installation of above-ground LNG storage tanks is not economically feasible.

Applicant further proposes to sell the LNG facilities and related assets to the New England Gas and Electric Association and Air Products and Chemicals, Inc. for \$4,200,000. Applicant also proposes to amortize, over a 10-year period, as research and development the net unrecovered cost of the LNG facilities of \$8,840,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 17, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject

¹ 18th Revised Sheet No. 5, 17th Revised Sheet No. 6, 9th Revised Sheet No. 9, 8th Revised Sheet No. 11, and 12th Revised Sheet No. 12-B.

to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-8284; Filed, June 29, 1970;
8:49 a.m.]

[Docket No. CP61-102]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Petition To Amend

JUNE 23, 1970.

Take notice that on June 17, 1970, Michigan Wisconsin Pipe Line Co. (Petitioner), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP61-102 a petition to amend the order of the Commission issued on March 7, 1962, to authorize explicitly the operation of natural gas gathering facilities constructed subsequent to the facilities in the Woodward area, Okla., originally authorized by the aforementioned order, all as more fully set forth in its petition to amend which is on file with the Commission and open to public inspection.

Petitioner was authorized by the aforementioned order, inter alia, to construct and operate a gathering system in the Woodward area. Petitioner states that it has been required to expand its gathering system as new wells were completed and new reserves became available, but it believed such expansion to be within the scope of the Commission's authorization. The stated purpose of the petition to amend is to obtain explicit authorization for the construction and operation of the following facilities, with a total cost of \$7,047,456:

- (A) Approximately 20.02 miles of 6-inch pipeline;
- (B) Approximately 83.96 miles of 4-inch pipeline;
- (C) 99 purchase stations; and
- (D) 19,635 compressor horsepower.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 14, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and pro-

cedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-8335; Filed, June 29, 1970;
8:51 a.m.]

[Docket No. RP70-40]

TRANSWESTERN PIPELINE CO.

Notice of Petition

JUNE 26, 1970.

Take notice that on June 15, 1970, Transwestern Pipeline Co. (Transwestern) tendered for filing a petition requesting authorization to use liberalized depreciation with normalization for accounting and rate purposes on all utility property and to discontinue effective July 1, 1970, the amortization of the balance in FPC Account No. 282.

Transwestern states that it has elected the normalized method of accounting for rate and tax purposes with respect to its post-1969 expansion property pursuant to the provisions of the Tax Reform Act and the Commission's Order No. 404. Transwestern further states that the Commission's rationale underlying the decision in Texas Gas Transmission Corporation, Opinion No. 578 (June 3, 1970), is equally applicable to Transwestern and that the Commission should enter its order authorizing and permitting Transwestern to discontinue flow-through accounting on all utility property.

Transwestern was authorized to amortize the balance in its Account No. 282 over a period of approximately 13½ years by order issued in Docket No. RP67-8, 38 FPC 1010 (Nov. 14, 1967). The balance in that account at June 30, 1970, will be \$9,923,631. Transwestern states that the remaining amount in the account is necessary to offset declining tax depreciation deductions on pre-1970 facilities, and that it should be permitted to discontinue such amortization.

Copies of the petition were served on jurisdictional customers and interested state regulatory agencies. Any person desiring to be heard or to make any protest with reference to said application should on or before July 15, 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 participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-8334; Filed, June 29, 1970;
8:51 a.m.]

[Docket No. E-7541]

NEW ENGLAND POWER CO.

Notice of Proposed Rate Schedule Changes

JUNE 26, 1970.

Take notice that on June 22, 1970, the New England Power Co. (Company) filed rate schedule supplements, each constituting an amendment to its contract for primary service for resale between the Company and its 33 wholesale customers. The only change proposed by the filing is the re-adoption of a fuel adjustment clause, effective August 1, 1970.

The Company cites as justification the requirements imposed by air quality control authorities that the Company, starting October 1, 1971, burn oil at its generating stations which contains no more than 1 percent sulfur. The Company anticipates that not only will the Company's fuel costs as a result be substantially higher, but that the price of low sulfur oil may fluctuate substantially over short periods of time. According to the Company, the fuel clause is designed so that it will not effect an upward adjustment in rates until there has been a movement in the cost of fuel to more than 27½ cents per million B.T.U., a level which the Company indicates is substantially above its present cost of fuel.

Copies of the filing have been served on customers and interested State regulatory agencies.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 15, 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. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-8373; Filed, June 29, 1970;
8:51 a.m.]

FEDERAL TRADE COMMISSION

DIRECTOR, BUREAU OF COMPETITION ET AL.

Delegation of Authority

Pursuant to the authority provided by Reorganization Plan No. 4 of 1961 (26 F.R. 6191), the Federal Trade Commission on June 23, 1970, amended its delegation of authority of April 8, 1970 (35 F.R. 5753), "In regard: Initiation of investigations," and "In regard: The issuance of investigational subpoenas and extensions of time prescribed (a) for compliance with demands for access, subpoenas, or orders issued during the investigation of any matter, and (b) for the filing of motions to limit or quash such subpoenas, demands for access, or orders"; its delegation of authority of November 23, 1967 (32 F.R. 16121), "In regard: Closing of docketed investigational files"; and its delegation of authority of January 17, 1962 (27 F.R. 481, at 482), "In regard: Extensions of time for filing reports of compliance," and made the following delegation of authority:

In regard: Initiation of investigations. The Commission delegates to the Directors and Assistant Directors of the Bureaus of Competition and Consumer Protection, and the Attorneys in Charge and Assistant Attorneys in Charge of the Commission's field offices, severally and without power of redelegation, the authority to initiate investigations of alleged or suspected violations of any law, or provision thereof, which the Commission is empowered or directed to enforce; or the manner and form of compliance with final orders issued by the Commission.

In regard: The issuance of investigational subpoenas and extensions of time prescribed (a) for compliance with demands for access, subpoenas, or orders issued during the investigation of any matter, and (b) for the filing of motions to limit or quash such subpoenas, demands for access, or orders. The Commission delegates to the Directors and Assistant Directors of the Bureaus of Competition, Consumer Protection, and Economics, and the Attorneys in Charge and Assistant Attorneys in Charge of the Commission's field offices, severally and without power of redelegation, the authority to issue investigational subpoenas; the authority, for good cause shown, to extend the time prescribed for compliance with any investigational subpoenas, demands for access, or orders issued during the investigation of any matter; and the authority to rule upon motions for extensions of time within which to file motions to limit or quash any such investigational subpoenas, demands for access, or orders.

In regard: Closing of docketed investigational files. The Commission delegates to the Directors and Assistant Directors of the Bureaus of Competition and Consumer Protection, severally and without power of redelegation, the authority to close docketed investigational files, except those involving violation of

section 7 of the Clayton Act: *Provided*, That such delegation does not apply to any matter in which there are conflicting staff recommendations, any matter which has received previous Commission consideration or in which the Commission or any Commissioner has expressed an interest, any matter proposed to be closed by reason of expense of investigation or testing, or any matter involving substantial questions as to the public interest, Commission policy or statutory construction, in each of which type of case a report with recommendation will be made to the Commission.

And provided, further, That the closing of any investigational file under the foregoing delegation shall not be effective until the file has been transmitted to the Secretary and he shall have advised the Commission of the direction to close and no one member, within 5 working days thereafter, shall have objected to the closing. If upon the expiration of such 5-day period no Commissioner shall have objected, the Secretary shall enter upon the records of the Commission the closing of the matter and take such other action as the closing requires.

In regard: Extensions of time for filing reports of compliance. The Commission delegates to the Directors and Assistant Directors of the Bureaus of Competition and Consumer Protection, severally and without power of redelegation, the authority, for good cause shown, to extend the time prescribed in § 3.61 of the Commission's rules of practice, or in any order, within which reports of compliance with orders to cease and desist may be filed.

Effective date. This delegation of authority shall be effective as of July 1, 1970.

Issued: June 23, 1970.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-8239; Filed, June 29, 1970;
8:45 a.m.]

STATEMENT OF ORGANIZATION

The Federal Trade Commission hereby issues the following revised statement of organization, effective July 1, 1970.

Sec.

1. The Commission.
2. Official address.
3. Hours.
4. Laws administered.
5. Meetings.
6. Quorum.
7. Delegation of functions.
8. The Chairman.
9. Organization structure.
10. Office of the Executive Director.
11. Office of the General Counsel.
12. Office of the Secretary.
13. Office of Policy Planning and Evaluation.
14. Office of Hearing Examiners.
15. Bureau of Competition.
16. Bureau of Consumer Protection.
17. Bureau of Economics.
18. The Field Offices.

SECTION 1. The Commission. The Federal Trade Commission is composed of five members appointed by the President and confirmed by the Senate for terms of 7 years.

Sec. 2. Official address. The principal office of the Commission is at Washington, D.C. All communications to the Commission should be addressed to the Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580, unless otherwise specifically directed.

Sec. 3. Hours. Principal and field offices are open on each business day from 8:30 a.m. to 5 p.m.

Sec. 4. Laws administered. The Commission exercises enforcement and administrative authority under the Federal Trade Commission Act (38 Stat. 717, as amended; 15 U.S.C. 41-58), the Clayton Act (38 Stat. 730, as amended; 15 U.S.C. 12-27), the Export Trade Act (40 Stat. 516, as amended; 15 U.S.C. 61-65), the Packers and Stockyards Act (42 Stat. 159, as amended; 7 U.S.C. 181-229), the Wool Products Labeling Act (54 Stat. 1128, as amended; 15 U.S.C. 68-68j), the Trade Mark Act (60 Stat. 427, as amended; 15 U.S.C. 1051-72), the Fur Products Labeling Act (65 Stat. 175, as amended; 15 U.S.C. 69-69j), the Flammable Fabrics Act (67 Stat. 111, as amended; 15 U.S.C. 1191-1204), the Textile Fiber Products Identification Act (72 Stat. 1717, as amended; 15 U.S.C. 70-70k), the Federal Cigarette Labeling and Advertising Act (79 Stat. 282, as amended; 15 U.S.C. 1331-39), the Fair Packaging and Labeling Act (80 Stat. 1296; 15 U.S.C. 1451-61), the Truth in Lending Act (82 Stat. 146; 15 U.S.C. 1601-65), and other Federal statutes.

Sec. 5. Meetings. (a) The Commission may meet and exercise all its powers at any place, and may, by one or more of its members or by such representatives as it may designate, prosecute any inquiry necessary to its duties in any part of the United States.

(b) Meetings of the Commission are held as ordered by the Commission and, unless otherwise ordered, are held at the principal office of the Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. Hearings before the Commission, except when the Commission is in executive session, are public, unless otherwise ordered. Executive sessions of the Commission are not public.

Sec. 6. Quorum. A majority of the members of the Commission constitutes a quorum for the transaction of business.

Sec. 7. Delegation of functions. The Commission, under the authority provided by Reorganization Plan No. 4 of 1961, may delegate, by published order or rule, certain of its functions to a division of the Commission, an individual Commissioner, a hearing examiner, or an employee or employee board.

Sec. 8. The Chairman. The Chairman of the Commission is designated by the President, and, subject to the general policies of the Commission, is the executive and administrative head of the agency. He presides at meetings of and hearings before the Commission and participates with other Commissioners in all

Commission decisions. Attached to the Office of the Chairman, and reporting directly to him, and through him to the Commission, are the following staff units:

(a) The Office of Economic Adviser is headed by an independent economic adviser who is not subject to the authority of any operating bureau. In addition to general responsibility for economic recommendations, he analyzes staff proposals and, upon request, provides advice for the Commission and for the Office of Policy Planning and Evaluation.

(b) The Office of Congressional Relations coordinates all liaison activities with Congress. This office is responsible for obtaining and collating information from the offices and bureaus of the Commission for the benefit of the Chairman and the Commissioners in responding to inquiries by members of Congress and congressional committees; and is active in assisting the Commission, in coordination with the Office of the General Counsel, in developing and proposing its own legislative program. This office also receives all congressional correspondence and prepares replies to the inquiries or requests insofar as possible, and whenever necessary directs an office or bureau to prepare replies for its approval.

(c) The Office of Public Information furnishes information concerning Commission activities to news media and the public.

SEC. 9. *Organization structure.* The Federal Trade Commission is comprised of the following principal units:

Office of the Executive Director.
Office of the General Counsel.
Office of the Secretary.
Office of Policy Planning and Evaluation.
Office of Hearing Examiners.
Bureau of Competition.
Bureau of Consumer Protection.
Bureau of Economics.
The Field Offices.

SEC. 10. *Office of the Executive Director.* The Executive Director, under the direction of the Chairman, is the chief operating official. He exercises executive and administrative supervision over all the offices, bureaus, and staff of the Commission, and, in coordination with the Office of Policy Planning and Evaluation, resolves problems concerning priorities in case handling. Immediately under his direction are the Deputy Executive Director for Management and the Deputy Executive Director for Operations.

(a) The Deputy Executive Director for Management, under the direction of the Executive Director, and in close coordination with the bureau directors and the Office of Policy Planning and Evaluation, supervises management, organization, budgetary and fiscal matters, administrative services and personnel matters, including, to the extent that he considers necessary or desirable, any such matters in the field offices.

(b) The Deputy Executive Director for Operations, under the direction of the Executive Director, and in close coordination with the bureau directors and attorneys in charge of the field offices, supervises the investigational, trial and compliance activities of the Commission's

bureaus and field offices to the extent that he considers necessary or desirable, and assists the Executive Director and the Office of Policy Planning and Evaluation in resolving problems concerning priorities in case handling. Among other things, it is his responsibility, in close coordination with the affected officials: to expedite the work of the bureaus and the field offices and the presentation of their work product to the Commission; to determine whether a particular trial matter should be handled by a field office or an operating bureau; and generally to resolve problems involving the inter-related activities of the field offices and the operating bureaus.

SEC. 11. *Office of the General Counsel.* The General Counsel is the Commission's chief law officer and adviser. He renders necessary legal services to the Commission, represents the Commission in the Federal Courts, advises the Commission with respect to questions of law and policy, including advice with respect to legislative matters, assists businessmen in obtaining advice from the Commission as to the legal propriety of proposed courses of action in particular situations under the statutes which it administers, and cooperates with and assists State and local officials in the efforts to eliminate local and national trade restraints.

SEC. 12. *Office of the Secretary.* The Secretary is responsible for the minutes of Commission meetings and is the legal custodian of the Commission's seal, property, papers, and records, including legal and public records. He signs Commission orders and official correspondence, and coordinates all liaison activities with the executive and administrative government departments and agencies. The Office of the Secretary maintains a current index of opinions, orders, statements of policy and interpretations, staff manuals and instructions that affect any member of the public, and other public records of the Commission; makes available for inspection and copying all public records of the Commission; is responsible for publication of all Commission action which must appear in the FEDERAL REGISTER and publication of the Federal Trade Commission Decisions and the Statutes and Court Decisions involving the Commission; maintains the Commission's procedures and rules of practice; and screens incoming correspondence addressed to the Commission, provides acknowledgments and replies to the extent appropriate and practicable, and routes correspondence requiring more specialized or detailed attention to the appropriate offices and bureaus for reply.

SEC. 13. *Office of Policy Planning and Evaluation.* This office is responsible for the development of studies and reports with recommendations directly to the Commission with respect to how and where its resources should be utilized in order to best serve the public interest. This office works closely with the Office of the Executive Director and with the bureau directors in evaluating and coordinating the overall work of the Commission and in developing its budgetary

requirements. Its functions include particularly the systematic review of Commission planning procedures, and of specific policies and programs, with emphasis on initiation and evaluation, so as to make informed recommendations with respect to each important area of Commission activity.

SEC. 14. *Office of Hearing Examiners.* Hearing examiners are officials to whom the Commission, in accordance with law, delegates the initial performance of its adjudicative fact-finding functions to be exercised in conformity with Commission decisions and policy directives and with its rules of practice. Hearing examiners are appointed under the authority and subject to the prior approval of the Civil Service Commission.

SEC. 15. *Bureau of Competition.* This bureau investigates, provides industry guidance and small business counseling, and endeavors to secure voluntary compliance with the law in all matters arising under the Clayton Act and in all matters involving restraints of trade arising under section 5 of the Federal Trade Commission Act; and, to the extent necessary, litigates and secures compliance with final orders in all such matters. It is also responsible for the administration of the Export Trade Act.

SEC. 16. *Bureau of Consumer Protection.* This bureau investigates, provides guidance, and counseling to businessmen, consumers, and Federal, State and local officials, and endeavors to secure voluntary compliance with the law in all matters involving acts or practices alleged to be deceptive, unfair to consumers or involving unsafe products within the scope of the Commission's jurisdiction; and, to the extent necessary, litigates and secures compliance with final orders in all such matters. It is also responsible for developing and administering a nationwide consumer education program designed to alert the public to deceptive trade practices.

SEC. 17. *Bureau of Economics.* This bureau aids and advises the Commission concerning the economic aspects of all of its functions, and is responsible for the preparation of various economic reports and surveys. The bureau provides economic and statistical assistance to the enforcement bureaus in the investigation and trial of cases. It also carries on a continuing financial reporting program for the primary purpose of supplying authoritative statistics concerning the financial characteristics of different groups of industries and of various classes of manufacturing corporations.

SEC. 18. *The Field Offices.* (a) These offices are investigatory arms of the Commission, and, with respect to matters of a regional nature, have responsibility for investigational, trial, compliance, and consumer educational activities as delegated by the Commission. Each field office has general responsibility for its own activities and for the smaller offices, designated as field stations, located in its area of responsibility. They are under the general supervision of the Office of the Executive Director, and clear their activities through the appropriate operating bureaus.

(b) The addresses of the respective field offices, and of the field stations located in the area of each, are as follows:

(1) Atlanta Field Office: Federal Trade Commission, Room 720, 730 Peachtree Street NE., Atlanta, Ga. 30308. Field stations: Federal Trade Commission, Room 101, 230 North Purdue Street, Oak Ridge, Tenn. 37830; Federal Trade Commission, Room 931, New Federal Building, 51 Southwest First Avenue, Miami, Fla. 33130; Federal Trade Commission, Room 206, 623 East Trade Street, Charlotte, N.C. 28202.

(2) Boston Field Office: Federal Trade Commission, John Fitzgerald Kennedy Federal Building, Government Center, Boston, Mass. 02203.

(3) Chicago Field Office: Federal Trade Commission, Room 486, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

(4) Cleveland Field Office: Federal Trade Commission, Room 1339, Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

(5) Kansas City Field Office: Federal Trade Commission, 2806 Federal Office Building, Kansas City, Mo. 64106. Field stations: Federal Trade Commission, 18013 Federal Building, 1961 Stout Street, Denver, Colo. 80202; Federal Trade Commission, Room 1302, 208 North Broadway, St. Louis, Mo. 63102.

(6) Los Angeles Field Office: Federal Trade Commission, Room 13209, 11000 Wilshire Boulevard, Los Angeles, Calif. 90024.

(7) New Orleans Field Office: Federal Trade Commission, 1000 Masonic Temple Building, 333 St. Charles Street, New Orleans, La. 70130. Field stations: Federal Trade Commission, 417 U.S. Post Office and Courthouse, 615 Houston Street, San Antonio, Tex. 78206; Federal Trade Commission, Room 405 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

(8) New York Field Office: Federal Trade Commission, 22d Floor, Federal Building, 26 Federal Plaza, New York, N.Y. 10007.

(9) San Francisco Field Office: Federal Trade Commission, 450 Golden Gate Avenue, Box 36005, San Francisco, Calif. 94102.

(10) Seattle Field Office: Federal Trade Commission, Suite 908 Republic Building, 1511 Third Avenue, Seattle, Wash. 98101. Field stations: Federal Trade Commission, 231 U.S. Courthouse, Portland, Oreg. 97205; Federal Trade Commission, Room 508, First Federal Savings and Loan Building, 843 Fort Street Mall, Honolulu, Hawaii 96813.

(11) Washington Field Office: Federal Trade Commission, 450 West Broad Street, Falls Church, Va. 22046. Field station: Federal Trade Commission, 53 Long Lane, Upper Darby, Pa. 19082.

(c) Each of the field offices is supervised by an Attorney in Charge, who is available for conferences with attorneys, consumers, and other members of the public on matters relating to the Commission's activities.

Effective date. This statement of organization shall be effective as of July 1, 1970.

Issued: June 23, 1970.

By direction of the Commission.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[P.R. Doc. 70-8240; Filed, June 29, 1970;
8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JUNE 24, 1970.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value, of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 25, 1970, through July 4, 1970 both dates inclusive.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[P.R. Doc. 70-8272; Filed, June 29, 1970;
8:48 a.m.]

[813-33]

DIFUND, INC.

Notice of Application for Exemption

JUNE 22, 1970.

Notice is hereby given that Difund, Inc. (Applicant), 116 John Street, Room 1212, New York, N.Y. 10038, has filed an application pursuant to section 6(b) of the Investment Company Act of 1940 (Act) for an order of the Commission exempting Applicant from sections 14(a) and 22(f) of the Act and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Applicant proposes to operate as an open-end, diversified, management investment company which is registered under the Act as an employees' securities company, as defined in section 2(a)(13). Shares of Applicant's capital stock are proposed to be offered at their net asset value to certain eligible persons, namely

executives, officials, employees, and consultants of Dresser Industries, Inc. (Dresser), and its subsidiary or controlled companies, the spouse or children of such eligible persons, and the Trustee or Trustees of profit-sharing and pension Trusts heretofore and hereafter created by Dresser, to whom a prospectus is mailed or delivered. Difund shares will be offered directly by Difund to eligible persons at net asset value determined in accordance with the provisions of Rule 22c-1; no underwriters will be used. The Board of Directors of Difund reserves the right to reject any subscription for Difund shares. The minimum initial subscription by an eligible person will be \$1,000, the minimum initial subscription in each related account will be \$500, and the minimum additional investment (other than dividend and capital gains reinvestment) is \$100.

Difund has 1 million shares of authorized capital stock, \$1 par value per share. All shares are of the same class, with equal rights and privileges. Shares are not transferable except to other eligible persons, as described above.

A shareholder of Difund may redeem his shares at any time at their net asset values next computed after receipt by Difund of the order of redemption, less a redemption charge of 1 percent of such value. Outstanding shares selected by Difund's Board of Directors may also be redeemed at any time pursuant to provisions in the Certificate of Incorporation. The price paid for shares called for redemption shall be their net asset value as of the last day of the calendar month in which the call was made. Redemptions will normally be made in money, but may be paid wholly or in part by a distribution of assets in kind.

The primary investment objective of Difund will be to seek long-term growth of its shareholders' capital, with emphasis on equity-type securities. Current income will not be an important criteria of investment selection, and portfolio securities will be held for at least 6 months in order to qualify for capital gains treatment for taxes on investment profits.

A four-member board of directors will be responsible for operations of Difund, and five executive officers will administer its affairs. Difund's bylaws provide that a majority of the board of directors must be persons who are employees or officers of Dresser. No director or officer, except a vice president who is also the present fund manager, will receive any remuneration from the fund for his services. The fund manager is also Chairman of the Pension Fund Investment Committee of Dresser. His salary, as well as the expenses of the office maintained for him by Dresser, will be apportioned between Difund and the pension funds under his supervision on the basis of the net asset value of each on October 31 of each year.

Republic National Bank of Dallas, Dallas, Tex., will act as Difund's transfer agent, dividend disbursing agent, and custodian of portfolio securities.

Section 2(a)(13) of the Act provides that "Employees' securities company means any investment company or similar issuer all of the outstanding securities of which (other than short-term paper) are beneficially owned (A) by the employees or persons on retainer of a single employer or of two or more employers each of which is an affiliated company of the other, (B) by former employees of such employer or employers, (C) by members of the immediate family of such employees, persons on retainer, or former employees, (D) by any two or more of the foregoing classes of persons, or (E) by such employer or employers together with any one or more of the foregoing classes of persons."

Section 6(b) of the Act provides that "Upon application by any employees' security company, the Commission shall by order exempt such company from the provisions of [the Act] and of the rules and regulations [thereunder], if and to the extent that such exemption is consistent with the protection of investors. In determining the provisions to which such an order of exemption shall apply, the Commission shall give due weight, among other things, to the form of organization, and the capital structure of such company, the persons by whom its voting securities, evidences of indebtedness, and other securities are owned and controlled, the prices at which securities issued by such company are sold, and the sales load thereon, the disposition of the proceeds of such sales, the character of the securities in which such proceeds are invested, and any relationship between such company and the issuer of any such security."

Difund requests that it be exempted from section 14(a) of the Act, which prohibits an investment company from making a public offering of its securities unless it has a net worth of at least \$100,000. Difund claims it is impractical to raise this amount initially because of the limited number of eligible persons to whom securities will be offered. Furthermore, the securities will be sold without sales load, and costs of operation will be nominal.

Section 22(f) of the Act, from which Difund also requests exemption, provides that no registered investment company shall restrict transferability of its shares. Difund seeks exemption from Section 22(f) so that it may provide that its shares are transferable only to eligible persons.

Notice is further given that any interested person may, not later than July 10, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing)

upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 70-8248; Filed, June 29, 1970;
8:46 a.m.]

[811-497]

PIONEER FUND, INC.

Notice of Application for Order Declaring That Company Has Ceased To Be An Investment Company

JUNE 23, 1970.

Notice is hereby given that an Application pursuant to section 8(f) of the Investment Company Act of 1940 (Act) has been filed by Pioneer Fund, Inc. (Applicant), 28 State Street, Boston, Mass. 02109, a Massachusetts corporation, on behalf of Pioneer Fund, Inc. (Pioneer), a Delaware corporation and a management open-end diversified investment company registered under the Act, for an order declaring that Pioneer has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant represents that by statutory merger effective March 31, 1967, Applicant acquired all of the assets of Pioneer and all persons who were on that date stockholders of Pioneer became stockholders of Applicant. Upon completion of the merger on March 31, 1967, Pioneer ceased its separate existence and no longer had any stockholders or assets.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 17, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commis-

sion, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 70-8249; Filed, June 29, 1970;
8:46 a.m.]

[81-41]

SECURITY SAVINGS AND LOAN

Notice of and Order for Hearing on Application for Exemption

JUNE 23, 1970.

Notice is hereby given that the Security Savings and Loan (a stock corporation) (applicant), 24 East Fayette Street, Baltimore, Md., has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended, (Act) for a finding that by reason of the relatively small number of persons holding substantial interests in applicant's guaranty stock, the small number of true investors, the insignificant amount of trading interest, and the high degree of regulation and the adequate amount of disclosure required by a Maryland agency under Maryland law, an exemption from the registration provisions of section 12(g) of the Act would not be inconsistent with the public interest or the protection of investors. Exemption from section 12(g) will have the additional effect of exempting the applicant from section 13 and 14 of the Act and any officer, director or beneficial owner of more than 10 percent of the company's securities from Section 16 thereof.

Section 12(g) of the Act requires the registration of the equity securities of every issuer which is engaged in, or in a business affecting, interstate commerce, or whose securities are traded by use of the mails or any means of instrumentality of interstate commerce and, on the last day of its fiscal year, has total assets exceeding \$1 million and a class of equity security held of record initially by 750 or more persons, and after July 1, 1966 by 500 or more persons.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting and proxy solicitation provisions and to grant exemptions from the insider reporting and trading provisions of the Act if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The applicant's application states, in part:

1. The applicant, a Maryland corporation, had total assets of \$5,924,307 as of February 28, 1969, and net income of \$451,141 for the fiscal year ending the same date. It has outstanding 113,145 shares of \$1 par value guaranty stock held by 1,387 shareholders. These shares are not listed on a national securities exchange and the company has never been required to file reports pursuant to section 13 and 15(d) of the Act.

2. The company was originally organized on March 19, 1895 as a savings and loan association (a stock corporation). On March 1, 1968 the applicant, then known as Park Central Savings and Loan, was merged with Security Savings and Loan, Inc. Subsequently, on December 31, 1968 and August 29, 1969 the applicant was merged with the Lyndhurst Building and Loan Association of Baltimore City, Inc. and Colonial Savings and Loan Association respectively. Pursuant to an administrative policy established by a Maryland regulatory agency, an exchange of guaranty shares with the free (savings or withdrawable) shareholders of the merging corporation took place along with each of the three aforementioned mergers.

3. The applicant is listed in the pink sheets and on March 18, 1970, the bid was 4 and the asking price was 5½.

4. The applicant has requested a hearing before the Commission in this matter.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street NW., Washington, D.C.

It is ordered, Pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended, that a hearing on the application of Security Savings and Loan for an exemption from sections 12(g), 13, and 14 of the Act be held on July 21, 1970 at 10 a.m. at the offices of the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. At such times the hearing room clerk will designate the room in which such hearing will be held. An officer will be designated later to preside at the hear-

ing. Any person desiring to be heard is directed to file with the Secretary of the Commission his request, as provided for by Rule 9(c) of the Commission's rules of practice, setting forth any issues of fact or law which he desires to controvert and/or setting forth any additional issues which he feels should be considered.

The Division of Corporation Finance advises that it has made a preliminary examination of the application and that, on the basis thereof, the following matters and questions are to be presented for consideration at the hearing:

(1) Whether the number of public investors and the amount of trading interest, actual or potential, in applicant's securities is sufficiently limited to justify the requested exemption; and

(2) Whether the nature and extent of the activities of the applicant are such to justify the requested exemption; and

(3) Whether adequate information is and will be available to investors concerning the financial and business affairs of the applicant, the management of the applicant, the principal holders of the securities of the applicant, any transactions of management in the securities of the applicant and the nature and description of the applicant's securities; and

(4) Generally, whether the requested exemption is consistent with the public interest and with the protection of investors.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to Security Savings and Loan Co., and its attorney and that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER, and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to those persons whose names appear on the mailing list for releases.

By the Commission.

ORVAL L. DuBOIS,
Secretary.

[P.R. Doc. 70-8270; Filed, June 29, 1970;
8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 994; ICC Order 26, Amdt. 5]

ATCHISON, TOPEKA & SANTA FE RAILWAY CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 26 (Atchison, Topeka & Santa

Fe Railway Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 26 be, and it is hereby amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., September 30, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 30, 1970, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 25, 1970.

INTERSTATE COMMERCE
COMMISSION,

[SEAL] R. D. PFAHLER,
Agent.

[P.R. Doc. 70-8277; Filed, June 29, 1970;
8:49 a.m.]

[S.O. 994; ICC Order 12, Amdt. 9]

NEW YORK, SUSQUEHANNA & WESTERN RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 12 (New York, Susquehanna & Western Railroad Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 12 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., September 30, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 30, 1970, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 25, 1970.

INTERSTATE COMMERCE
COMMISSION,

[SEAL] R. D. PFAHLER,
Agent.

[P.R. Doc. 70-8276; Filed, June 29, 1970;
8:49 a.m.]

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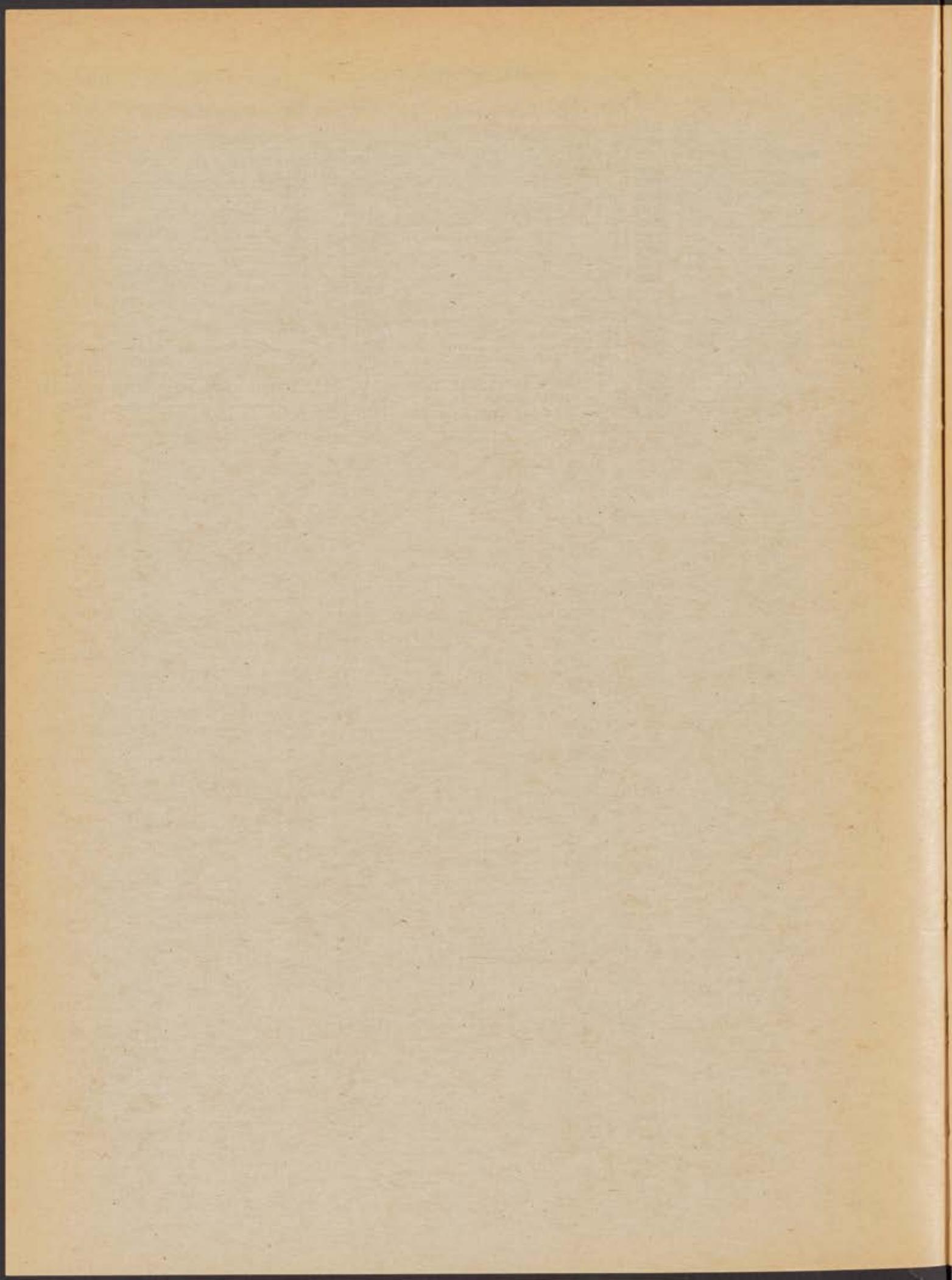
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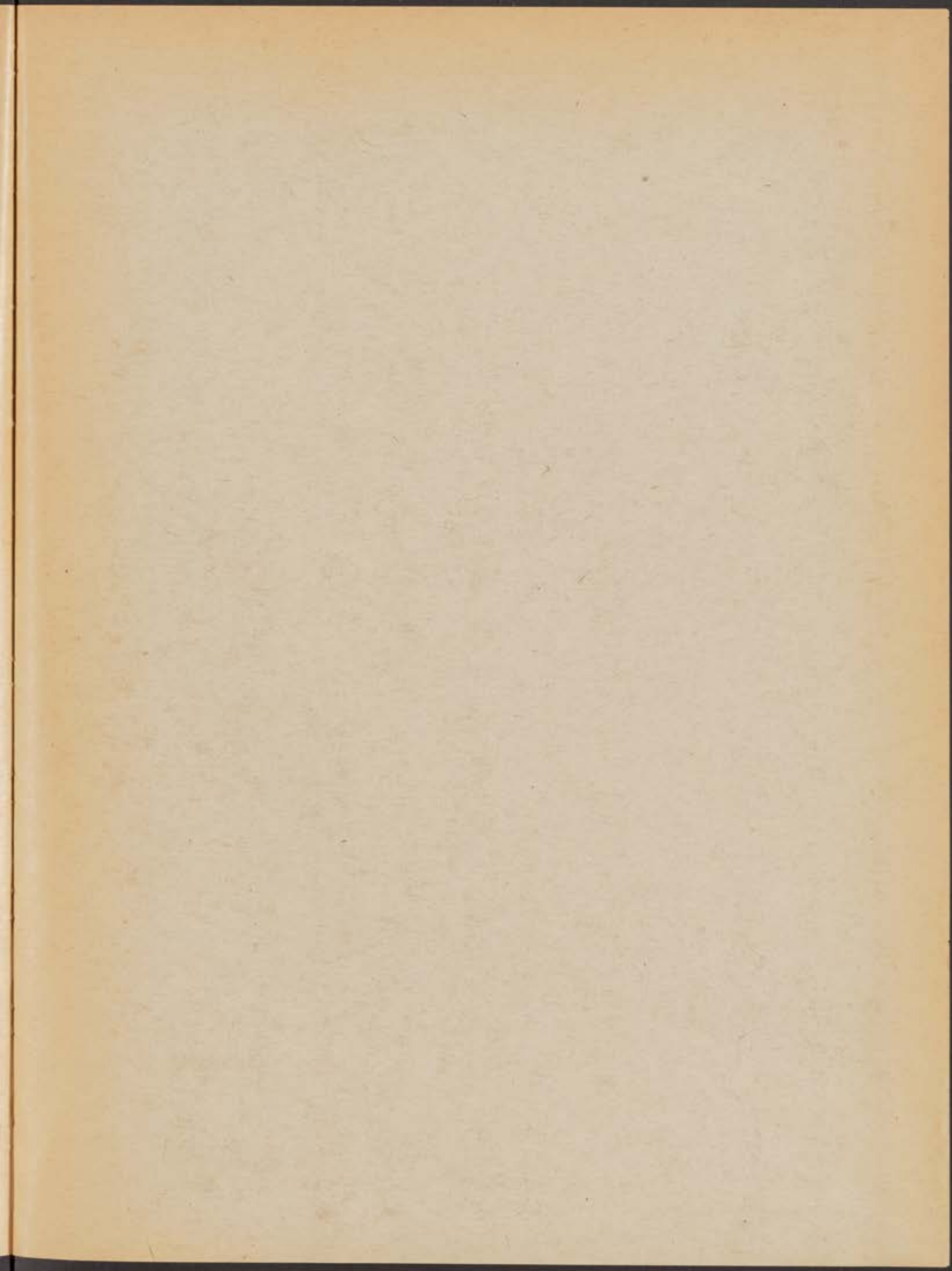
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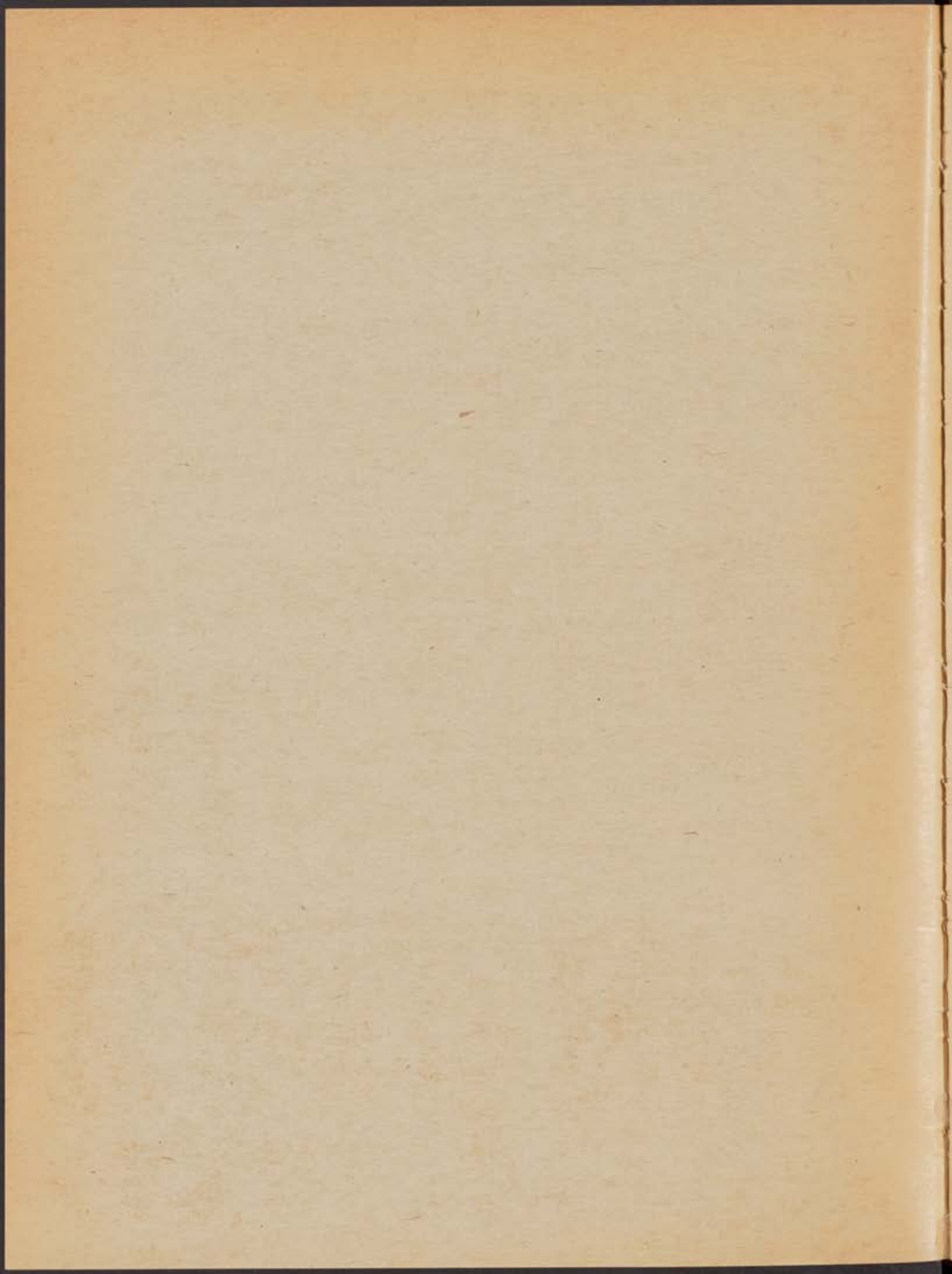
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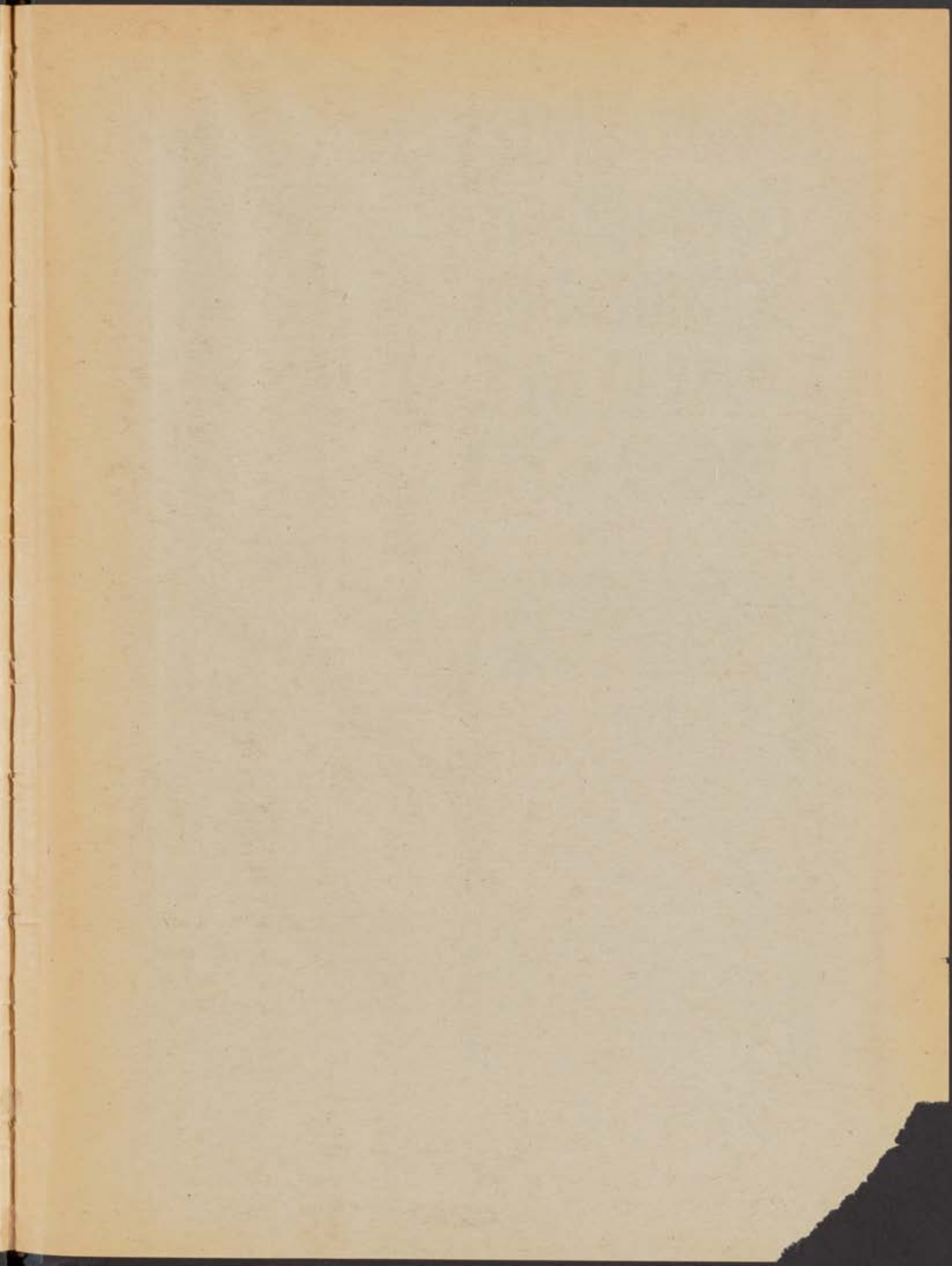
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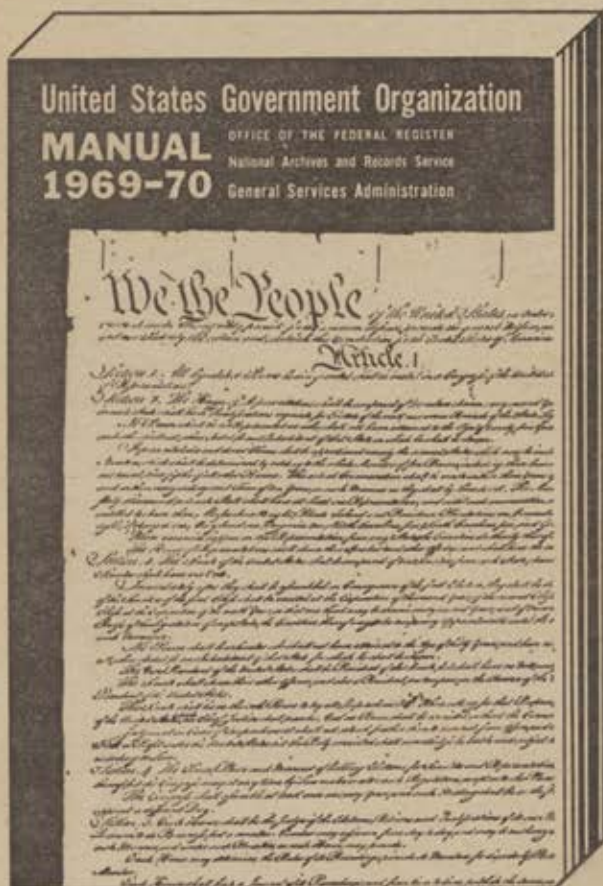








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